



# LEBANON CITY COUNCIL AGENDA

January 13, 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](mailto:cityrecorder@ci.lebanon.or.us) prior to 5:00 PM on January 12. Written testimony for **A-20-07 & CPMA-20-02** may be emailed to [khart@ci.lebanon.or.us](mailto: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 January 12.*

*Those wanting to give verbal testimony for the public hearing during the electronic meeting should contact the City Recorder prior to 5:00 PM on January 13.*

*The public can watch the 4:00 PM swearing-in on YouTube by clicking this link <https://youtu.be/V70OIF8GIGw> and the 6:00 PM meeting on YouTube by clicking this link: [https://youtu.be/Y6L\\_DWN4Kyk](https://youtu.be/Y6L_DWN4Kyk)*

Mayor Paul Aziz

Council President Jason Bolen  
Councilor Wayne Rieskamp

Councilor Wayne Dykstra  
Councilor Karin Stauder

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.*

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*The Council will meet at 4:00 PM at the Santiam Travel Station, 750 3<sup>rd</sup> Street so the newly elected officials can be sworn-in. Due to social distancing requirements, there will only be a limited number of seats in the audience for the Swearing-In of the newly elected officials*

### CALL TO ORDER / FLAG SALUTE

### ROLL CALL

### SWEARING-IN AND OATH OF OFFICE (Newly Elected Officials)

*The Council will recess their meeting at reconvene at 6:00 PM for a Zoom electronic meeting*

### ELECT COUNCIL PRESIDENT

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

**AGENDA:** Lebanon City Council Agenda – January 13, 2021  
**BOARD MINUTES:** Planning Commission – November 18, 2020  
**COUNCIL MINUTES:** December 9, 2020 Regular Session  
**DEEDS:** Mill Street Deed Adjustments

## **PROCLAMATION / PRESENTATION / RECOGNITION**

- Audit Presentation by Steve Tuchscherer

**PUBLIC COMMENTS** *(Public comments may be submitted by email to [cityrecorder@ci.lebanon.or.us](mailto:cityrecorder@ci.lebanon.or.us) prior to 5:00 PM on January 12. The City Recorder will distribute comments to the Mayor and Council prior to the meeting.)*

## **PUBLIC HEARING**

- 1) Annexation A-20-07 & CPMA-20-02**  
Presented by: Kelly Hart, Community Development Director  
*Approval/Denial by ORDINANCE BILL NO. 2021-02, ORDINANCE NO. 2958*

## **REGULAR SESSION**

- 2) Appeal of Staff Decision to Not Allow Conversion Brewing to Use Strawberry Plaza Area for Outdoor Dining**  
Presented by: LDA & Conversion Brewing  
*Approval/Denial by MOTION*
- 3) Expansion of Alcohol Impact and Enhanced Enforcement Area**  
Presented by: John Kennedy and Jeff Clayson  
*Approval/Denial by ORDINANCE BILL NO. 2021-03, ORDINANCE NO. 2959*
- 4) Update on Illegal Camping Laws, Current 9th Circuit and Oregon Trends**  
Presented by: John Kenney, Jeff Clayson and Chief Stevenson  
*Discussion*
- 5) Declaring Vacant the Ward 2 City Council Seat Held by Councilor Karin Stauder**  
Presented by: Mayor Aziz  
*Approval/Denial by RESOLUTION 2021-01*
- 6) 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**

- February 10, 2021 (6:00 PM) Regular Meeting

**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)(h) To consult with legal counsel concerning the legal rights and duties of the public body with regard to litigation or litigation likely to be filed.*

## **ADJOURNMENT**

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*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*  
*Commission Minutes*



**City of Lebanon**  
**Planning Commission**  
**Meeting Minutes**  
**November 18, 2020**

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, 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. Chairman Salvage and Commissioner Prenoveau were excused.

**3. APPROVAL OF MEETING MINUTES –**

August 19, 2020 minutes – Vice-Chair Robertson identified a correction to the minutes to reflect the appropriate name of person to call the meeting to order.

Commissioner McClain motioned to approve the minutes as amended, Commissioner Port seconded the motion.

Motion passed unanimously.

September 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 AR-20-11 – Administrative Review for 485 S 5<sup>th</sup> Street (12S 02W 10DB, tax lot 100)**

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.

Brian Vandetta, the Applicant's representative spoke on the matter. Mr. Vandetta indicated the proposal is for a small school, the majority of the infrastructure is already in place, with minor modifications proposed including the additional of pedestrian access and landscaping. The Applicant has read through the report and accepts the conditions as written. Mr. Vandetta indicated he was available to answer any questions of the Commission.

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 in favor or opposed to the application.

Seeing none, Vice-Chair Robertson closed the hearing and asked the Commissioners if they felt the decision criteria was met.

Commissioner Brackeen indicated the application seemed clear and all the decision criteria could be met.

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

Commissioner McClain moved to recommend approve the application.

Commissioner Port seconded the motion.

***The motion passed 5-0.***

**B. Planning File CPMA-20-01 – Comprehensive Plan Map Amendment for the property on the west side of Stoltz Hill Road, north of Vaughan Lane (12S 02W 21, tax lot 112)**

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.

Commissioner McClain asked staff the location of the closest rail line to the property.

Director Hart and City Engineer Whitlatch answered on the east side of town across Santiam Hwy, and to the north of the City near Hansard Ave.

Seeing no further questions, Vice-Chair Robertson opened the public hearing and requested the applicant to speak first.

Kyle Latimer, Applicant representative spoke on the matter. Mr. Latimer indicated that the site was approximately 71 acres, with only 55 acres of the site under consideration. There is no proposal to annex the property, or change County zoning, and there is currently no development proposal.

Mr. Latimer indicated that this property has been within the City's Urban Growth Boundary since 1980.

In reference to current traffic concerns that Mr. Latimer understands are held by the residents on Stoltz Hill Road, he indicated that he did not have a solution for this, but suggested reducing the speed on the street, and moving the 45 mph speed zone further south.

Mr. Latimer also spoke to the surrounding uses, indicating that all the areas within the City's UGB in the vicinity were residential uses, and the site would be more appropriate for residential based on the current neighborhood.

Finally, Mr. Latimer referred to the fact that the City's westside sewer interceptor would be extended to within 500 feet of the property, and if developed, the sewer could be extended to the site.

Mr. Latimer concluded his comments and indicated he was available to answer any questions.

Vice-Chair Robertson opened the public hearing for any persons in-favor of the application. Seeing none, the hearing was opened to persons wishing to speak against the application.

Richard Lord, 2900 Stoltz Hill resident, spoke against the application. Mr. Lord indicating that there have been a number of community meetings on this



application, and the Applicant representative came and spoke to the community, indicating that the preferred development would be one acre lots.

Mr. Lord indicated that he and his neighbors moved to the area to live in the rural part of town, and have any development, or hundreds of houses next to them would ruin the rural neighborhood.

Mr. Lord asked for clarification that the RR-1 zoning allowed for minimum one acre lots.

Director Hart indicated the RR-1 zoning designation was a County designation and indicated the Applicant may be better suited to answer.

Mr. Lord indicated that if restricted to one acre lots, then the issue could be more palatable, but the Applicant could not guarantee that the property would be developed to that level.

Vice-Chair Robertson allowed for the Applicant to answer the question. Mr. Latimer indicated that the RR-1 zoning was a County zone for one acre lots, but the intention was to eventually annex in the City to connect to City facilities. Mr. Latimer further stated that he feels the one acre lots may be the best development option, but he cannot commit to anything until a full development analysis is completed.

Mr. Lord continued with his testimony. He indicated that although there are only a few people speaking on the matter during the meeting, there was a petition by 38 residents opposing the change, largely due to the fact there is no guarantee on the type of development. Mr. Lord continued indicating he was opposed to high density on the site.

Mr. Lord discussed the impacts, including the “second hand smoke” impacts, including the existing increase in the traffic, which is already a problem in the area; the length of construction for the size of this property; and noise impacts from construction and the added homes and population in the area. Mr. Lord concluded that there was no neighborhood benefit to the proposal, and he does not support the proposed change.

Vice-Chair Robertson thanked Mr. Lord for his testimony then requested Director Hart to introduce the next speaker.

Director Hart requested Mr. Johnson to speak.

Mr. Spencer Johnson, resident on Stoltz Hill Road spoke against the application. Mr. Spencer indicated that he and his family has invested everything into their property and picked the property for the rural setting.

Mr. Johnson further stated that he sent an email this afternoon with a picture of all the wildlife that they currently enjoy viewing each day, and if development were to occur, the wildlife would no longer be present.

In consideration of residential or industrial development, Mr. Johnson indicated to

almost prefer industrial. Mr. Johnson did indicate that if the development were truly one acre lots, he would generally accept the development, but the neighborhood has not been provided any guarantees, and therefore he does not support the residential mixed density designation.

Mr. Johnson requested clarification on the Airport Overlay and the limit on residential density.

Director Hart stated that the Airport Overlay restricts density in the Airport Approach zone, which this property is largely located. The restriction is maximum 4 dwelling units to the acre.

Mr. Johnson understood that indicated there would be no apartments adjacent to his property, then introduced his mother to speak.

Mildred Johnson spoke regarding the sanctuary she lives in, and how she loves the wildlife she sees every day. Mrs. Johnson discussed the number of different species that she sees and would be saddened by the loss of the sanctuary feel.

Vice-Chair Robertson asked if anyone else in the meeting wished to speak in opposition to the application. Seeing none, Vice-Chair Robertson offered the applicant to provide a rebuttal.

Mr. Latimer spoke about the restrictions on the northern portion of the property, including the riparian overlay, the floodplain, and existing wetlands, which would prohibit development to occur on the northern 16 acres of the site. This restriction would preserve opportunities for use of the area by the wildlife.

Mr. Latimer concluded that the site, based on all the characteristics discussed, seems most appropriate for residential development.

Vice-Chair Robertson asked if any of the Commissioners had any questions of the applicant. Seeing none, the public hearing portion of the agenda was closed.

Vice-Chair Robertson opened the conversation to staff and the Commission, and asked staff to clarify the level of discretion the Commission had on this application.

Director Hart clarified that the Commission had a significant level of discretion on this application as the request was to amend the comprehensive plan designation. The decision criteria established in the development code and provided in the agenda packet lays the guidance for the decision-making process, but ultimately, the Commission has the discretion to decide whether the proposal is consistent with the comprehensive plan.

Commissioner McClain indicated that he believed residential is a better suited use for the site than industrial. He further stated that an industrial site without access to rail means the site is more heavily reliant on trucks, which would be a significant disturbance to the residential neighborhood and the road conditions. With the change of the transportation system plan, the site is more practical for residential instead of industrial uses. Finally, Commissioner McClain stated that it is important

for the City to accommodate growth for future housing, especially with the current housing crisis.

Commissioner Brackeen indicated that upon evaluation of the comprehensive plan and the development code, the UGB identifies separate urbanizable land, intended for future urban development, and the evaluation of the site is whether it is necessary and suitable for the use, can be served by city facilities, and is needed for expansion. His evaluation of the site based on these considerations is that the request meets the criteria.

Commissioner Brackeen went on to state that he hears and understands the position of the residents to want to preserve the site for natural views, but the property is within the UGB and is intended to be urbanized. In his consideration of how it should be urbanized, the site is better suited for more residents and new neighbors, than an industrial use with industrial level impacts.

Vice-Chair Robertson stated that the site may not be best suited for industrial. He spoke to the maneuverability of the intersection of Airport and Stoltz Hill Road indicating that his previous background as a truck driver gives him the understanding that the intersection would be very difficult to maneuver for trucks and not suitable for heavy industrial traffic. As such, residential use on the subject property is the best use.

Commissioner Galka agrees with the Commissioner's previous statements and indicated that the property was split zoned as it currently stood, which did not make sense. He indicated that there is already residential neighborhood uses all around the site to the north, east and south, so additional residential seems like a more appropriate designation. Commissioner Galka also voiced surprise to hear that the neighbors would feel that industrial would be a better suited use of the site. He concluded that based on the characteristics, industrial does not make sense, and supports the change in designation.

Commissioner Port further agreed with the Commissioner's previous statements and indicated that he could not see how industrial was an appropriate fit for the site.

Commissioner McClain indicated he was interested in why the annexation proposal wasn't included in consideration. Vice-Chair Robertson indicated that the hearing was closed to any further discussion with the Applicant or public and asked whether the information would impact his decision. Commissioner McClain responded the information would not impact his decision.

Commissioner Brackeen concluded the comment period by reiterating that he understood the public's desire to see the site undeveloped, but the site, being in the UGB, is intended for urbanization, and between the two use options, residential is the best fit.

Vice-Chair Robertson, seeing no further comment requested a motion.

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

Commissioner Galka seconded the motion.

***Motion passed 5-0.***

**6. WORK SESSION - None**

**7. COMMISSION BUSINESS & COMMENTS**

Director Hart indicated that the City will be operating under the Governor's Freeze Order in response to the increase in COVID-19 cases. This includes the City continuing all virtual meetings, closing the City Hall building to the public, the Library is closed and providing curbside pick-up, the Senior Center is closed, and the Municipal Court is postponing court dates.

Director Hart also provided an update on the Farmworker Housing Project on Weldwood Drive indicating the timeframe for the LUBA appeal has passed and the City has not been notified of an appeal, the application stands as approved.

Director Hart indicated there are two agenda items on the schedule for the next planning commission meeting in December.

Vice-Chair Robertson asked if the City needed to do anything to comply with HB 2001. Director Hart indicated that code amendments would be needed, and the Planning Commission will have a work session on the topic at the beginning of next year.

Director Hart wished everyone a happy thanksgiving.

**8. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:11pm.

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

# *Council Minutes*

**LEBANON CITY COUNCIL**  
**MINUTES**  
**December 9, 2020**

**Council Present** Mayor Paul Aziz, Councilors Jason Bolen, Robert Furlow, Rebecca Grizzle, Wayne Rieskamp, Karin Stauder and Michelle Steinhebel

**Staff Present** City Attorney Tré Kennedy, Interim City Manager Nancy Brewer, City Recorder Kim Scheafer, Police Chief Frank Stevenson, IT/GIS Systems Coordinator Casey McMillin, Community Development Director Kelly Hart, Engineering Director Ron Whitlatch and Finance Director Matt Apken

**CALL TO ORDER** Mayor Aziz called the electronic meeting to order at 6:00 p.m. using Zoom web conferencing due to the COVID-19 pandemic.

**ROLL CALL** All Councilors were present.

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

<b>AGENDA</b>	Lebanon City Council Agenda – December 9, 2020
<b>BOARD MINUTES</b>	Planning Commission – August 19 & September 16, 2020
<b>CERTIFIED ELECTION RESULTS</b>	Memo with Abstract of Votes
<b>COUNCIL MINUTES</b>	November 4, 2020 Special Session
<b>LIQUOR LICENSE</b>	Off-Premises Liquor License Application for The Cellar, LLC/ Sugar Vibes Donut Company LLC

**RECOGNITION/PRESENTATION**

**Recognition – Councilor Robert Furlow**

Mayor Aziz read the plaque recognizing Robert Furlow’s commitment and service as a City Councilor.

**Presentation – GIS Maps**

IT/GIS Systems Coordinator McMillin gave Council an overview of public and internal City maps currently available.

In response to Mayor Aziz’s question about security risks, McMillin said that any sensitive material is kept internally. The Mayor and Councilors expressed their appreciation and commented that this will be helpful for developers and land use applicants.

**PUBLIC COMMENTS**

Cassie Cruze, Lebanon Downtown Association (LDA) Main Street Manager, provided Council with an update [found in Archives] about helping entrepreneurs and the Community Winter Photo Contest. They will be bringing back First Fridays and hopefully Concerts in the Park and the Jingle Bell Run/Walk in 2021.

The LDA’s Restaurant Steering Committee will be promoting the Dine Downtown campaign. Proceeds from the November Taste of Downtown event will support the advertising campaign and aid in LDA achieving sustainability.

Matt Cowart, Conversion Brewing, asked the City to grant permission to downtown restaurants to safely expand outdoor dining because of the pandemic. He submitted a list of downtown restaurants and bars and said that it may be easiest if each restaurant maintains and uses their own area.

Councilor Steinhebel asked for clarification as to whether they are asking about closing sidewalks, parking spaces or streets. Mr. Cowart said that each restaurant has a different need but there is a huge financial constraint to do this. Conversion Brewing and Bigfoot Grille are adjacent to City-owned lots so tents could be placed there. Some of the restaurants have space behind or in front of the buildings. Other options could include sidewalk seating or blocking off some parking spaces in front of the buildings.

Councilor Grizzle asked if City staff was contacted. Mr. Cowart stated that he had initial conversations with Mayor Aziz and Councilor Bolen about the Fire Code, but the group has not yet met with City staff. Councilor Grizzle commented that with Council consensus, staff is good about thinking outside the box and could be flexible if it is a non-safety issue.

Councilor Bolen asked staff for input; he also wondered about liability issues. Community Development Director Hart said that staff briefly discussed this but did not know what was specifically being requested. The City's significant concerns include ensuring ADA and public access through all public areas and making sure tents are secured during windstorms. To maintain open parking spots and sidewalks, the easy way, but may not be most optimal for restaurants, would be to congregate in parking lots. She discussed options for closing parking spots or side streets.

City Attorney Kennedy stated that, whether the Council weighs in or not, there are options available as far as City staff granting variances and adjustments in response to specific requests that may already have some possibility within the Code. Hart added that the City currently allows for outdoor dining or certain things to be within the public right-of-way. Through the state of emergency, staff also has flexibilities to further relax the Code. The issue will be the logistics of trying to coordinate all 14 requests; the quickest, easiest way would be to implement this as a group.

Engineering Director Whittlatch pointed out that ODOT has jurisdiction on Main Street; Lebanon has jurisdiction on the side streets. He agreed with Hart that congregate seating would be a faster and easier process to get through. Addressing individual restaurants, there are many ADA access obstacles on Main Street (light posts, planters). If closing off parking spaces, input from other businesses should be obtained. Ms. Cruze said that discussions included taking away only one to two spaces in front of the establishments, but input received from many other businesses showed support for helping the restaurants.

On behalf of the Fire District, Councilor Bolen stated that the congregate space option would provide them with more Code alignment flexibility and would provide a more desirable atmosphere for restaurants and customers. The District likely would not have the flexibility to allow certain variances for 14 areas with much smaller spaces. At Councilor Bolen's suggestion, Interim City Manager Brewer said that the City will look into the possibility of using Cares Act funds to help with expenses for the congregate space. She noted that there may be a concern about the availability of tents. Councilor Bolen and Mayor Aziz said that they would like to see the City bear as much financial burden as possible for the businesses.

The Council expressed their support in helping Lebanon businesses and was in agreement with expanding outdoor dining as long as it is done safely and staff is happy with the way that it proceeds.

## PUBLIC HEARINGS

### 1) Comprehensive Plan Map Amendment CPMA-20-01

*Mayor Aziz opened the public hearing at 6:57 p.m.* Kennedy reviewed public hearing quasi-judicial procedures. There were no declarations of ex parte contact or conflicts of interest by any Council member. There were no submitted objections to the notice sent out in this case or to the jurisdiction of this body to hear and consider this case.

Hart presented staff's recommendation to amend the comprehensive plan map designation to Residential Mixed Density for property on the west side of Stoltz Hill Road, north of Vaughan Lane (12S-02W-21, Tax Lot 112). There is no annexation or development proposal as part of the request.

Councilor Stauder asked that this be tabled because there are currently no plans to develop the property and because of neighbors' concerns since they believed that zoning for this property was industrial when they purchased their homes.

Hart explained that the property is within the City's urban growth boundary, which means that it will eventually be developed, and the City has a requirement to provide opportunity to expand growth of the city. Because of changes in the Transportation System Plan within the growth pattern of the City, it is not a matter of whether to approve development. It is what the most appropriate type of the development for the property is – industrial or residential. Councilor Stauder said that she is in favor of keeping the industrial designation.

Councilor Bolen stated that while he understands the neighbors' plight, he does not see a reason to table this or deny approval because the application meets Code requirements. Mayor Aziz and Councilors Furlow, Rieskamp and Steinhebel agreed. Councilor Stauder said that if the Council is obligated to allow this because it meets the criteria, this decision does not have to be tabled.

*Mayor Aziz asked for applicant testimony.*

Kyle Latimer, the applicant's representative, stated that the south 55 acres is zoned industrial and the 16 acres abutting industrial property to the north is already zoned mixed density residential. The uses northeast and south are residential. Their application shows compliance with the Comprehensive Plan and Goals, State Planning Goals, Sewer and Water Facility Plans, and the Transportation System Plan as Stoltz Hill Road's future classification is a minor arterial.

*Mayor Aziz asked for comments in favor of or in opposition to the application.*

Leslie Gill, who owns the adjacent property, stated that she does not have any particular comment on the zoning at this point.

*Mayor Aziz closed the public hearing at 7:19 p.m.*

Kennedy read the title of ORDINANCE BILL NO. 2020-16, ORDINANCE NO. 2956. ***Councilor Furlow moved, Councilor Rieskamp seconded, to APPROVE ORDINANCE BILL NO. 2020-16, ORDINANCE 2956, A BILL FOR AN ORDINANCE AMENDING THE LEBANON COMPREHENSIVE PLAN MAP DESIGNATION TO ESTABLISH THE RESIDENTIAL MIXED DENSITY DESIGNATION FOR PROPERTY (12S-02W-21, Tax Lot 112) File CPMA-20-01; Rockhill, LLC. The motion passed unanimously.***

### 2) Findings for Exemption from Competitive Bidding – Westside Interceptor Project

*Mayor Aziz opened the public hearing at 7:21 p.m.* There were no declarations of ex parte contact or conflicts of



interest by any Council member. There were no submitted objections to the notice sent out in this case or to the jurisdiction of this body to hear and consider this case.

Because of the complexity of the next phase of the Westside Interceptor Project and real-time pricing, Whitlatch proposed that Council exempt the project from standard competitive bidding and use a Construction Manager/General Contractor (CM/GC) form of bid delivery. He added that all ORS criteria have been met.

*There were no submitted comments. Mayor Aziz closed the public hearing at 7:24 p.m.*

Whitlatch explained for Councilor Rieskamp that staff listed micro-tunneling as an option because the price becomes competitive with open-cut at a certain point.

***Councilor Furlow moved, Councilor Bolen seconded, to APPROVE TO EXEMPT THE CITY FROM COMPETITIVE BIDDING FOR THE WESTSIDE INTERCEPTOR PHASE V PROJECT AND PROCEED WITH USING A CM/GC TO DELIVER THE PROJECT. The motion passed unanimously.***

### **REGULAR SESSION**

#### **3) Intergovernmental Agreement with the City of Brownsville for Street Sweeping**

Finance Director Apken requested Council approval of an intergovernmental agreement with the City of Brownsville for street sweeping at a rate of \$100 per hour to cover costs. This will be adjusted as years go forward.

Responding to questions, Apken stated that Lebanon was charging less than \$700 per quarter and was spending about six hours per month on street sweeping.

***Councilor Bolen moved, Councilor Stauder seconded, to APPROVE AN INTERGOVERNMENTAL AGREEMENT FOR STREET SWEEPING BETWEEN THE CITY OF LEBANON AND THE CITY OF BROWNSVILLE. The motion passed unanimously.***

#### **4) Lebanon Fire District Reserve Parking Request – Main and Vine Street Parking Lot**

Whitlatch stated that the Fire District is requesting to reserve five parking spots in the City's Main/Vine Street parking lot for two years as they rent offices for administrative staff while the new fire station is being constructed. No comments were received regarding the notice sent out in November.

Responding to Mayor Aziz's question, Whitlatch said that there are 14 parking spaces on the south portion of the lot. There are also 14 spaces on the north end and diagonal parking on Vine Street.

Speaking on behalf of the Fire District, Councilor Bolen said that the request is to reserve the spots Monday through Thursday 7:00 a.m. to 5:00 p.m. Councilor Grizzle commented that this lot and the diagonal parking is very important. Councilor Bolen said the Fire District will be leasing the entire second floor and three other spaces within the MVBA building for the entire administration team (about nine staff). Of the nine, four are chief officers who respond to greater alarm emergencies, in addition to the deputy fire marshal who spends a significant amount of time in and out of the facility. Since there is no parking for the MVBA building, they did not want to leave no street parking for customers. They specifically requested the five spaces furthest away from Main Street for customers to have prime spots.

Kennedy read the title of RESOLUTION NO. 2020-22. ***Councilor Grizzle moved, Councilor Furlow seconded, to APPROVE RESOLUTION NO. 2020-22, A RESOLUTION ALLOWING TEMPORARY PARKING OF EMERGENCY VEHICLES IN THE MAIN AND VINE STREET PARKING LOT. The motion passed with Councilor Bolen abstaining.***

5) **Emergency Biosolids Hauling Agreement with City of Albany**

Whitlatch stated that the current biosolids hauling agreement with the City of Albany expires this year. The proposed three-year agreement was approved by Albany whose staff and Council have been very gracious in taking Lebanon's excess biosolids.

*Councilor Bolen moved, Councilor Rieskamp seconded, to APPROVE AN AGREEMENT WITH THE CITY OF ALBANY TO DISPOSE OF EXCESS BIOSOLIDS FROM LEBANON'S WASTEWATER TREATMENT PLANT. The motion passed unanimously.*

6) **Authorizing and Approving a Clean Water State Revolving Fund Loan Agreement to Finance the Westside Interceptor Wastewater System Improvements**

Apken presented staff's recommendation to approve a resolution to allow the City Manager and/or the Finance Director to enter into a Clean Water State Revolving Fund Loan agreement for the design portion of the Westside Interceptor wastewater system improvements to secure the current interest rate. When the City is ready for the construction phase of the project, DEQ will amend the current agreement to add the additional loan amount at the current rate or allow the City to take the rate at that time if it is lower.

Kennedy read the title of RESOLUTION NO. 2020-23. *Councilor Bolen moved, Councilor Stauder seconded, to APPROVE RESOLUTION NO. 2020-23, A RESOLUTION AUTHORIZING AND APPROVING A CLEAN WATER STATE REVOLVING FUND LOAN AGREEMENT TO FINANCE THE WESTSIDE INTERCEPTOR WASTEWATER SYSTEM IMPROVEMENTS. The motion passed unanimously.*

7) **City Manager's Report** – Interim City Manager Brewer provided updates:

- The January 13, 2021 swearing in for the newly elected officials will be at the Santiam Travel Station at 4:00 p.m. with the electronic meeting starting at 6:00 p.m.
- The League of Oregon Cities is offering free elected official training.
- Staff is currently doing OSHA COVID-19 training.
- Twenty-six people have inquired about the Utility Assistance Program, but only five have completed the application. Outreach for the program included direct calls, newspaper articles, social media and through the Community Services Consortium. There were suggestions to also contact the 211 and Transform Lebanon groups.
- Joint meetings are being held with the City of Sweet Home, City of Brownsville, Sweet Home Fire District, Brownsville Rural Fire District and Lebanon Fire District regarding hiring a regional emergency planner. The tentative start date for the position is July 1, 2021.

**ITEMS FROM COUNCIL**

Councilor Bolen thanked Council Furlow for his service and dedication to the City Council.

Councilor Furlow asked for an update on past-due water accounts. Apken shared that staff has worked with a number of residents. The City sent out late notices but did not do the approximately 100 lock-offs last month due to the State freeze. Staff will be reviewing this in the next couple of months.

Councilor Stauder thanked Maintenance Director Jason Williams for the detailed wastewater treatment plant information in the City Manager's Report.

Mayor Aziz stated that the problem with lighting on the downtown trees is resolved. The lights should be up in the next week or so.

**PRESS COMMENTS** – *There were none.*

**NEXT SCHEDULED COUNCIL MEETING(S)** – January 13, 2021 (4:00 p.m. Newly Elected Officials will be Sworn-In at the Santiam Travel Station, then the Council will recess and reconvene at 6:00 p.m. for an Electronic Regular Meeting).

**ADJOURNMENT** – Mayor Aziz adjourned the meeting at 7:52 p.m.

*[Minutes prepared by Donna Trippett]*

Minutes Approved by the Lebanon City Council on this 13<sup>th</sup> day of January 2021.

\_\_\_\_\_  
Paul R. Aziz, Mayor   
Jason Bolen, Council President

ATTESTED:

\_\_\_\_\_  
Kim Scheafer, MMC, City Recorder

*Deeds*



925 S. Main Street  
Lebanon, Oregon 97355

TEL: 541.258.4902  
gmarks@ci.lebanon.or.us  
www.ci.lebanon.or.us

# MEMORANDUM

*Administration*

To: Mayor Aziz and City Council  
From: Ron Whitlatch, Engineering Services Director  
Subject: **Adjustment Deeds – Mill Street**

Date: January 4, 2021

## I. INTRODUCTION

The attached Deeds are being presented for consideration on the January 13, 2021 Lebanon City Council Agenda.

The area in question is on Mill Street, which is accessed from Russell Drive. Property owner Calvin McDowell approached the City and requested that that we vacate the northern end of Mill Street. With the new apartment complex being built adjacent to his north property boundary, it eliminated his ability to legally back out onto Mill Street without trespassing.

Mill Street is currently real property (owned by the City) and not an actual right-of-way. Attached are three deeds, along with an overall view of the proposed adjustments. The deeds represent the area being vacated, a revised deed for Mr. McDowell with the added property, and a new deed for the real property also known as Mill Street.

## II. RECOMMENDATION

Staff recommends that City Council pass a motion to accept the two deeds associated with the City and allow for the vacation of the northern most end of Mill Street.

C.S.  
 PROPERTY LINE ADJUSTMENT FOR  
 THE CITY OF LEBANON AND CALVIN MCDOWELL  
 IN THE RUSSELL T. HILL DLC NO. 77  
 IN THE NW 1/4 & SW 1/4 SEC. 14, T. 12 S., R. 2 W., W.M.  
 CITY OF LEBANON, LINN COUNTY, OREGON

MARCH 9, 2020  
 NOTICE OF DECISION NO. PD19-0291



**LEGEND:**

- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP
- SET 5/8" x 30" IRON ROD WITH ORANGE PLASTIC CAP STAMPED "UDELL ENG"
- { } MEASURED AND RECORD DATA PER C.S. 21828
- < > MEASURED AND RECORD DATA PER C.S. 26422
- ( ) DATA OF RECORD PER C.S. 21828 OR AS NOTED
- [ ] CALCULATED DATA
- DLC DONATION LAND CLAIM
- C.S. COUNTY SURVEY
- D1 DEED DOCUMENT 2017-14426
- D2 DEED DOCUMENT VOLUME 187, PAGE 663
- FD FOUND
- IR IRON ROD
- IP IRON PIPE
- PR PUBLIC ROAD
- RPC RED PLASTIC CAP
- YPC YELLOW PLASTIC CAP
- OPC ORANGE PLASTIC CAP
- R/W RIGHT-OF-WAY
- W/ WITH

REFERENCE SURVEY: C.S. 1544, C.S. 1565, C.S. 17811, C.S. 19204, C.S. 21187, C.S. 21828, C.S. 26161, C.S. 26326, C.S. 26422.

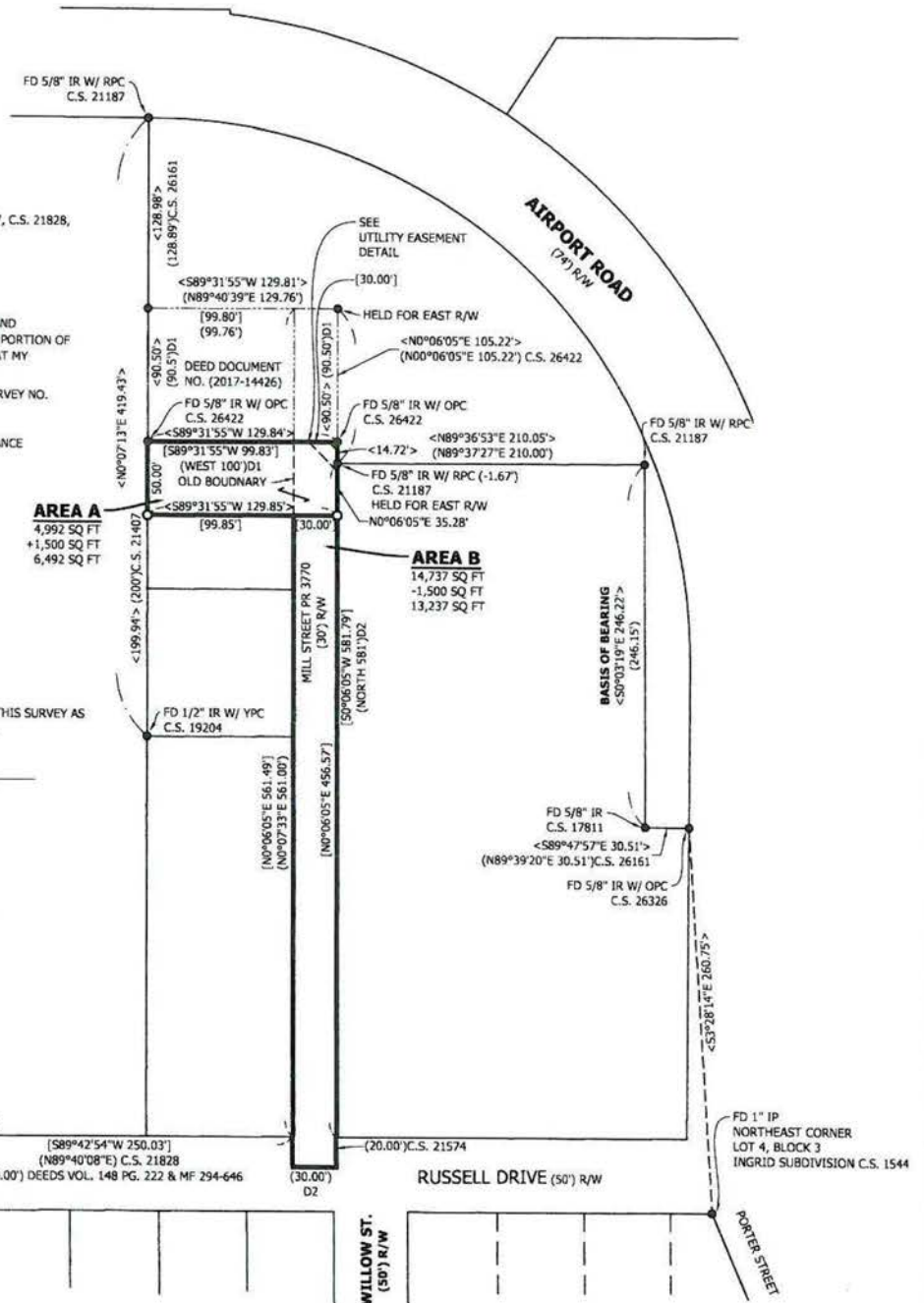
**NARRATIVE:**

THE PURPOSE OF THIS SURVEY IS TO ADJUST THE COMMON LINE OF THE LAND DESCRIBED IN DEED DOCUMENT VOLUME 920, PAGE 139 AND A NORTHERLY PORTION OF MILL STREET (VACATED) AS PER NOTICE OF DECISION NO. PD19-0291 AND AT MY CLIENT'S REQUEST.

MONUMENTS WERE RECOVERED AND HELD AS SHOWN ON LINN COUNTY SURVEY NO. 26422.

MONUMENTS ON THE SOUTH LINE FOR AREA "A", WERE HELD RECORD DISTANCE SOUTHERLY PER LINN COUNTY DEED RECORDS VOLUME 920, PAGE 139.

THE BASIS OF BEARING WAS ESTABLISHED PER C.S. 26422.



**APPROVALS:**

LINN COUNTY NOTICE OF DECISION NO. PD019-0291:  
 WE THE UNDERSIGNED HAVE EXAMINED AND APPROVED THE PORTION OF THIS SURVEY AS REQUIRED BY THE DESIGNATED AUTHORITY OF OUR RESPECTIVE OFFICES.

DIRECTOR, LINN COUNTY PLANNING AND BUILDING DEPT. \_\_\_\_\_ DATE \_\_\_\_\_

THIS SURVEY WAS RECEIVED AND FILED  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

LINN COUNTY SURVEYOR \_\_\_\_\_



REGISTERED  
**PROFESSIONAL  
 LAND SURVEYOR**  
 review copy  
 OREGON  
 JUNE 12, 2013  
 KYLE W. LATIMER  
 #80442  
 EXPIRES 12-31-2020

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



**RECORDING INFORMATION**

*(Space Reserved for Recorder's Stamp)*

**Name of transaction:** BARGAIN AND SALE DEED

**Grantor:** City of Lebanon  
925 Main Street  
Lebanon, OR 97355

**Grantee:** Calvin L. McDowell  
2090 Mill Street  
Lebanon, OR 97355

**After recording  
return to:** Calvin L. McDowell  
2090 Mill Street  
Lebanon, OR 97355

**Send tax  
statements to:** Calvin L. McDowell  
2090 Mill Street  
Lebanon, OR 97355

**BARGAIN AND SALE DEED  
(For Purposes of Lot Line Adjustment –City of Lebanon to McDowell Area of Adjustment)**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned grantor, **City of Lebanon, a Municipal Corporation**, as owner of the property described in Exhibit A, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **Calvin L. McDowell**, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of grantor's interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the City of Lebanon, County of Linn, State of Oregon, described as follows, to-wit:

See "Exhibit A" attached hereto.

The true and actual consideration paid for this transfer is other property and value given.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

DATED this \_\_\_\_ day of April, 2020.

**City of Lebanon**

\_\_\_\_\_  
**By: Paul Aziz, Mayor**  
**Its: Mayor**

STATE OF OREGON )  
County of Linn ) ss.

This foregoing instrument was acknowledged before me on this \_\_\_\_ day of April, 2020, by the City of Lebanon, by and through its City Mayor, Paul Aziz.

\_\_\_\_\_  
Notary Public - State of Oregon  
My commission expires:

EXHIBIT "A"

AREA OF ADJUSTMENT MILL STREET TO MCDOWELL

AN AREA OF LAND IN THE SOUTHWEST QUARTER OF SECTION 14 IN TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD, SAID IRON ROD MARKS THE NORTHEAST CORNER OF THE LAND DESCRIBED IN LINN COUNTY DEED DOCUMENT NO. 2018-06511; THENCE SOUTH 00°06'05" WEST 50.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 89°31'55" WEST 30.00 FEET; THENCE NORTH 00°06'05" EAST 50.00 FEET; THENCE NORTH 89°31'55" EAST 30.00 FEET TO THE POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Kyle W. Latimer*

OREGON  
JUNE 12, 2013  
KYLE W. LATIMER  
80442

EXPIRES 12-31-2020

Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

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EXHIBIT "A"

RESULTANT AREA MCDOWELL

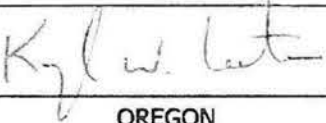
AN AREA OF LAND IN THE SOUTHWEST QUARTER OF SECTION 14 IN TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED IN LINN COUNTY DEED RECORDS VOLUME 920, PAGE 139 AS FOLLOWS:

*BEGINNING AT A POINT WHICH IS 1195.08 FEET WEST AND 1655 FEET SOUTH FROM THE SE CORNER OF THE DONATION LAND CLAIM OF WILLIAM RALSTON, NOTIFICATION NO. 2307, CLAIM NO. 48 IN TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, SAID BEGINNING POINT BEING 150 FEET NORTH OF THE NORTHEAST CORNER OF A ONE ACRE TRACT HERETOFORE CONVEYED BY N.W. SCHMIDT AND WIFE TO GEO. L. MCPHERSON AND IRENE MCPHERSON, RECORDED IN BOOK 148, PAGE 222, DEED RECORDS, ON THE 23<sup>RD</sup> DAY OF JULY, 1938: THENCE NORTH 50 FEET; THENCE EAST 100 FEET; THENCE SOUTH 50 FEET; THENCE 100 FEET TO THE PLACE OF BEGINNING.*

**TOGETHER WITH:**

BEGINNING AT A 5/8 INCH IRON ROD, SAID IRON ROD MARKS THE NORTHEAST CORNER OF THE LAND DESCRIBED IN LINN COUNTY DEED DOCUMENT NO. 2018-06511; THENCE SOUTH 00°06'05" WEST 50.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 89°31'55" WEST 30.00 FEET; THENCE NORTH 00°06'05" EAST 50.00 FEET; THENCE NORTH 89°31'55" EAST 30.00 FEET TO THE POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JUNE 12, 2013  
KYLE W. LATIMER  
80442

EXPIRES 12-31-2020

Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

---

Name of transaction: BARGAIN AND SALE DEED

Grantor: City of Lebanon
925 Main Street
Lebanon, OR 97355

Grantee: City of Lebanon
925 Main Street
Lebanon, OR 97355

After recording
return to: City of Lebanon
925 Main Street
Lebanon, OR 97355

Send tax
statements to: City of Lebanon
925 Main Street
Lebanon, OR 97355

BARGAIN AND SALE DEED
(For Purposes of Lot Line Adjustment -City of Lebanon Resultant)

KNOW ALL MEN BY THESE PRESENTS, City of Lebanon, a Municipal Corporation, as owner of the property described in Exhibit A, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto City of Lebanon, a Municipal Corporation, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of grantor's interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the City of Lebanon, County of Linn, State of Oregon, described as follows, to-wit:

See "Exhibit A" attached hereto.

The true and actual consideration paid for this transfer is other property and value given.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this \_\_\_ day of April, 2020.

City of Lebanon

By: Paul Aziz, Mayor
Its: Mayor

STATE OF OREGON )
County of Linn ) ss.

This foregoing instrument was acknowledged before me on this \_\_\_ day of April, 2020, by the City of Lebanon, by and through its City Mayor, Paul Aziz.

Notary Public - State of Oregon
My commission expires:

The City of Lebanon, by and through its City Mayor, Paul Aziz, hereby accepts conveyance of real property identified on Exhibit A and as set forth herein from the City of Lebanon.

City of Lebanon

By: Paul Aziz, Mayor
Its: Mayor

Dated: \_\_\_\_\_

Bargain and Sale Deed

EXHIBIT "A"

MILL STREET (CITY OF LEBANON) RESULTANT DESCRIPTION

AN AREA OF LAND IN THE SOUTHWEST QUARTER OF SECTION 14 IN TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON DESCRIBED IN LINN COUNTY DEED DOCUMENT NO. 2018-06511 AS FOLLOWS:

*AN AREA OF LAND IN THE SOUTHWEST ¼ OF SECTION 14 IN TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON BEING DESCRIBED IN LINN COUNTY DEED REFERENCE BOOK 187 PAGE 663 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*BEGINNING AT A POINT WHICH IS WEST 1095.08 FEET AND SOUTH 1514.5 FEET FROM THE SOUTHEAST CORNER OF THE D.L.C. OF WILLIAM RALSTON NOT. NO. 2307 AND CLAIM NO. 48 IN T. 12 S., R. 2W. OF WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON; SAID POINT BEING THE NORTHEAST CORNER OF A CERTAIN TRACT OF LAND CONVEYED BY J. W. AND ALICE K. HARPER TO OSCAR AND HELYN ERICKSON AND RECORDED IN BOOK 157 ON PAGE 576 OF DEED RECORDS FOR LINN COUNTY, OREGON; AND RUNNING THENCE SOUTH 581 FEET TO THE CENTER LINE OF A COUNTY ROAD; THENCE EAST 30 FEET; THENCE NORTH 581 FEET; THENCE WEST 30 FEET TO THE PLACE OF BEGINNING.*

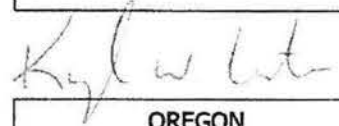
EXCEPTING THEREFROM:

*BEGINNING AT THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN LINN COUNTY DEED DOCUMENT NO. 2017-14426; THENCE NORTH 0°06'05" EAST 90.50 FEET TO THE NORTHEAST CORNER OF LAND IN SAID DEED DOCUMENT; THENCE NORTH 89°31'55" EAST 30.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 0°06'05" WEST 90.50 FEET TO A 5/8" IRON ROD; THENCE SOUTH 89°31'55" WEST 30.00 FEET TO THE POINT OF BEGINNING.*

FURTHER EXCEPTING THEREFROM:

BEGINNING AT A 5/8 INCH IRON ROD, SAID IRON ROD MARKS THE NORTHEAST CORNER OF THE LAND DESCRIBED IN LINN COUNTY DEED DOCUMENT NO. 2018-06511; THENCE SOUTH 00°06'05" WEST 50.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 89°31'55" WEST 30.00 FEET; THENCE NORTH 00°06'05" EAST 50.00 FEET; THENCE NORTH 89°31'55" EAST 30.00 FEET TO THE POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JUNE 12, 2013  
KYLE W. LATIMER  
80442

EXPIRES 12-31-2020

Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

*Presentation/Proclamation/*  
*Recognition*

# *Audit Presentation*

*Steve Tuchscherer, CPA*

# Agenda Item 1



925 S. Main Street  
Lebanon, Oregon 97355

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

# MEMORANDUM

## *Community Development*

To: Mayor Aziz and City Council  
From: Kelly Hart, Community Development Director  
Subject: Comprehensive Plan Map Amendment  
Planning File No.: A-20-07 & CPMA-20-02  
Applicant: Steven Kirkelie

Date: December 30, 2020

This is a request to annex the property located on the northeast corner of Russell Drive and Franklin Street. The property address is 599 Russell Drive. The County Assessor Map places the parcel within Township 12 South; Range 2 West; 14CA; Tax Lot 300. In addition, the Applicant requests an amendment to the Comprehensive Plan Map designation.

The property is located within the Lebanon Urban Growth Boundary (UGB) and is currently designated Residential Low Density in the Lebanon Comprehensive Plan Map. The Applicant is requesting to amend the Comprehensive Plan Map designation to Residential Mixed Density (C-RM).

The Planning Commission conducted a public hearing on December 16, 2020, and found the application complied with the decision criteria contained in the Lebanon Development Code, voting unanimously (5-0) to recommend City Council approval of the application. Exhibit "B" of the attached Ordinance contains the Planning Commission findings in support of the request.

Included for review is the proposed Ordinance with the findings in support of the application as approved by the Planning Commission, and the Planning Commission agenda packet including all received written public comments.

**It is the recommendation of the Planning Commission that the City Council approve the application for the Annexation and the Comprehensive Plan Map Amendment to designate the property as Residential Mixed Density (C-RM).**



**A BILL FOR AN ORDINANCE AMENDING THE )      ORDINANCE BILL NO. 2021-02**  
**LEBANON COMPREHENSIVE PLAN MAP )**  
**DESIGNATION TO ESTABLISH THE RESIDENTIAL )      ORDINANCE NO.      2958**  
**MIXED DENSITY DESIGNATION FOR THE )**  
**PROPERTY (12S-02W-14CA, TAX LOT 300) AND )**  
**ANNEXING AND ZONING THE PROPERTY )**  
**FOLLOWING CONSENT FILED WITH THE CITY )**  
**COUNCIL BY LANDOWNERS IN SAID AREA )**  
**PURSUANT TO ORS 222.120 AND ORS 222.170 )**  
**File A-20-07 & CPMA-20-02; STEVEN KIRKELIE )**

**WHEREAS**, the City of Lebanon has received a submission by written request to amend the Comprehensive Plan Map Designation from Residential Low Density to Residential Mixed Density and Annex the property herein described in Exhibit “A”; and,

**WHEREAS**, on December 16, 2020, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. A-20-07 & CPMA-20-02, making findings recommending the amendment to the Comprehensive Plan Map designation to establish the Residential Mixed Density (C-RM) designation, and to Annex the subject property establishing the zoning designation of Residential Mixed Density (Z-RM); and,

**WHEREAS**, after conducting the hearing and considering all objections or remonstrance regarding the proposed Annexation and Comprehensive Plan Map designation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the proposed Annexation and Comprehensive Plan Map amendment is in the best interest of the City.

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

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

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

**Section 3. Annexation Area.** Based upon the findings contained above and in Exhibit “B”, the contiguous territory described in Exhibit “A” and incorporated herein by this reference as if fully set forth is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Development Code, and assigned the corresponding Residential Mixed Density (Z-RM).

**Section 4.** Said Ordinance shall be forwarded to the Oregon Land Conservation and

Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against  
and approved by the Mayor this 13<sup>th</sup> day of January 2021.

CITY OF LEBANON, OREGON

\_\_\_\_\_  
Paul R. Aziz, Mayor

Jason Bolen, Council President

Attested:

\_\_\_\_\_  
Kim Scheafer, MMC, City Recorder

**EXHIBIT "A"**  
**ANNEXATION LEGAL DESCRIPTION & MAP**

(TAX LOT 300, LINN COUNTY ASSESSORS MAP 12S02WI 4CA  
AND A PORTION OF FRANKLIN STREET)

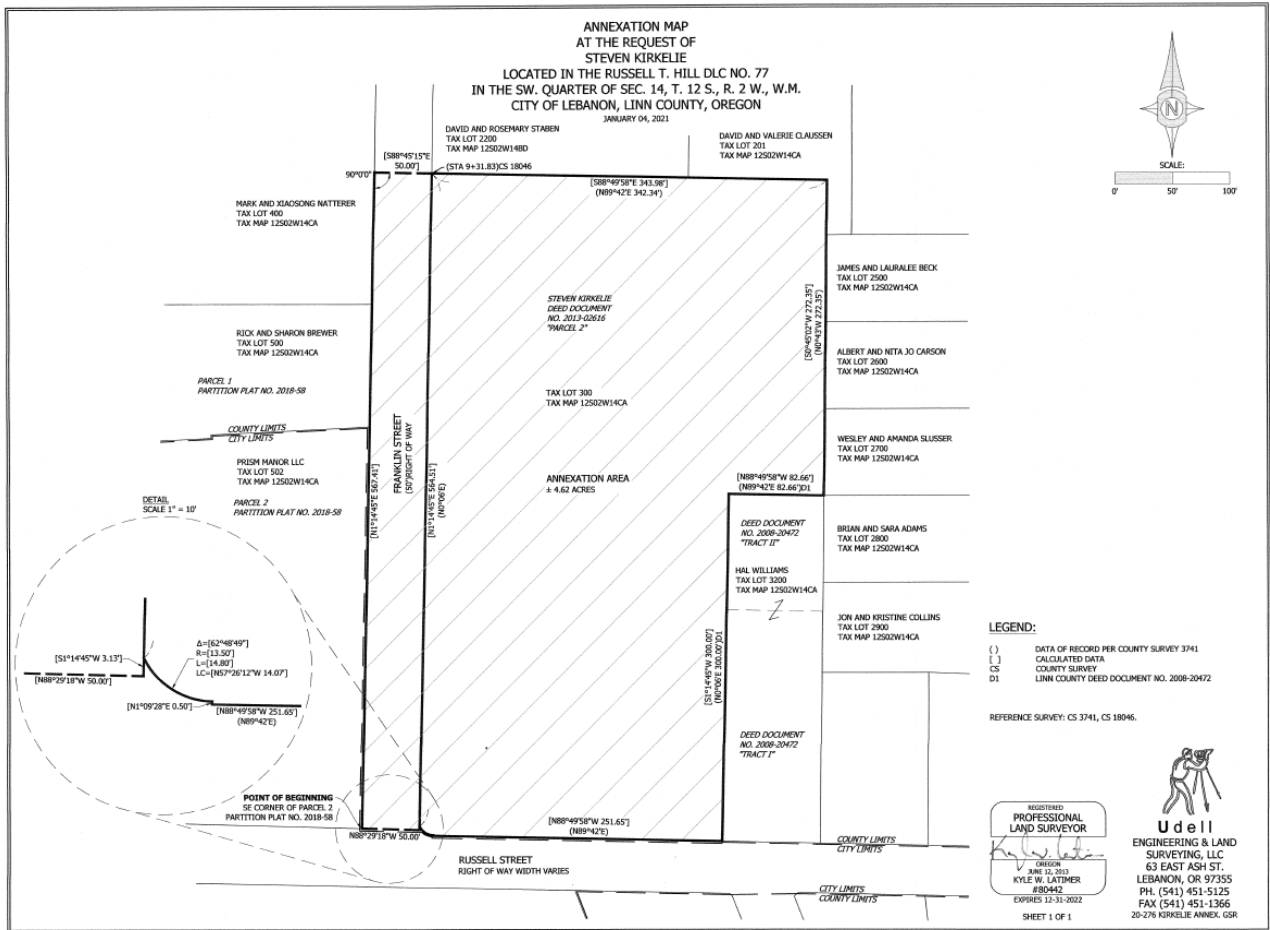
AN AREA OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, CITY OF LEBANON, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 2, PARTITION PLAT NO. 2018-58, IN THE CITY OF LEBANON, LINN COUNTY, OREGON; THENCE ALONG THE WEST RIGHT OF WAY OF FRANKLIN STREET NORTH 1°14'45" EAST 567.41 FEET; THENCE LEAVING SAID RIGHT OF WAY SOUTH 88°45'15" EAST 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY OF SAID FRANKLIN STREET; THENCE LEAVING SAID EAST RIGHT OF WAY SOUTH 88°49'58" EAST 343.98 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED AS "PARCEL 2" IN DEED DOCUMENT NO. 2013-02616; THENCE SOUTH 0°45'02" WEST 272.35 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED AS "TRACT II" IN DEED DOCUMENT NO. 2008-20472; THENCE ALONG THE NORTH LINE OF SAID "TRACT II" NORTH 88°49'58" WEST 82.66 FEET TO THE NORTHWEST CORNER OF SAID "TRACT II"; THENCE SOUTH 1°14'45" WEST 300.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF RUSSELL STREET; THENCE ALONG SAID RIGHT OF WAY NORTH 88°49'58" WEST 251.65 FEET; THENCE NORTH 1 °09'28" EAST 0.50 FEET; THENCE ALONG THE ARC OF A 13.50 FOOT RADIUS CURVE TO THE RIGHT FOR 14.80 FEET (CHORD BEARS NORTH 57°26'12" WEST 14.07 FEET TO A POINT ON SAID EAST RIGHT OF WAY OF FRANKLIN STREET; THENCE SOUTH 1°14'45" WEST 3.13 FEET; THENCE NORTH 88°29'18" WEST 50.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS ± 4.62 ACRES MORE OR LESS.

LINN COUNTY SURVEY 3741 WAS USED AS A REFERENCE.

# ANNEXATION MAP



## EXHIBIT B LEBANON CITY COUNCIL FINDINGS

### I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of Steven Kirkelie to amend the comprehensive plan map designation from Residential Low Density to Residential Mixed Density for the subject property, and annex the property establishing the zoning designation of Residential Mixed Density.

### II. GENERAL INFORMATION

#### A. Site Location

The subject property is located on northeast corner of Russell Drive and Franklin Street with the site address 599 Russell Drive. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 14CA; Tax Lot 300.

#### B. Application Proposal

The property is currently within County unincorporated area within the City's Urban Growth Boundary. The proposal includes the annexation of the 3.98-acre property, including a comprehensive plan map amendment to change the designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM). With approval of the map amendment, upon annexation, the property would be zoned Residential Mixed Density (Z-RM).

The City Council consideration is whether to amend the Comprehensive Plan Map designation to Residential Mixed Density, and then annex the property with the zoning designation of Residential Mixed Density (Z-RM).

#### C. Adjacent Zoning and Land Uses

The property is in a developed residential neighborhood, with additional higher density residential projects recently approved. To the north, and east are residential properties within the county unincorporated area, within the City's Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Low Density (C-RL). Properties to the west and south are in City limits with a zoning designation of Residential Mixed-Density (Z-RM). Both properties to the south and west have recently been approved for two multi-family developments. The property to the west has been approved for a 48-unit apartment project, and the property to the south has been approved for a 78-unit apartment project.

### III. PUBLIC HEARING

#### A. Planning Commission Action

On December 16, 2020, the Lebanon Planning Commission held a virtual public hearing on this application. At the hearing, Planning File A-20-07 & CPMA-20-01 was made a part of the

record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. The Planning Commission considered written testimony provided prior to and during the meeting. At the end of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Comprehensive Plan Map Amendment and Annexation. The Commission found the proposal consistent with the applicable decision criteria.

#### IV. FINDINGS OF FACT-GENERAL

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

- A. The applicant is Steven Kirkelie, the property owner.
- B. The subject property is located on northeast corner of Russell Drive and Franklin Street with the site address 599 Russell Drive. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 14CA; Tax Lot 300.
- C. The total property contains 3.98 acres.
- D. The subject parcel is accessed from Franklin Street.
- E. For City public facilities, water, sewer and storm drainage facilities are available in Russell Drive, and portions of Franklin Street. For transportation, Russell Drive is designated as a Minor Arterial, and Franklin Street is designated as a Collector.
- F. The land is currently located within the Lebanon UGB and designated Residential Low Density (C-RL).
- G. The property is surrounded by residential uses. To the west and south are high density apartment complex developments, and to the north and east are single family residential units.
- H. The proposal includes modification of the comprehensive land use designation from Residential Low Density to Residential Mixed Density, and to annex the property into City limits.
- I. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.27 – Comprehensive Plan Map and Zoning Map Amendments and Urban Growth Amendments, and Chapter 16.26 - Annexations.

#### V. APPLICATION SUMMARY

- A. The property is currently within County unincorporated area within the City's Urban Growth Boundary. The proposal is to amend the Comprehensive Plan Map designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and annex the property. If the Comprehensive Plan Map designation is amended as

requested, the Applicant would accept the initial zoning associated with the new designation for Residential Mixed Density (Z-RM).

- B. The Department contacted the Department of Land Conservation and Development, affected agencies and area property owners regarding the application. Three letters of opposition were received by neighboring property owners.

## VI. CRITERIA AND FINDINGS – COMPREHENSIVE PLAN MAP AMENDMENT

Section 16.27.050 of the Lebanon Development Code identifies the criteria in which to consider amendments to the Comprehensive Plan Map.

- 1. All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

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

- a. Chapter 1: Introduction - The introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. These goals and policies are incorporated in the Development Code criteria to determine the appropriateness of a Plan and/or zone change.
- b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

*FINDING: Designated natural resources are not known to be present on the subject property. Regardless, these goals and policies are incorporated in the Development Code criteria and are reviewed at the time of development.*

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

### Public Facilities Capability Policies

- P-3: Support a flexible phased program for the orderly extension of water, wastewater, storm drainage and transportation services in response to land development proposals.
- P-10: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.

*FINDING: Based on the City's public facility plans, services are in place to serve the site. The site development will dictate the actual type and level of improvements; however, this will not alter the City's ability to provide public services. Therefore, the proposal is consistent with the noted policies.*

#### Additional Considerations for Conversion of Urbanizable Land to Urban Uses

P-30: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the marketplace, through implementation of land use regulations and land use policies.

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

*FINDING: Based on data contained in Table 3-2 of this Chapter and the 2019 Housing Needs Analysis, there is a projected surplus of RM zoned land but a deficit of RL zoned land. However, both zones allow creation of single-family homes. As such, the conversion from Low Density to Mixed Density does not prohibit or otherwise restrict the creation of single-family homes on the site but does provide additional options to meet community housing needs.*

- d. 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. Staff finds the following policies apply:

#### General Policies for Land Use

P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.

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

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

*FINDING: The proposal calls for a Residential Mixed Density Plan designation and RM zone, thereby ensuring consistency between the Plan and Zone maps (P-1 and P-12). This review addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed below, under finding 31 (Chapter 10).*

- e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Staff determined policies in this Chapter did not directly apply to the request as the request would establish a residential land use.

- f. Chapter 6: Housing – This Chapter establishes the City's Goals and Policies related to Housing. The Chapter applies, as it concerns residential zoning.

*FINDING: Staff reviewed the policies and provides the following summation:*



*9.1 Residential Compatibility – This subsection considers placement of manufactured homes, location of neighborhood commercial uses and allowances for home occupations. The subject policies apply to the development of the site and are not directly related to the Plan map change requests.*

*9.2 Neighborhood Appearance - This subsection establishes screening policies for above ground utilities, the placement of street trees and fencing/landscaping provisions along collector and arterial streets. These policies apply to site development and do not address the matter of the Plan map change requests.*

*9.3 Housing Density and Affordability – This subsection allows for the creation of density bonuses, cooperation with various agencies to provide affordable housing, and ensure the Development Code provides the variety and type of housing required to meet the community's needs. These policies apply to site development and do not address the matter of the Plan map change requests.*

*9.4 Housing and Open Space – This subsection notes adequate open space must be included in multifamily projects. The policy applies to the site development and not to the request.*

*9.5 Housing and Transportation Connectivity – The subsection includes policies on placement of schools in residential area; sidewalk and ADA requirements; placement of bikeways and pedestrian trails; development of local street standards and emergency vehicle access. These policies apply to specific development requirements and not to the Plan and zone change.*

*9.6 Housing, Public Utilities and Services – Policies call for adequacy of utilities to serve development and undergrounding of all utilities. Further, street lighting is required, street names should be approved by the Fire District and streets should align. Only Policy P-24 regarding public facility provisions directly applies to the request. As noted, services are available to serve the property.*

*9.7 Refinement Plans – This subsection allows development of neighborhood refinement plans. This policy section does not apply to the request.*

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

- g. 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. In addition, the Chapter focuses on historical preservation. The focus on Community Friendly design is associated with infill development, promotion of mixed-use opportunities, and development specific standards. The proposal is not inclusive of a development request, as such the development specific goals and policies to not apply. In addition, there are no historical sites on the property, as such, the historical preservation goals are not applicable.

#### Community Friendly Development Policies

- P-9: Encourage mixed uses within individual buildings, neighborhoods, and zoning districts where allowed by planning and building codes, and where there is no or only limited potential for incompatibility or conflict with public health, safety, and

welfare.

- P-10: Allow limited and appropriately scaled neighborhood commercial services in residential zones with appropriate standards to ensure compatibility.

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

- h. 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. Staff finds the following policies apply:

#### Transportation System Planning Policies

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

*FINDING: The subject site is located to the northeast corner of the Russel Drive and Franklin Street intersection. Russel Drive and Franklin Street are classified in the 2018 Lebanon Transportation System Plan (TSP) as a Minor Arterial and Collector Street, respectively.*

*Lebanon's 2007 and 2018 TSPs do not identify any level of service or congestion issues adjacent to the proposed development. Therefore, the subject property which is developed with an existing single-family dwelling is expected to adequately accommodate traffic from the property.*

*Additionally, Section 6.12.010(B)(1) includes thresholds for when Traffic Impact Studies (TIS) and Traffic Impact Analysis (TIA) are warranted, which is typically in association with a development proposal.*

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

#### General Policies

- P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. *(Duplicated in Chapter 3, Urbanization)*
- P-9: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. *(Duplicated in Chapter 3, Urbanization)*
- P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before development proposals, or rezoning applications are approved.

*FINDING: As previously noted, services are available and do not require system-wide improvements to existing public facilities. Therefore, the proposal is consistent with the noted policies.*

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

P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.

P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.

P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.

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

- a. Updated data demonstrates significantly different trends than previous data;
- b. New data reflects new or previously undisclosed public needs;
- c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
- d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

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

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

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

*While the proposed zone change does not proscribe a specific development, it does allow greater options than the Residential Low Density designation and zone to meet those needs (P-4.a, P5.a and P-5.b). Further, the establishment of the RM zone does not preclude development of the site with for single family homes.*

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

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

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

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

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

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

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

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

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

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

Goal 10, Housing: *This Goal directly applies, as the map amendments create additional opportunities to meet housing needs of the community. The City has an adopted Comprehensive Plan that projects the housing needs for the City through 2025. In addition, the City commissioned the 2019 Housing Needs Analysis which identified how the City is able to accommodate the projected housing needs over a 20-year period. The Housing Needs Analysis identified that the City had a surplus of land available to accommodate the projected housing needs. Specifically, a total of 2,503 housing units are identified as the housing need within the City's UGB, including 1,320 low density units, 643 medium density units and 540 high density units. To accommodate the need, a total of 437 acres of buildable land was needed to accommodate the housing demand. The City identified a total of 735 acres available, as such, there is a surplus of available housing. In terms of the surplus, there is 240 acres of low-density surplus, 0 acres of medium density surplus, and 63 acres of high-density surplus. The Residential Mixed-Density allows for a mix of residential densities, which provides a greater opportunity to address the mix of housing needs in the City in comparison to the low density residential zone. Therefore, this property would increase the opportunity to provide a mix of residential housing demand, and as such, this proposal would comply with Goal 10.*

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

Goal 12, Transportation: *Previous findings indicate the map amendments will not*

*significantly affect planned transportation improvements.*

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

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

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

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

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

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

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

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

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

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

## VII. CRITERIA AND FINDINGS – ANNEXATION

The subject property is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.

Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. The findings are combined to avoid duplication:

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

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.

*FINDING: The application site is located within the City of Lebanon Urban Growth Boundary and is contiguous with city limits, therefore eligible for annexation per the Annexation Ordinance, and the Municipal and Development Codes. The annexation is inclusive of a Comprehensive Plan Map Amendment amending the initial zoning designation from Residential Low Density to Residential Mixed Density. With approval of the comprehensive plan map amendment, the Applicant would accept the zoning designation of Residential Mixed Density. The site complies with the Annexation requirements.*

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

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

*FINDING: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.*

*More Specifically, this annexation supports the goals and policies under Chapter 4: Land Use, and Chapter 6: Housing. In Section 2.3 of Chapter 4 of the Comprehensive Plan, all areas annexed into the City are automatically placed in a zoning classification in accordance with the Adopted Comprehensive Plan and Map. With the approval of the comprehensive plan map amendment, the comprehensive plan map would identify the subject property as Residential Mixed-Density, with the zoning designation of Residential Mixed-Density. Table 6-5 in Chapter 6 of the Comprehensive Plan identifies the total number of estimated housing needs by type through 2025. The subject property is currently developed with a single-family residence; but being zoned Residential Mixed Density and over 9,000 square feet in size, the site can accommodate all different housing types from single-family detached to multi-family development. Based on the 2019 Housing Needs Assessment completed by the City, there is a need for 291 acres of low-density development acreage, 92 acres of medium density, and 39 acres of high density. In the City and the Urban Growth Boundary, there is an identified surplus of 735 acres of residential land in the City, and 298 acres of residential land in the UGB to accommodate the residential development anticipated to accommodate the population growth. The annexation of this property, and the classification for residential mixed density would accommodate the identified need for any of the residential classifications, and upon development, could be built to provide affordable units, as such, would be consistent with the goals and policies of the Comprehensive Plan.*

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

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

*FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation. The subject site is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. As the site has already been previously developed with urban development, and does not contain any known environmental constraints, the property is eligible for annexation.*

4. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

*FINDING: The subject site is contiguous with the city boundary on the south and west side of the property and is therefore contiguous with existing City limits and eligible for annexation.*

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

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

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

- (a) The site is contiguous with city limits along the southern and western property line.*
- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development. The site can be serviced by city water, sewer, and storm drainage. As the property can be serviced by city facilities and transportation system, and is already improved with an urban development, the property would be eligible for annexation.*

6. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

*FINDING: The application does not include a concurrent development proposal; however, the site is currently vacant. Any future development proposal would be required to comply with the provisions for the development code for the Z-RM zone, as applicable with approval of the comprehensive plan map amendment.*

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

Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

*FINDING: The subject property is developed with a single-family dwelling and associated residential accessory structures. City water, sanitary sewer, and storm drainage are available along the south frontage of the property within Russell Drive to serve the existing development on site. Additionally, the site has frontage along Franklin Street and Russell Drive with access to Russell Drive. City services are available and adequate to service the demands of the existing single-family dwelling.*

8. Annexation Ordinance Section 9. - As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility



services needed to serve these properties, which are water, storm drainage, sanitary sewer, and streets.

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

*FINDING: The subject property is developed with a single-family dwelling and associated residential accessory structures. City water, sanitary sewer, and storm drainage are available along the south frontage of the property within Russell Drive to serve the existing development on site. Additionally, the site has frontage along Franklin Street and Russell Drive with access to Russell Drive. The impacts of the existing single-family dwelling developed on the subject site would be minimal on City-provided services.*

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

*FINDING: Franklin Street maintains a right-of-way width of 50-feet, and Russell Drive maintains a variable right-of-way width of 50-feet. The adopted 2018 Transportation System Plan identifies Franklin Street and Russell Drive as a collector street, which requires a 60- to 75-foot right-of-way. Therefore, a minimum of 10 feet of right-of-way dedication will be required for properties along these frontages to meet the collector street right-of-way width standard.*

*The applicant requests that any required street dedication be evaluated when properties along these frontages either develop or redevelop. This Section allows for additional right-of-way dedications to be postponed until such time.*

10. Annexation Ordinance Section 11. - Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

*FINDING: The subject property is designated Residential Low Density (C-RL) by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only applicable zone is Residential Low Density (Z-RL). A Comprehensive Plan Map Amendment application has been submitted to amend the Comprehensive Plan designation from C-RL to Residential Mixed Density (C-RM) for the application of the Residential Mixed Density (Z-RM) zone designation upon annexation. Findings pertaining to the Comprehensive Plan Map Amendment application are in the above section and incorporated here by reference.*

11. Annexation Ordinance Section 12. - If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan

Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

*FINDING: The application includes a request to amend the comprehensive plan map to change the designation from Residential Low Density to Residential Mixed Density. The request for the comprehensive plan map amendment is processed concurrently with the annexation. Findings pertaining to the Comprehensive Plan Map Amendment application are in the above section and incorporated here by reference.*

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

*FINDING: The subject site is within the Urban Growth Boundary but has no designated environmental constraints. Therefore, this Section does not apply.*

13. Annexation Ordinance Section 14. - An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

*FINDING: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.*

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

*FINDING: The request does not contain a concurrent development request.*

15. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

*FINDING: This Policy does not directly apply as the proposal simply incorporates an existing urbanized parcel into the City limits.*

## VII. CONCLUSION

The City Council concludes the Comprehensive Plan Map Amendment to designate the subject property as Residential Mixed Density (C-RM), with the Annexation of the subject property and designation of the Residential Mixed Density (Z-RM) zone complies with the applicable decision criteria.



925 S. Main Street  
Lebanon, Oregon 97355

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

# MEMORANDUM

## *Community Development*

To: Lebanon Planning Commission  
From: Kelly Hart, Community Development Director  
Subject: Planning File No. A-20-07, CPMA-20-02

Date: December 8, 2020

### I. BACKGROUND

Under consideration is a proposed comprehensive plan map amendment and annexation of the property 599 Russell Drive (12S 02W 14CA, tax lot 300), located on the northeast corner of Franklin Street and Russell Drive. The subject property is 3.98 acres in size, with approximately 265 feet of street frontage along Russell Drive and 570 feet along of frontage along Franklin Street. The full width of Franklin Street along the length of the property, and the full width of Russell Drive along a portion of the frontage of the subject property would be annexed as part of the proposed annexation as well. Property to the south and west, is located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

The subject property is improved with an existing single-family residence. City sewer, water service and storm drainage are available in Russell Drive along the property frontage. Upon annexation, the property would be eligible to connect to city services.

### II. CURRENT REPORT

**SURROUNDING PROPERTIES AND USES:** The property is in a developed residential neighborhood, with additional higher density residential projects recently approved. To the north, and east are residential properties within the county unincorporated area, within the City's Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Low Density (C-RL). Properties to the west and south are in City limits with a zoning designation of Residential Mixed-Density (Z-RM). Both properties to the south and west have recently been approved for two multi-family developments. The property to the west has been approved for a 48-unit apartment project, and the property to the south has been approved for a 78-unit apartment project.

**COMPREHENSIVE PLAN MAP AMENDMENT:** Chapter 16.27 of the Lebanon Development Code identifies the requirements for consideration of an amendment to the Comprehensive Plan Map. In order to approve an amendment to the map designation, the amendment shall be consistent with the City's adopted Comprehensive Plan and Facility Plans, including the Transportation System Plan.

**Sewer:** In Russell Drive along the frontage of the subject property, there is an existing 8-inch sewer main. A 12-inch sewer main also extends from the Russell Drive sewer north in Franklin

Street for approximately 40 feet to the southern corner of the subject property. The Engineering Department has evaluated the request to increase the intensity of the zoning from low-density residential to mixed-density residential, which could allow for a high-density development to occur on the site. The Engineering Department determined that the increase in service demands for the single property would not impact the overall facility master plan for the City or this service area. Upon development proposal, additional improvements and expansion of the sewer infrastructure may be required based on the development proposal. However, the scope of change to the intensity of development associated with the subject property would not result in a change to the master plan.

Water: In Russell Drive along the frontage of the subject property, there is an existing 16-inch water main. A 16-inch water main also extends from the Russell Drive main north in Franklin Street for approximately 50 feet to the southern corner of the subject property. The Engineering Department has evaluated the request to increase the intensity of the zoning from low-density residential to mixed-density residential, which could allow for a high-density development to occur on the site. The Engineering Department determined that the increase in service demands for the single property would not impact the overall water facility master plan for the City or this service area. Upon development proposal, additional improvements and expansion of the water infrastructure may be required based on the development proposal. However, the scope of change to the intensity of development associated with the subject property would not result in a change to the master plan.

Storm Drainage: There is existing storm drainage infrastructure in Russell Drive, and a drainage ditch along the property frontage on Franklin Street. As part of any future development, the property owner would be required to develop a water retention and drainage plan in compliance with State drainage laws. The intensity change proposed in possible development type for the single property would not result in a required change to the facility plans. Any future development would be reviewed, and storm drainage improvements would be required and conditioned as part of the development.

Transportation System Plan: According to the 2018 Transportation System Plan, Russell Drive maintains a functional classification of a Minor Arterial, and Franklin Street's functional classification is a Collector Street. "Minor Arterials typically serve higher volumes of traffic at moderate to high speeds, with posted speeds no lower than 30 miles per hour." Collector Streets "serve a critical role in the roadway network by connecting traffic from local streets with the arterial network."

A condition of development for the property on the northwest corner of Russell Drive and Franklin Street required land dedication in preparation for expansion of Franklin Street to accommodate a center turn lane. This condition was required in response to the designation of the street as a Collector and anticipated volume of traffic as development and redevelopment in the area occurs. As part of any development proposal on the subject site, land dedication may also be required to obtain the ultimate right-of-way width.

Overall, with the functional classification of both roads and a Minor Arterial and Collector, the existing road system is anticipated to accommodate higher volumes of traffic and would not be required to be amended in response to the proposed comprehensive plan map designation.

CONVERSION OF LAND DESIGNATION: As part of the Comprehensive Plan, a buildable land inventory was conducted to identify whether there was sufficient land for each of the different land uses to accommodate the anticipated growth, and the level of deficit or excess of available land based on the designation. In 2019, the City conducted a Housing Needs Analysis to update the anticipated housing need based on type of development and conducted an updated buildable lands inventory specific to housing. The conclusion of the Needs Analysis identified that the City has a surplus of low density and high-density residential lands.

Specifically, over the next twenty years, the City would need to accommodate the development of 1,320 low density residential units, 643 medium density residential units, and 540 high density residential units. To accommodate this, a total of 291 acres of low-density residential land is needed, 92 acres of medium density, and 39 acres of high density. Based on the buildable lands inventory, the City has a surplus of 240 acres for low density development, and 63-acre surplus of high-density land. As There is a surplus of low-density residential lands, the modification of the subject property to a mixed-density designation would not impact the mix of land needed to accommodate a balanced housing growth.

The Comprehensive Plan Designation for the site is Residential Low Density (C-RL). Per Table 16.26-1 in Section 16.24.040 of the Lebanon Development Code (LDC), the designated zoning classification for the site would be Residential Low Density (Z-RL). The Applicant is proposing to amend the Comprehensive Plan Map designation to Residential Mixed-Density. Upon amendment, the designated zoning classification would be Residential Mixed-Density.

### III. REVIEW CRITERIA AND RECOMMENDED FINDINGS – COMPREHENSIVE PLAN MAP AMENDMENT

Section 16.27.050 of the Lebanon Development Code identifies the criteria in which to consider amendments to the Comprehensive Plan Map.

1. All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

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

- a. Chapter 1: Introduction - The introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and

key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. These goals and policies are incorporated in the Development Code criteria to determine the appropriateness of a Plan and/or zone change.

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

*RECOMMENDED FINDING: Designated natural resources are not known to be present on the subject property. Regardless, these goals and policies are incorporated in the Development Code criteria and are reviewed at the time of development.*

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

#### Public Facilities Capability Policies

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

P-10: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.

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

#### Additional Considerations for Conversion of Urbanizable Land to Urban Uses

P-30: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the marketplace, through implementation of land use regulations and land use policies.

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

*RECOMMENDED FINDING: Based on data contained in Table 3-2 of this Chapter and the 2019 Housing Needs Analysis, there is a projected surplus of RM zoned land but a deficit of RL zoned land. However, both zones allow creation of single-family homes. As such, the conversion from Low Density to Mixed Density does not prohibit*

*or otherwise restrict the creation of single-family homes on the site but does provide additional options to meet community housing needs.*

- d. 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. Staff finds the following policies apply:

General Policies for Land Use

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

*RECOMMENDED FINDING: The proposal calls for a Residential Mixed Density Plan designation and RM zone, thereby ensuring consistency between the Plan and Zone maps (P-1 and P-12). This review addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed below, under finding 31 (Chapter 10).*

- e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Staff determined policies in this Chapter did not directly apply to the request as the request would establish a residential land use.
- f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing. The Chapter applies, as it concerns residential zoning.

*RECOMMENDED FINDING: Staff reviewed the policies and provides the following summation:*

*9.1 Residential Compatibility – This subsection considers placement of manufactured homes, location of neighborhood commercial uses and allowances for home occupations. The subject policies apply to the development of the site and are not directly related to the Plan map change requests.*

*9.2 Neighborhood Appearance - This subsection establishes screening policies for above ground utilities, the placement of street trees and fencing/landscaping provisions along collector and arterial streets. These policies apply to site development and do not address the matter of the Plan map change requests.*

*9.3 Housing Density and Affordability – This subsection allows for the creation of density bonuses, cooperation with various agencies to provide affordable housing, and ensure the Development Code provides the variety and type of housing required to*

*meet the community's needs. These policies apply to site development and do not address the matter of the Plan map change requests.*

*9.4 Housing and Open Space – This subsection notes adequate open space must be included in multifamily projects. The policy applies to the site development and not to the request.*

*9.5 Housing and Transportation Connectivity – The subsection includes policies on placement of schools in residential area; sidewalk and ADA requirements; placement of bikeways and pedestrian trails; development of local street standards and emergency vehicle access. These policies apply to specific development requirements and not to the Plan and zone change.*

*9.6 Housing, Public Utilities and Services – Policies call for adequacy of utilities to serve development and undergrounding of all utilities. Further, street lighting is required, street names should be approved by the Fire District and streets should align. Only Policy P-24 regarding public facility provisions directly applies to the request. As noted, services are available to serve the property.*

*9.7 Refinement Plans – This subsection allows development of neighborhood refinement plans. This policy section does not apply to the request.*

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

- g. 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. In addition, the Chapter focuses on historical preservation. The focus on Community Friendly design is associated with infill development, promotion of mixed-use opportunities, and development specific standards. The proposal is not inclusive of a development request, as such the development specific goals and policies to not apply. In addition, there are no historical sites on the property, as such, the historical preservation goals are not applicable.

#### Community Friendly Development Policies

P-9: Encourage mixed uses within individual buildings, neighborhoods, and zoning districts where allowed by planning and building codes, and where there is no or only limited potential for incompatibility or conflict with public health, safety, and welfare.

P-10: Allow limited and appropriately scaled neighborhood commercial services in residential zones with appropriate standards to ensure compatibility.

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



- h. 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. Staff finds the following policies apply:

#### Transportation System Planning Policies

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

*RECOMMENDED FINDING: The subject site is located to the northeast corner of the Russel Drive and Franklin Street intersection. Russel Drive and Franklin Street are classified in the 2018 Lebanon Transportation System Plan (TSP) as a Minor Arterial and Collector Street, respectively.*

*Lebanon's 2007 and 2018 TSPs do not identify any level of service or congestion issues adjacent to the proposed development. Therefore, the subject property which is developed with an existing single-family dwelling is expected to adequately accommodate traffic from the property.*

*Additionally, Section 6.12.010(B)(1) includes thresholds for when Traffic Impact Studies (TIS) and Traffic Impact Analysis (TIA) are warranted, which is typically in association with a development proposal.*

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

#### General Policies

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

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

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

*RECOMMENDED FINDING: As previously noted, services are available and do not require system-wide improvements to existing public facilities. Therefore, the proposal is consistent with the noted policies.*

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

- P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
- P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.
- P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.
- P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:
  - a. Updated data demonstrates significantly different trends than previous data;
  - b. New data reflects new or previously undisclosed public needs;
  - c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
  - d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.
- P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:
  - a. There is a need for the proposed change;
  - b. The identified need can best be served by granting the change requested;
  - c. The proposed change complies with the Statewide Planning Goals; and,
  - d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

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

*While the proposed zone change does not proscribe a specific development, it does allow greater options than the Residential Low Density designation and zone*

*to meet those needs (P-4.a, P5.a and P-5.b). Further, the establishment of the RM zone does not preclude development of the site with for single family homes.*

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

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

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

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

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

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

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

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

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

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

*Goal 10, Housing: This Goal directly applies, as the map amendments create additional opportunities to meet housing needs of the community. The City has an adopted Comprehensive Plan that projects the housing needs for the City through 2025. In addition, the City commissioned the 2019 Housing Needs Analysis which identified how the City is able to accommodate the projected housing needs over a 20-year period. The Housing Needs Analysis identified that the City had a surplus of land available to accommodate the projected housing needs. Specifically, a total of 2,503 housing units are identified as the housing need within the City's UGB, including 1,320 low density units, 643 medium density units and 540 high*

*density units. To accommodate the need, a total of 437 acres of buildable land was needed to accommodate the housing demand. The City identified a total of 735 acres available, as such, there is a surplus of available housing. In terms of the surplus, there is 240 acres of low-density surplus, 0 acres of medium density surplus, and 63 acres of high-density surplus. The Residential Mixed-Density allows for a mix of residential densities, which provides a greater opportunity to address the mix of housing needs in the City in comparison to the low density residential zone. Therefore, this property would increase the opportunity to provide a mix of residential housing demand, and as such, this proposal would comply with Goal 10.*

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

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

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

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

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

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

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

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

3. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is **not** consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the

Annexation Zoning Matrix, Table 16.26-1.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

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

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

*RECOMMENDED FINDING: Previous findings indicate the proposal may comply with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.*

#### IV. REVIEW CRITERIA AND RECOMMENDED FINDINGS - ANNEXATION

The subject property is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.

Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. The findings are combined to avoid duplication:

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

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.

*RECOMMENDED FINDING: The application site is located within the City of Lebanon Urban Growth Boundary and is contiguous with city limits, therefore eligible for annexation per the Annexation Ordinance, and the Municipal and Development Codes. The annexation is inclusive of a Comprehensive Plan Map Amendment amending the initial zoning designation from Residential Low Density to Residential Mixed Density. With approval of the comprehensive plan map amendment, the Applicant would accept the zoning designation of Residential Mixed Density. The site complies with the Annexation requirements.*

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

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

*RECOMMENDED FINDING: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.*

*More Specifically, this annexation supports the goals and policies under Chapter 4: Land Use, and Chapter 6: Housing. In Section 2.3 of Chapter 4 of the Comprehensive Plan, all areas annexed into the City are automatically placed in a zoning classification in accordance with the Adopted Comprehensive Plan and Map. With the approval of the comprehensive plan map amendment, the comprehensive plan map would identify the subject property as Residential Mixed-Density, with the zoning designation of Residential Mixed-Density. Table 6-5 in Chapter 6 of the Comprehensive Plan identifies the total number of estimated housing needs by type through 2025. The subject property is currently developed with a single-family residence; but being zoned Residential Mixed Density and over 9,000 square feet in size, the site can accommodate all different housing types from single-family detached to multi-family development. Based on the 2019 Housing Needs Assessment completed by the City, there is a need for 291 acres of low-density development acreage, 92 acres of medium density, and 39 acres of high density. In the City and the Urban Growth Boundary, there is an identified surplus of 735 acres of residential land in the City, and 298 acres of residential land in the UGB to accommodate the residential development anticipated to accommodate the population growth. The annexation of this property, and the classification for residential mixed density would accommodate the identified need for any of the residential classifications, and upon development, could be built to provide affordable units, as such, would be consistent with the goals and policies of the Comprehensive Plan.*

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

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

*RECOMMENDED FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation. The subject site is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. As the site has already been previously developed with urban development, and does not contain any known environmental constraints, the property is eligible for annexation.*

4. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

*RECOMMENDED FINDING: The subject site is contiguous with the city boundary on the south and west side of the property and is therefore contiguous with existing City limits and eligible for annexation.*

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

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

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

- (a) *The site is contiguous with city limits along the southern and western property line.*
- (b) *The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development. The site can be serviced by city water, sewer, and storm drainage. As the property can be serviced by city facilities and transportation system, and is*

*already improved with an urban development, the property would be eligible for annexation.*

6. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

*RECOMMENDED FINDING: The application does not include a concurrent development proposal; however, the site is currently vacant. Any future development proposal would be required to comply with the provisions for the development code for the Z-RM zone, as applicable with approval of the comprehensive plan map amendment.*

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

Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

*RECOMMENDED FINDING: The subject property is developed with a single-family dwelling and associated residential accessory structures. City water, sanitary sewer, and storm drainage are available along the south frontage of the property within Russell Drive to serve the existing development on site. Additionally, the site has frontage along Franklin Street and Russell Drive with access to Russell Drive. City services are available and adequate to service the demands of the existing single-family dwelling.*

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

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

*RECOMMENDED FINDING: The subject property is developed with a single-family dwelling and associated residential accessory structures. City water, sanitary sewer, and storm drainage are available along the south frontage of the property within Russell Drive to serve the existing development on site. Additionally, the site has frontage along Franklin Street and Russell Drive with access to Russell Drive. The impacts of the*



*existing single-family dwelling developed on the subject site would be minimal on City-provided services.*

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

*RECOMMENDED FINDING: Franklin Street maintains a right-of-way width of 50-feet, and Russell Drive maintains a variable right-of-way width of 50-feet. The adopted 2018 Transportation System Plan identifies Franklin Street and Russell Drive as a collector street, which requires a 60- to 75-foot right-of-way. Therefore, a minimum of 10 feet of right-of-way dedication will be required for properties along these frontages to meet the collector street right-of-way width standard.*

*The applicant requests that any required street dedication be evaluated when properties along these frontages either develop or redevelop. This Section allows for additional right-of-way dedications to be postponed until such time.*

10. Annexation Ordinance Section 11. - Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

*RECOMMENDED FINDING: The subject property is designated Residential Low Density (C-RL) by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only applicable zone is Residential Low Density (Z-RL). A Comprehensive Plan Map Amendment application has been submitted to amend the Comprehensive Plan designation from C-RL to Residential Mixed Density (C-RM) for the application of the Residential Mixed Density (Z-RM) zone designation upon annexation. Findings pertaining to the Comprehensive Plan Map Amendment application are in the above section and incorporated here by reference.*

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

*RECOMMENDED FINDING: The application includes a request to amend the comprehensive plan map to change the designation from Residential Low Density to Residential Mixed Density. The request for the comprehensive plan map amendment is processed concurrently with the annexation. Findings pertaining to the Comprehensive*

*Plan Map Amendment application are in the above section and incorporated here by reference.*

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

*RECOMMENDED FINDING: The subject site is within the Urban Growth Boundary but has no designated environmental constraints. Therefore, this Section does not apply.*

13. Annexation Ordinance Section 14. - An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

*RECOMMENDED FINDING: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.*

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

*RECOMMENDED FINDING: The request does not contain a concurrent development request.*

15. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

*RECOMMENDED FINDING: This Policy does not directly apply as the proposal simply incorporates an existing urbanized parcel into the City limits.*

## V. CONCLUSION AND RECOMMENDATION

Staff finds the proposal complies with the decision criteria for the Comprehensive Plan Map Amendment and Annexation and the establishment of the applicable zone. Therefore, staff recommends the Planning Commission recommend the City Council approve the Comprehensive Plan Map Amendment to designate the property as Residential Mixed Density (C-RM) and Annex the subject property and street segments on Russell Drive and Franklin Street and establishment of the respective Residential Mixed Density (Z-RM) zone on the newly annexed property.

VI. PLANNING COMMISSION ACTION – COMPREHENSIVE PLAN MAP  
AMENDMENT/ANNEXATION

- A. The Planning Commission may either:
1. Recommend City Council approval of the proposed Comprehensive Plan Map Amendment to designate the property as Residential Mixed Density and property and street annexation and establishment of the applicable Residential Mixed Density zone, adopting the written findings for the decision criteria contained in the staff report; or
  2. Recommend City Council approval of the proposed Comprehensive Plan Map Amendment to designate the property as Residential Mixed Density and property and street annexation and establishment of the applicable Residential Mixed Density zone, adopting modified findings for the decision criteria; or
  3. Recommend City Council denial of the proposed comprehensive plan map amendment and annexation, specifying reasons why the proposal fails to comply with the decision criteria; and
  4. Direct staff to prepare an Order of Recommendation for the Chair or Vice Chair's signature incorporating the adopted findings as approved by the Planning Commission.



# NOTICE OF VIRTUAL PUBLIC HEARING LEBANON PLANNING COMMISSION

**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Lebanon Planning Commission on **December 16, 2020 at 6:00 p.m.** through a virtual (online) meeting to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

<b>Planning Case No.:</b>	A-20-07 & CPMA-20-02
<b>Applicant:</b>	Steven Kirkelie
<b>Location:</b>	599 Russell Drive
<b>Map &amp; Tax Lot No.:</b>	12S02W14CA00300
<b>Request:</b>	Annexation & Comprehensive Plan Map Amendment
<b>Decision Criteria:</b>	Lebanon Development Code Chapters: 16.20, 16.26 & 16.27

**Request:** The applicant is requesting Annexation of approximately 3.97 acres comprised of one tax lot along with associated Right-of-Way. The applicant is also requesting to amend the Comprehensive Plan Map Designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and establish the Residential Mixed Density (Z-RM) zoning upon Annexation.

**Virtual Meeting:** The Lebanon Planning Commission 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 in House Bill 4212.



The public is invited to watch the meeting online through the City of Lebanon's YouTube page at <https://youtu.be/uJvMFKSlsvg> on December 16, 2020. The City of Lebanon thanks you for your support in slowing the spread of COVID-19 by attending this public meeting digitally. The Agenda and application materials will be available for review on the City's website at <https://www.ci.lebanon.or.us/meetings> seven days prior to the hearing.

**Providing Comments:** The City will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Wednesday, December 16, 2020.** Written testimony may be emailed to [khart@ci.lebanon.or.us](mailto: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. Those wanting to give public comments for the application's public hearing during the electronic meeting should contact Kelly Hart, the Community Development Director, at [khart@ci.lebanon.or.us](mailto:khart@ci.lebanon.or.us) for the Zoom meeting link prior to **5:00 p.m. on December 16, 2020.**

*CITIZENS ARE INVITED TO PARTICIPATE* in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven days so such material may be reviewed.

**Action of the Planning Commission and Appeals:** The role of the Commission is to review the proposal and make a recommendation to the Lebanon City Council. A public hearing before the Council will be subsequently scheduled and notice provided. The Council decision is the final decision unless appealed to the Land Use Board of Appeals (LUBA). Failure to raise an issue in the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

**Obtain Information:** A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email [cdc@ci.lebanon.or.us](mailto:cdc@ci.lebanon.or.us).

**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 541-258-4906.**



**NOTICE OF A PROPOSED CHANGE  
TO A COMPREHENSIVE PLAN OR  
LAND USE REGULATION  
FORM 1**

<b>FOR DLCD USE</b>
File No.:
Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Lebanon**

Local file no.: **A-20-07 & CPMA-20-02**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): **Tammy Dickey**  
 Phone: 541-258-4254 E-mail: [tdickey@ci.lebanon.or.us](mailto:tdickey@ci.lebanon.or.us)  
 Street address: 925 S Main Street City: Lebanon Zip: 97355

**Briefly summarize the proposal** in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

**Request to Annex 3.97 acres and associated ROW to the City of Lebanon and the Comprehensive Plan Map Designation from Residential Low Density to Residentila Mixed Density (Z-RM). Establish the RM Zone on the newly annexed property.**

Date of first evidentiary hearing: **December 16, 2020**  
 Date of final hearing: **January 13, 2021**

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from RL to RM  
Change from to
- New or amended land use regulation  
Zoning map amendment(s) – Change from  
Change from
- An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- Acres affected by map amendment: **3.97**

Location of property, if applicable (site address and T, R, Sec., TL): **12S02W14CA00300**

List affected state or federal agencies, local governments and special districts:



# NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

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1. Except under certain circumstances,<sup>1</sup> proposed amendments must be submitted to DLCD’s Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Proposed Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at <http://www.oregon.gov/LCD/CPU/Pages/PAPA-Submittals.aspx>.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. “Text” means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½” x 11” paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

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<sup>1</sup> 660-018-0022 provides:

- (1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

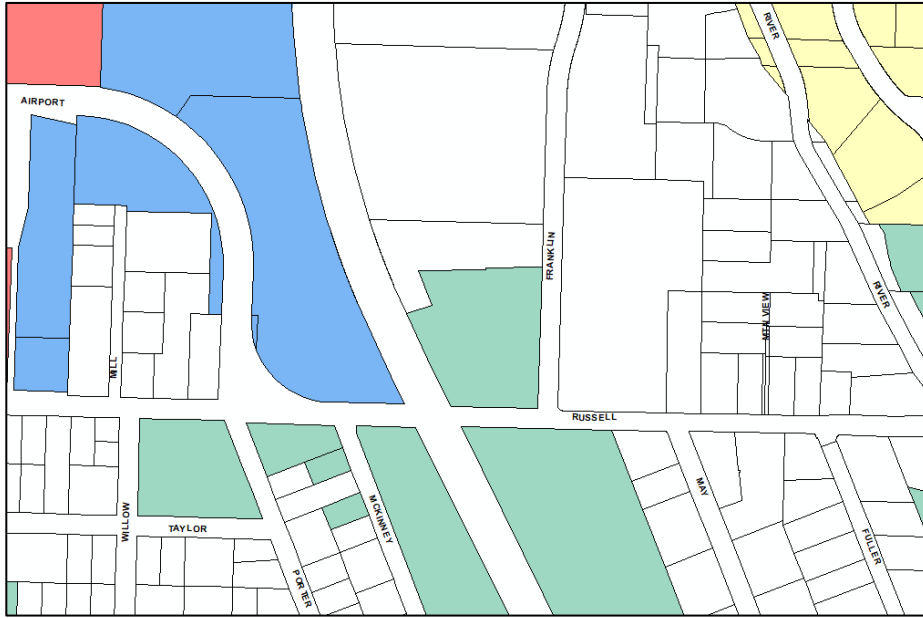
**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**Notice checklist. Include all that apply:**

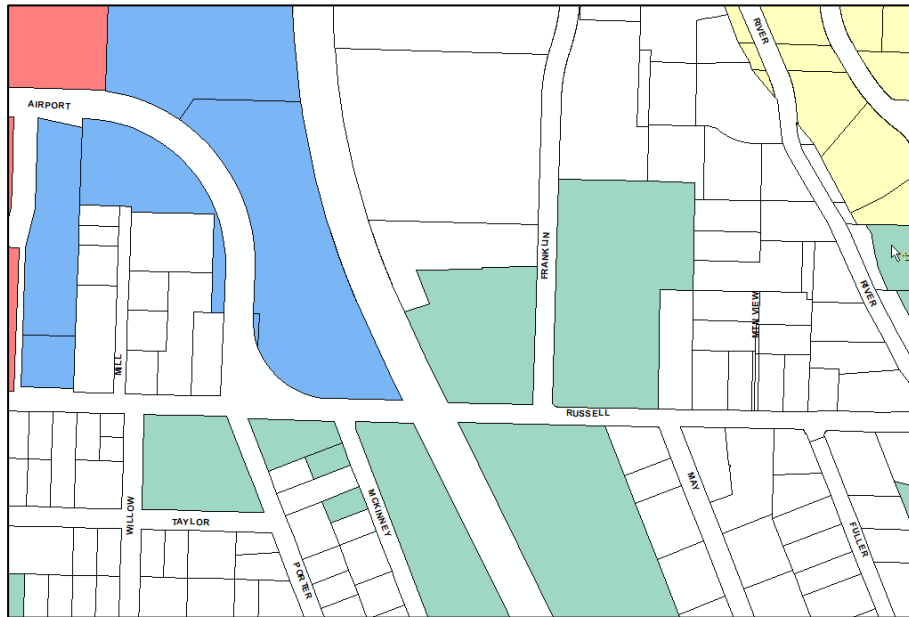
- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal



# CURRENT



# PROPOSED



## Zoning Map

### Legend

- Z-RL : Residential Low Density
- Z-RM : Residential Mixed Density
- Z-RH : Residential High Density
- Z-NMU : Neighborhood Mixed Use
- Z-MU : Mixed Use
- Z-NCM : Neighborhood Commercial
- Z-CCM : Central Business Commercial
- Z-HCM : Highway Commercial
- Z-IND : Industrial
- Z-PU : Public Use
- Taxlot
- City Limit
- Urban Growth Boundary

(See Lebanon Development Code Chapter 16.11 for Overlay Zones)





# LAND USE APPLICATION

## PROPERTY INFORMATION

Site Address(es): 599 Russell Drive
Assessor's Map & Tax Lot No.(s): 12S02W14CA00300
Comprehensive Plan Designation / Zoning Designation: C-RL / UGA-UGM-10
Current Property Use: Single Family Residential
Project Description:
Annexation of 599 Russell Drive into the City of Lebanon with concurrent Comprehensive Plan Map and Zone Map Amendments to amend the Comprehensive Plan and Zone Maps from Residential Low Density (C-RL/Z-RL) to Residential Medium Density (C-RM/Z-RM).

## APPLICANT / PRIMARY CONTACT INFORMATION

Applicant: Laura LaRoque	Phone: 541-990-8661
Address: 63 East Ash Street	Email: laura@udelleng.com
City/State/Zip: Lebanon, OR 97355	
<i>I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.</i>	
APPLICANT SIGNATURE <i>Laura LaRoque</i>	Date: 11/3/2020

## PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Steven Kirkelie	Phone: 541-971-1280
Address: 34051 Riverside Drive	Email: skirkelie@comcast.net
City/State/Zip: Albany, OR 97321	
OWNER SIGNATURE <i>[Signature]</i>	Date: <i>11-7-2020</i>

## ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor: Kyle Latimer	Phone: 541-451-5125
Address: 63 East Ash Street	Email: kyle@udelleng.com
City/State/Zip: Lebanon, OR 97355	

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

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

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## REQUIRED SUBMITTALS

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

## FOR OFFICE USE

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

Land Use Review Process	Fee	Land Use Review Process	Fee
Administrative Review	\$750	Planned Development – Preliminary	\$2,500
Administrative Review (Planning Commission)	\$1,500	Planned Development – Final (Ministerial)	\$500
X Annexation	\$2,500	Planned Development – Final (Administrative)	\$750
Code Interpretation	\$250	Planned Development – Final (Quasi-Judicial)	\$1,500
X Comprehensive Plan Map/Text Amendment	\$2,500	Subdivision Tentative	\$1,500
Conditional Use	\$1,500	Subdivision Final	\$750
Fire District Plan Review	\$100	Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
Historic Preservation Review or Register	Varies	UGB Amendment	Actual Cost
Land Partition	\$750	Variance (Class 1 – Minor Adjustment)	\$250
Ministerial Review	\$250	Variance (Class 2 – Adjustment)	\$750
Non-Conforming Use/Development	\$750	Variance (Class 3)	\$1,500
Property (Lot) Line Adjustment	\$250	Zoning Map Amendment	\$2,500

## APPLICATION RECEIPT & PAYMENT

Date Received:	Date Complete:	Receipt No.:
Received By:	Total Fee: \$3,750.00	File No.:

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# ANNEXATION, COMPREHENSIVE PLAN, AND ZONE MAP AMENDMENT

## GENERAL INFORMATION

**NATURE OF REQUEST:** Annexation of 599 Russell Drive into the City of Lebanon with concurrent Comprehensive Plan Map Amendment from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) for application of the Residential Mixed Density (Z-RM) zoning designation upon Annexation.

**OWNER:** Steven Kirkelie  
34051 Riverside Drive  
Albany, OR 97321  
(541) 971-1280  
skirkelie@comcast.net

**REPRESENTATIVE:** Udell Engineering and Land Surveying, LLC  
Laura LaRoque  
63 East Ash Street  
Lebanon, OR 97355  
(541) 990-8661  
laura@udelleng.com

**ADDRESS/LOCATION:** 599 Russell Drive, Lebanon, OR 97355

**MAP/TAX LOT:** Linn County Tax Assessor's Map No. 12S – 02W – 14CA  
Tax Lot 300

**COMP. PLAN:** Linn County – Designated Urban Growth Management (UGM)  
City of Lebanon – Designated Residential Low Density (C-RL)

**ZONING:** Linn County – Designated Urban Growth Area – Urban Growth Mgmt. 10 acre minimum.  
City of Lebanon – Proposed Residential Low Density (Z-RL)

**CURRENT LAND USE:** Residential Single-Family

## SUMMARY

The applicant requests annexation of the property, 599 Russell Drive (Linn County Tax Assessor's Map No. 12S-02W-14CA Tax Lot 300), as well as the full width of the Franklin Street and Russell Drive right-of-way along the frontage of the subject property. The subject property is 3.97 acres in size with approximately 566.13 feet of street frontage along Franklin Street and 269.74 feet along the frontage of Russell Drive. Property to the west, and a portion of right-of-way to the south, is located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

To the north, east, and west of the property are properties within unincorporated Linn County and the Urban Growth Boundary (UGB) of Lebanon. These properties are all zoned Linn County UGA-UGM with a Lebanon Comprehensive Plan designation of Residential Low Density (C-RL). To the south and west of the subject site (across Franklin Street and Russell Drive) are properties within Lebanon city limits that are zoned Residential Mixed Density (Z-RM).

The Comprehensive Plan designation for the site is Residential Low Density (C-RL). Per Table 16.26-1 in Section 16.24.040 of the Lebanon Development Code (LDC), the designated zoning classification for the site would be Residential Low Density (Z-RL). However, the applicant proposes to amend the Comprehensive Plan designation for the site from C-RL to Residential Mixed Density (C-RM) for the site to be zoned Residential Mixed Density (Z-RM) upon annexation.

The subject property is improved with an existing single-family residence. City water, sewer, and storm drainage are available along the property frontage in the Russell Drive right-of-way. No development is proposed with the application.

## LEGISLATIVE REVIEW OF ANNEXATION

Section 16.26.060(A) of the Lebanon Development Code provides the decision criteria for an annexation request. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. The findings for the Annexation Ordinance and Comprehensive Plan decision criteria are combined to avoid duplication. The decision criteria are written in **bold** followed by findings and conclusions.

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

**Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.**

FINDING: In accordance with Oregon Revised Statutes (ORS) 222.111, the applicant proposes annexation of 599 Russell Drive into the Lebanon City Limits by petition to the legislative body.

The subject property is contiguous to the city limits along a portion of the south property line and separated from the city limits to the west by Franklin Street. It is, therefore, eligible for annexation per ORS 222.111(1) and the Lebanon Annexation Ordinance. Findings for in response to Section



16.26.060(A) of the Lebanon Development Code, Lebanon Annexation Ordinance, and applicable Comprehensive Plan policies are provided below and incorporated here by reference.

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

**Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.**

FINDING: Findings for in response to the applicable Lebanon Comprehensive Plan policies are provided below and incorporated here by reference.

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

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

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation.

4. **Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.**

**Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.**

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation.

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

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

FINDINGS: The subject site is located within the Urban Growth Boundary and contiguous to city limits. The proposed annexation is therefore deemed orderly based on this Section.

The 3.97-acre site is currently developed with a single-family dwelling and associated residential accessory structures. At urban densities, the site is large enough to be further developed or redeveloped. City services including water, sanitary sewer, storm drainage, and streets are either available or could be improved to serve future development. Therefore, the proposed annexation is also efficient.

6. **Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.**

**Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.**

FINDING: The application does not include a concurrent development proposal nor is one required per this Section or Policy.

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

**Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.**

FINDING: The subject property is developed with a single-family dwelling and associated residential accessory structures. City water, sanitary sewer, and storm drainage are available along the south frontage of the property within Russell Drive to serve the existing development on site. Additionally, the site has frontage along Franklin Street and Russell Drive with access to Russell Drive. City services are available and adequate to service the demands of the existing single-family dwelling.

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

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

FINDING: The subject property is developed with a single-family dwelling and associated residential accessory structures. City water, sanitary sewer, and storm drainage are available along the south frontage of the property within Russell Drive to serve the existing development on site. Additionally, the site has frontage along Franklin Street and Russell Drive with access to Russell Drive. The impacts of the existing single-family dwelling developed on the subject site would be minimal on City-provided services.

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

FINDING: Franklin Street maintains a right-of-way width of 50-feet, and Russell Drive maintains a variable right-of-way width of 50-feet. The adopted 2018 Transportation System Plan identifies Franklin Street and Russell Drive as a collector street, which requires a 60- to 75-foot right-of-way. Therefore, a minimum of 10 feet of right-of-way dedication will be required for properties along these frontages to meet the collector street right-of-way width standard.

The applicant requests that any required street dedication be evaluated when properties along these frontages either develop or redevelop. This Section allows for additional right-of-way dedications to be postponed until such time.

10. **Annexation Ordinance Section 11. - Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City’s Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.**

FINDING: This subject property is designated Residential Low Density (C-RL) by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only applicable zone is Residential Low Density (Z-RL). A Comprehensive Plan Amendment application has been submitted to amend the Comprehensive Plan designation from C-RL to Residential Mixed Density (C-RM) for the application of the Residential Mixed Density (Z-RM) zone designation upon annexation. Findings pertaining to the Comprehensive Plan Map Amendment application are in the below section entitled “Legislative Review of Comprehensive Plan Map Amendment” and are incorporated here by reference.

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

FINDING: The applicant has submitted a concurrent application which proposed to amend the Comprehensive Plan designation from C-RL to Residential Mixed Density (C-RM) for the application of the Residential Mixed Density (Z-RM) zone designation upon annexation. Findings pertaining to the Comprehensive Plan Map Amendment application are in the below section entitled “Legislative Review of Comprehensive Plan Map Amendment” and are incorporated here by reference.

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



FINDING: The subject site is within the Urban Growth Boundary but has no designated environmental constraints. Therefore, this Section does not apply.

13. **Annexation Ordinance Section 14. - An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.**

FINDING: This Section is not applicable, as it provides a definition and not a decision criterion.

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

FINDING: The request does not contain a concurrent development request.

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

FINDING: This Policy does not directly apply as the proposal simply incorporates an existing urbanized parcel into the City limits.

16. **Section 16.26.060 allows the City to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before an annexation request can be approved.**

FINDING: The applicant is not aware of any abatement issues related to the site

17. **Section 16.26.060(C) allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of this Code, and the Lebanon Municipal Code. Site-specific criteria could include, but not be limited to, the following: steep slopes, natural hazards, riparian zones, wetlands water bodies, overlay zones, infrastructure development, existing conditions and failing on-site services. Such site-specific criteria do not affect the eligibility of properties for annexation but serve as an advisory to applicants of factors that may affect future development.**

FINDING: There are no site-specific evaluation criteria that apply to the subject property.

18. **Upon annexation, Section 16.26.020 requires the subject property to be placed in the appropriate zone. Upon annexation, the territory will automatically be assigned a City zone in accordance with the adopted Comprehensive Plan Map, and Annexation Zoning Matrix (Development Code Table 16.26-1). The only decision criterion in this process is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020(D)).**

FINDINGS: As noted, the request includes a change in the Plan designation to Residential Mixed Density (C-RM) and the corresponding Residential Mixed Density (Z-RM) zone. This request is reviewed in the following Section.

## **LEGISLATIVE REVIEW OF COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE MAP AMENDMENT**

The subject application involves both a Comprehensive Plan Map Amendment and a Zone Map Amendment. The decision criteria in Chapter 16.27 do not distinguish between the two types of applications. Since the proposed RM zone will be consistent with the proposed Plan designation, findings provided below apply to both requests.

19. Chapter 16.27 contains requirements for map amendments, including both the Comprehensive Plan map and Zoning map. Section 16.27.010 addresses the Chapter's purpose while Section 16.27.020 establishes the authority to request map amendments.

FINDING: The Plan and Zoning maps may be amended over time and the property owner/applicant has the authority to request change in a property's Plan and Zoning map. Therefore, this proposal conforms to these two Sections.

20. The Planning Commission cannot consider a Plan or Zone map amendment within the one-year period immediately following a previous denial (Section 16.27.040).

FINDING: This Section is not applicable as this is the first Plan and Zone map application regarding the subject property.

21. Sections 16.27.050 and 16.28.090 establishes the decision criteria for reviewing a Plan map or Zone map amendment.

FINDING: Sections 16.27.050(A) and 16.28.090 contain the relevant criteria, which are reviewed in the following Sections.

22. Section 16.27.060 describes the application process and submittal requirements. Subsection "A." states the request requires hearings before the Planning Commission and City Council. The Commission provides a recommendation to the Council and the Council makes the final decision. Subsection "B." establishes the application requirements.

FINDING: The City is obligated to follow the requirements under Section 16.27.060(A) and does so with the public hearing process. The application must be deemed complete, in this case, pursuant to provisions in Section 16.27.060(B) prior to commencing the public hearing process.

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

23. Section 16.28.090 establishes the decision criteria for Plan map and Zone map amendments. This Section states the City may approve a Comprehensive Plan Map or Zoning Map Amendment request if it satisfies all relevant Decision Criteria cited in Section 16.27.050.

FINDING: Subsection "A." contains the relevant criteria, which are reviewed in the following Sections.

24. Section 16.27.050(A)(1) -All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the 2007 Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

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

- a. Chapter 1: Introduction - The introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. These goals and policies are incorporated in the Development Code criteria to determine the appropriateness of a Plan and/or zone change.
- b. Chapter 2: Natural Environment - The Chapter addresses goals and policies related to the City's natural environment.

FINDINGS: Designated natural resources are not known to be present on the subject property. Regardless, these goals and policies are incorporated in the Development Code criteria and are reviewed at the time of development.

- c. Chapter 3: Urbanization - This Chapter provides the basic framework for future urban development within the City. The following policies are applicable to this application:

Public Facilities Capability Policies

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

**P-10: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.**

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

Additional Considerations for Conversion of Urbanizable Land to Urban Uses

**P-30: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the marketplace, through implementation of land use regulations and land use policies.**

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

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

25. 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. Council finds the following policies apply:

General Policies for Land Use

**P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.**

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

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

FINDINGS: The proposal calls for a Residential Mixed Density Plan designation and RM zone, thereby ensuring consistency between the Plan and Zone maps (P-1 and P-12). This review addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed below, under finding 31 (Chapter 10).

26. Chapter 5: Population & Economy- This Chapter addresses population growth and economic development as well as those trends affecting both. These policies do not directly apply to this request.

27. Chapter 6: Housing - This Chapter establishes the City's Goals and Policies related to Housing. The Chapter applies, as it concerns residential zoning.

FINDINGS: The following policies are applicable:

- a. Residential Compatibility - This subsection considers placement of manufactured homes, location of neighbor commercial uses, and allowances for home occupations. The subject policies apply to the development of the site and are not directly related to the Plan and zone change requests.
- b. Neighborhood Appearance - This subsection establishes screening policies for above ground utilities, the placement of street trees and fencing/landscaping provisions along collector and arterial streets. These policies apply to site development and do not address the matter of the Plan and zone change.
- c. Housing Density and Affordability - This subsection allows for the creation of density bonuses, cooperation with various agencies to provide affordable housing, and ensure the Development Code provides the variety and type of housing required to meet the community's needs. This last policy (P-11) applies to the request as the zone change to the

Residential Mixed Density zone allows a wide range of housing options - including single family - to meet local needs.

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

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

28. 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. Council finds the following policies apply:

#### Community Friendly Development Policies

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

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

29. 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. Council finds the following policies apply:

#### Transportation System Planning Policies

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

FINDINGS: The subject site is located to the northeast corner of the Russel Drive and Franklin Street intersection. Russel Drive and Franklin Street are classified in the 2018 Lebanon Transportation System Plan (TSP) as a Minor Arterial and Collector Street, respectively.

Lebanon's 2007 and 2018 TSPs do not identify any level of service or congestion issues adjacent to the proposed development. Therefore, the subject property which is developed with an existing single-family dwelling is expected to adequately accommodate traffic from the property.

Additionally, Section 6.12.010(B)(1) includes thresholds for when Traffic Impact Studies (TIS) and Traffic Impact Analysis (TIA) are warranted, which is typically in association with a development proposal.

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

General Policies

- a. P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. (Duplicated in Chapter 3, Urbanization)
- b. P-9: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. (Duplicated in Chapter 3, Urbanization)
- c. P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.

FINDINGS: As previously noted, services are available and do not require system-wide improvements to existing public facilities. Therefore, the proposal is consistent with the noted policies.

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

- a. P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
- b. P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.
- c. P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.

- d. P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:
  - i. Updated data demonstrates significantly different trends than previous data;
  - ii. New data reflects new or previously undisclosed public needs;
  - iii. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
  - iv. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.
- e. P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:
  - i. There is a need for the proposed change;
  - ii. The identified need can best be served by granting the change requested;
  - iii. The proposed change complies with the Statewide Planning Goals; and,
  - iv. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

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

While the proposed zone change does not proscribe a specific development, it does allow greater options than the Residential Low Density designation and zone to meet those needs (P-4.a, P5.a and P-5.b). Further, the establishment of the RM zone does not preclude development of the site with for single family homes.

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

- a. Goal 1, Citizen Involvement: Public hearings will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.
- b. Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.
- c. Goal 3, Agricultural Lands: This Goal does not apply, as the land is not designated farmland.
- d. Goal 4, Forest Lands: This Goal does not apply, as the land is not designated forestland.
- e. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The site may contain wetlands which may require mitigation measures to allow development. However, the map changes, by themselves, do not affect these resources.

- f. Goal 6, Air, Water and Land Resource Quality: Residential use of the site remains; therefore, there should be no significant impacts on air, water or resource quality than would otherwise occur.
- g. Goal 7, Natural Hazards: The site is not located in an area of natural hazards.
- h. Goal 8, Recreational Needs: The proposed map amendments do not create uses which would adversely impact recreational opportunities.
- i. Goal 9, Economic Development: The map amendments will allow a greater variety of uses thereby increasing development potential. Further, the proposed RM zone does not preclude employment-type activities on the site.
- j. Goal 10, Housing: This Goal directly applies, as the map amendments create additional opportunities to meet housing needs of the community.
- k. Goal 11, Public Facilities and Services: Previous findings indicate services are available to serve the property and the map amendments will not affect the City's ability to provide necessary public facilities.
- l. Goal 12, Transportation: Previous findings indicate the map amendments will not significantly affect planned transportation improvements.
- m. Goal 13, Energy Conservation: The map amendments are neutral in regard to energy conservation.
- n. Goal 14, Urbanization: Previous findings indicate the change will still allow the City to meet housing needs of the community as the proposed RM zone does not preclude single-family development.
- o. Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

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

32. Section 16.27.050(A)(2) states that facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer, or potable water master plans.

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

33. Section 16.27.050(A)(3) states applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is not consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix,



Table 16.26-1.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

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

34. Section 16.27.050(B) states that if proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Plan.

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

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

### **Overall Conclusion**

As proposed, applications for Annexation and amendments to the Comprehensive Plan Map and Zone Map comply with the applicable review criteria as outlined above. Therefore, the applicant requests that the Planning Commission recommend the City Council approve the subject applications.

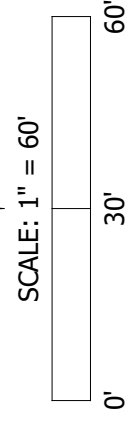
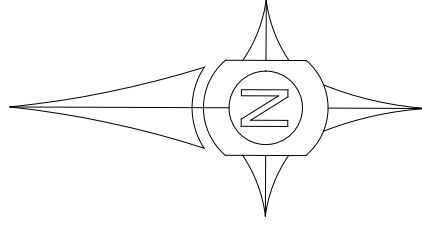
### **Attachments**

- A. Annexation Map

### **Acronyms**

C-RL	Residential Low-Density Comprehensive Plan Designation
C-RM	Residential Mixed-Density Comprehensive Plan Designation
LDC	Lebanon Development Code
Z-RL	Residential Low-Density Zoning District
Z-RM	Residential Mixed-Density Zoning District
TSP	Lebanon's Transportation System Plan

ANNEXATION  
TO THE CITY OF LEBANON  
LINN COUNTY, OREGON  
NOVEMBER 10, 2020



12502W14CA00400  
2000 FRANKLIN STREET  
5.07 ACRES  
ZONING: UGA-UGM-10

12502W14BD02200  
1965 FRANKLIN STREET  
1.83 ACRES  
ZONING: UGA-UGM-10

12502W14CA00201  
2046 RIVER ROAD  
0.47 ACRES  
ZONING: UGA-UGM-10

12502W14CA02400  
2042 RIVER ROAD  
0.94 ACRES  
ZONING: UGA-UGM-10

12502W14CA02500  
2090 MOUNTAIN VIEW LANE  
0.31 ACRES  
ZONING: UGA-UGM-10

12502W14CA02600  
2110 MOUNTAIN VIEW LANE  
0.29 ACRES  
ZONING: UGA-UGM-10

125-02W14CA02700  
2122 MOUNTAIN VIEW LANE  
0.60 ACRES  
ZONING: UGA-UGM-10

12502W14CA02800  
2130 MOUNTAIN VIEW LANE  
0.29 ACRES  
ZONING: UGA-UGM-10

12502W14CA02900  
2150 MOUNTAIN VIEW LANE  
0.27 ACRES  
ZONING: UGA-UGM-10

12502W14CA03000  
651 RUSSELL DRIVE  
0.21 ACRES  
UGA-UGM-10

12502W14CA03100  
635 RUSSELL DRIVE  
0.31 ACRES  
UGA-UGM-10

12502W14CA00300  
599 RUSSELL DRIVE  
ZONING: UGA-UGM-10

12502W14CA00500  
2140 FRANKLIN STREET  
1.25 ACRES  
ZONING: UGA-UGM-10

12502W14CA00502  
UNASSIGNED  
2.17 ACRES  
ZONING: Z-RM RESIDENTIAL MIXED  
DENSITY

**SITE INFORMATION**

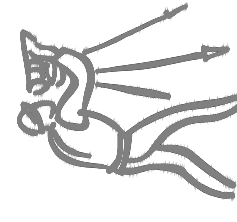
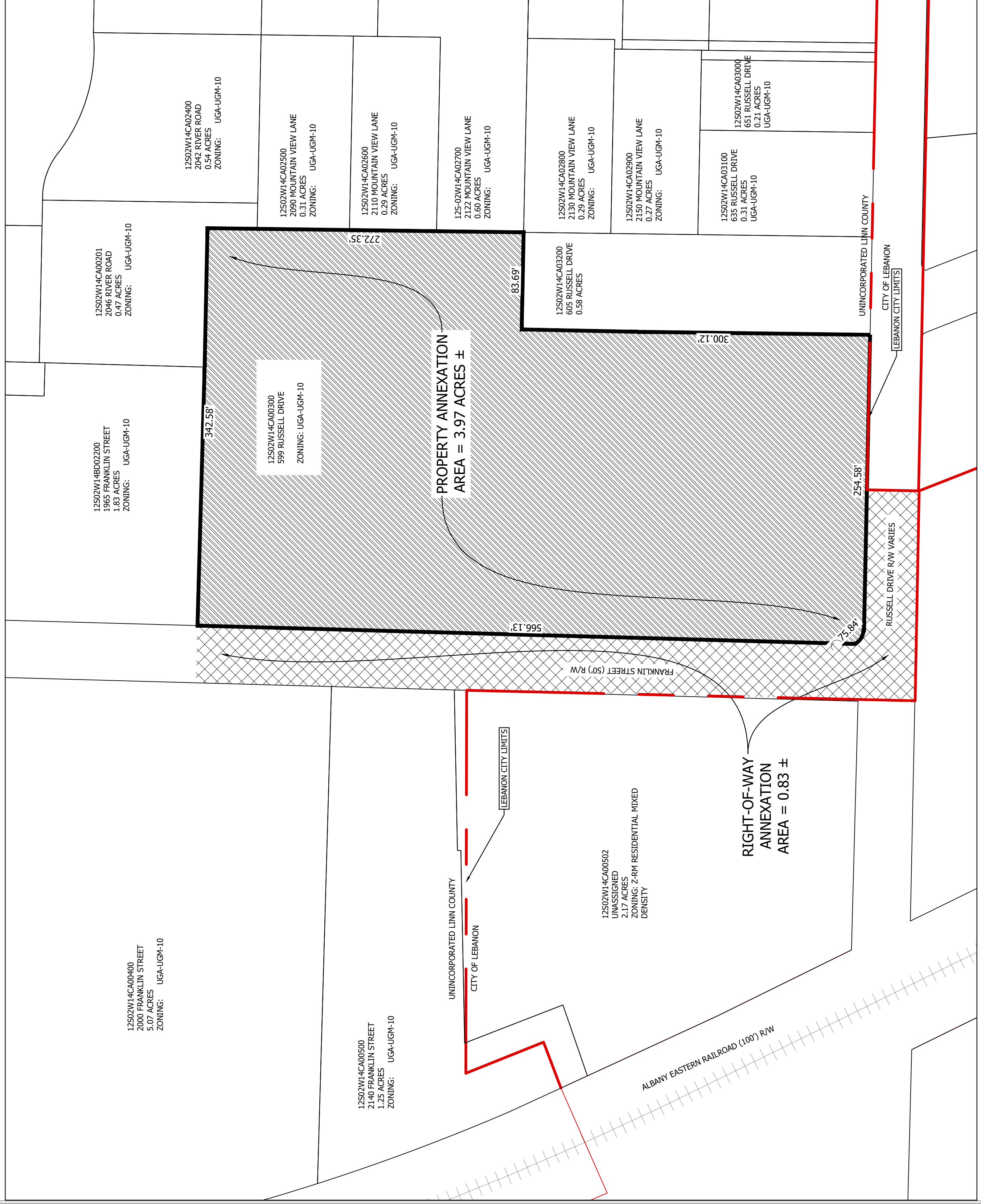
OWNER: STEVEN KIRKELIE  
MAP/TAX LOT: 12502W14CA00300  
ADDRESS: 599 RUSSELL DRIVE, LEBANON, OR 97355

**LEGEND**

- AC
- (E) EXISTING
- (S) PROPOSED
- R/W RIGHT OF WAY
- EXISTING CITY LIMITS

RIGHT-OF-WAY  
ANNEXATION  
AREA = 0.83 ±

PROPERTY ANNEXATION  
AREA = 3.97 ACRES ±



**U dell**  
ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON  
97355  
PH. (541) 451-5125  
FAX (541) 451-1366  
20-276 KIRKELIE LEBANON ANNEX

# Agenda Item 2

# Agenda Item 3



## Legal

John Kennedy, City Attorney

### MEMORANDUM

01/16/2021 **To:** City Council **Date:**

**From:** John Kennedy, City Attorney

**Subject:** Expansion of Alcohol Impact Enhanced Enforcement Area (“AIEEA”)

The AIEEA has been an important and effective tool in decreasing crime and police-involved matters in the downtown area. LMC 9.18.030 provides the City Council the authority to designate an enhanced enforcement area:

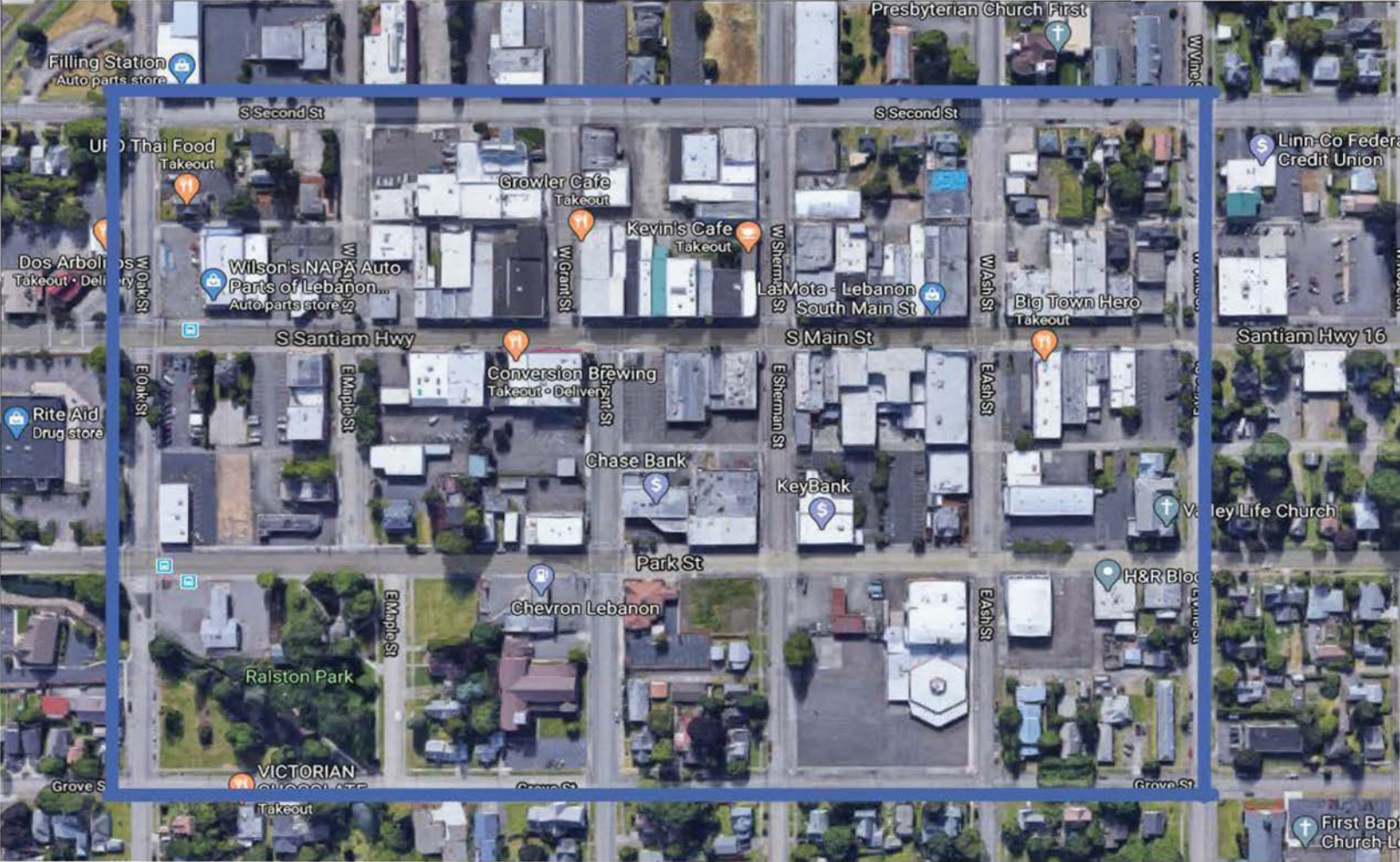
- A. The city council, by ordinance, may designate a geographic area of the city as an AIEEA if the council determines that the area has been either identified as a high crime area or determined to be of importance as an area of special historic, business, economic, or other interest to the citizens of Lebanon and/or an area with a history of alcohol related criminal activity.
- B. Designation of these areas will:
  - 1. Lower citizen victimization, chronic nuisance activity, or discourage criminal activity, reduce alcohol related crime, and
  - 2. Increase public safety and awareness within the area.

Both the City Attorney’s Office and the Chief of Police have recognized an increase in the number of complaints, crimes and alcohol related criminal activity in the area surrounding Grant Street. Expanding the AIEEA to include the area surrounding Grant Street will assist the Lebanon Police Department in dealing with these problems, and also aid this office in prosecuting the criminal activity.

The proposed ordinance would clean up and modernize the code section, and also expand the downtown AIEEA area to include Oak street on the South, and Grove Street on the East as defined by the map attached as “Exhibit A”. If passed, the area will be posted consistent with LMC 9.18.050.

A redlined copy of the complete proposed changes to this section is attached as “Exhibit B”.





Filling Station  
Auto parts store

Presbyterian Church First

S Second St

S Second St

Thai Food  
Takeout

Growler Cafe  
Takeout

Kevin's Cafe  
Takeout

Wilson's NAPA Auto  
Parts of Lebanon...  
Auto parts store

LaMota - Lebanon  
South Main St

Big Town Hero  
Takeout

Linn-Co Federal  
Credit Union

S Santiam Hwy

S Main St

Santiam Hwy 16

Conversion Brewing  
Takeout • Delivery

Chase Bank

KeyBank

Rite Aid  
Drug store

Valley Life Church

Park St

Chevron Lebanon

H&R Block

Ralston Park

VICTORIAN  
CHOCOLATE

Takeout

First Baptist  
Church

A BILL FOR AN ORDINANCE AMENDING ) ORDINANCE BILL NO. 2021- 03  
CHAPTER 9.18 OF THE LEBANON )  
MUNICIPAL CODE ALCOHOL IMPACT AND )  
ENHANCED ENFORCEMENT AREAS ) ORDINANCE NO. 2959  
)  
)

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

WHEREAS, LMC 9.18 establishes the Lebanon Alcohol Impact and Enhanced Enforcement Areas; 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 hereby finds that the "Downtown" Alcohol Impact Enhanced Enforcement Area should be expanded to include the area more specifically identified below; The Lebanon Police Department has, for years, received complaints of certain intoxicated or otherwise obstreperous individuals behaving repeatedly in a hazardous, offensive, or criminal manner in the Downtown and Lebanon Plaza Alcohol Impact and Enhanced Enforcements Area's; and

WHEREAS, the City Council finds that the Alcohol Impact Enhanced Enforcement Area's have been useful and effective in dealing with crime in the downtown and Lebanon Plaza area's and that it is important to the public safety and welfare of the City of Lebanon that the AIEEA be expanded.

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

**Chapter 9.18 is amended to read:**

**Chapter 9.18 - ALCOHOL IMPACT AND ENHANCED ENFORCEMENT AREAS**

The City Council finds and declares that:

A. Certain areas of the city appear to draw disproportionate numbers of lawbreakers and are the source of disproportionate numbers of complaints and requests for police response to deal with alcohol related issues of public drunkenness, lewd behavior, excessive noise and assaults.

[It is the intent of the City Council to protect discrete areas within the City, that are experiencing increased unlawful activity, against becoming an attraction for more such activity and to protect the public against health and welfare hazards posed by persons who](#)

are attracted to these areas for opportunities to engage in or to contact others to engage in unlawful activity.

B. The City Council finds that the following geographic areas within the City are particularly affected by unlawful behavior and/or are subject to a disproportionate number of incidents of the unlawful activities. Being able to remove ~~these people- offenders~~ from these areas for a period of time will give the police department and the lawful occupants of these areas a chance to "reclaim" their part of the city, will mitigate the number of offenses occurring in these areas, and will serve as an additional punishment for those who violate the law in these areas.

Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Oregon or federal constitution. However, a person engaged in such protected activity who commits acts that are not protected shall be subject to exclusion as provided by this section.

C. Being able to limit the number, or restrict the operating conditions, of liquor licenses within the AIEEA will reduce alcohol related criminal actions and allow non-alcohol dependent businesses and residents to operate without the negative impact often associated with alcohol related criminal activity.

- **9.18.020 - Definitions.**

For the purposes of this chapter, the following definitions will apply:

"AIEEA" means alcohol impact and enhanced enforcement areas.

"Alcohol impact and enhanced enforcement area" means the geographic areas designated as such by city council ordinance adopted pursuant to this chapter.

"Arrest" means to place a person under actual or constructive restraint, or to take a person into custody, for the purpose of charging that person with the commission of an offense.

"Cite" means to issue a citation to appear in court to a person for the commission of an offense.

"Enforcement officer" means a peace officer as defined by ORS 133.005, or any other person with authority to issue citations under Lebanon Municipal Code.

"Enumerated crime" means:

Harassment as defined in ORS 166.065.

~~Intimidation-Bias Crime~~ as defined in ORS 166.155-166.165.

Disorderly conduct or riot as in ORS 166.015-166.025.

Discharge of a weapon within city limits as defined in LMC 9.20.



~~Unnecessary-Unreasonable~~ noise as defined in LMC [8.10](#).

Drinking in public as defined in ORS 471 and 472.

Assault as defined in ORS 163.160-163.185.

Public Indecency as defined in ~~LMC 9.16~~ or ORS 163.465.

Trespass as defined in ORS 164.245-164.265.

Rape and sexual abuse as defined in ORS 163.355-163.427.

Criminal mischief as defined in ORS 164.345-164.365.

Prostitution or related offense as defined in ORS 167.007-167.017.

Providing liquor to a minor as defined in ORS 471.430.

Possession, delivery, or manufacture of a controlled substance as defined in ORS 167.203, ORS 475.005-475.285 or ORS 475.940-475.995.

[Offensive](#) Littering as defined in ORS 164.805.

Menacing as defined in ORS 163.190.

Arson or reckless burning as defined in ORS 164.315-164.335.

ORS Burglary, theft, or UEMV as defined in ORS 164.043-164.057, 164.215-164.235 or 164.272.

Alcohol licensee "serious and persistent problems," as defined in ORS 471.315.

Carrying a concealed weapon or firearms, destructive devices and related offenses as defined in LMC [9.20](#) or ORS 166.180, 166.190, 166.220, 166.240, 166.250, 166.270 or 166.272.

ORS Interfering with peace officer or obstructing governmental administration as defined in 162.235-166.245.

DUII as defined in ORS 813.010.

Any "~~attempt~~-~~to commit~~" as defined in ORS 161.405, or ~~criminal~~ conspiracy ~~to commit~~ as defined in ~~ORS~~ 161.450 of any of the above-enumerated offenses.

"Hearings officer" means the Lebanon Municipal Judge [in their](#) capacity to review civil penalties imposed under this chapter.

~~"Identified violation" means:~~

~~1. MIP alcohol as defined in ORS 471.430.~~

~~2. Possession drug paraphernalia as defined in LMC 5.20.~~

~~3. PCS less than one ounce marijuana as defined in ORS 475.992.~~

"OLCC" means the Oregon Liquor Control Commission.

"Pedestrian public ways" means any sidewalk, plaza, alley, parking structure or parking area, or other way designated and regularly used for pedestrian travel, any planter strip or landscaped area located adjacent to or contained within such streets, plazas, alleys, or other ways, and includes that portion of public rights-of-way used for the parking of vehicles, but does not include that portion of public rights-of-way regularly and traditionally used for vehicular travel.

"Public premise" means any city property or other premise under the control or authority of the city of Lebanon or one of its subdivisions.

"Street" means any public right-of-way or alley designated or regularly and traditionally used for vehicular travel.

"Travel" means movement by foot, vehicle, or other conveyance on a public premise, pedestrian public way, or street, from one point to another, without delay other than to obey traffic control devices.

• **9.18.030 - Authority to designate enhanced enforcement areas.**

A. The city council, by ordinance, may designate ~~a geographic areas~~ of the city as an AIEEA if the council determines that the area has been either identified as a high crime area or determined to be of importance as an area of special historic, business, economic, or other interest to the citizens of Lebanon and/or an area with a history of alcohol related criminal activity.

B. Designation of these areas will:

1. Increase public safety and awareness within the area.
2. Lower citizen victimization, chronic nuisance activity, ~~or~~ discourage criminal activity, ~~or~~ reduce alcohol related crime; and

• **9.18.035 - ~~Downtown a~~Alcohol ~~and~~ impact ~~and~~ enhanced enforcement area—Established.**

A. ~~The~~A downtown alcohol ~~and~~ impact ~~and~~ enhanced enforcement area is established.

~~1.B.~~ The boundaries of the downtown ~~AIEEA enhanced enforcement area~~ shall be Vine Street on the North, ~~Maple Oak~~ Street on the South, ~~Park Grove~~ Street on the East

and 2nd Street on the West; ~~the boundaries shall also include that area commonly referred to as the "Lebanon Plaza."~~ Both areas are included on the map attached to the ordinance from which this section derives as Exhibit A.

~~B. The Lebanon Plaza Alcohol impact and enhanced enforcement area AIEEA is established.~~

~~1. The boundaries shall include that area commonly referred to as the "Lebanon Plaza."~~

~~C. A map of the "Downtown AIEEA" and "Lebanon Plaza AIEEA" is attached as Exhibit A on the ordinance from which this section derives and is available for view on the City website, or at the City Recorder's Office during normal business hours.~~

~~Editor's note—Exhibit A is available at the City Clerk's Office during normal business hours.~~

- **9.18.040 - Enactment of ordinances directed at specific areas.**

In addition to the general conditions associated with this chapter, the city council, upon designation of an enhanced enforcement area, may enact ordinances to address issues of specific importance to the area designated, such as special ordinances to:

- A. Increase citizen safety;
- B. Reduce identified nuisances; or
- C. Limit certain problem behaviors within the area.

- **9.18.050 - Posting of areas.**

Any AIEEA shall be posted at the intersection of each street (not including alleys) with the border of the area.

- **9.18.060 - Civil exclusion/time periods.**

A. Any person cited by an enforcement officer for two city ordinance violations, excluding minor traffic or parking violations, within any one year period of time within an AIEEA shall be prohibited from being present on public premises, pedestrian public ways, or streets within the area for any purpose other than one specified under [Section 9.18.090](#) (Exemptions), for a period of thirty days.

~~B. Any person cited or arrested by an enforcement officer for an identified violation within an enhanced enforcement area shall be prohibited from being on public premises, pedestrian public ways, or streets within the area for any purpose other than one specified under Section 9.18.090 (Exemptions), for a period of forty-five days.~~

B. Any person cited or arrested by an enforcement officer for an enumerated crime within an enhanced enforcement area shall be prohibited from being present on public premises, pedestrian public ways, or streets within the area for any purpose other than one specified under [Section 9.18.090](#) (Exemptions), for a period of ninety days.

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C. Any OLCC licensee whose patrons are cited for three or more city ordinance violations, excluding minor traffic or parking violations, within any one year period of time within an AIEEA shall receive a city recommendation to "deny" renewal of his/her OLCC license at its next renewal and/or shall have its operations restricted by the Lebanon city council.

- **9.18.070 - Civil exclusion/notice.**

An enforcement officer or police officer shall be authorized to issue AIEEA exclusion notices. [Written notice shall be given to any person excluded from an AIEEA zone. The notice shall specify the area which the person is excluded, the length of exclusion, the offense\(s\) the person is accused of violating, and a description of the offending conduct. Warning of consequences for failure to comply shall be prominently displayed on the notice. The notice shall inform the excluded person of the right to appeal to the municipal court, and shall include information on the time limit to file an appeal and place to deliver the appeal. Unless otherwise provided in the exclusion notice, the term of exclusion shall take effect upon issuance.](#)

~~exclusion or restriction notice shall be issued by an enforcement officer or police officer and shall be served upon the person cited or arrested for the commission of the identified violation or enumerated criminal offense.~~ In the case of city ordinance violations resulting in exclusion or other restriction, the notice shall be personally served or, after reasonable attempts for personal service have failed to personally serve the person for whom the notice of exclusion is issued, the notice may be sent by mail to the residence address of the involved party. ~~The notice shall be in writing, shall specify the offense or offenses upon which the notice is based, the geographical extent of the exclusion, dates of exclusion, exemptions, and the procedure for filing an appeal. The period of exclusion shall commence at the time of service of the notice or, if the notice is mailed, the period of exclusion shall commence at the time of the mailing of the notice.~~

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- **9.18.080 - Civil exclusion/aggregating time periods.**

Any person or business who is issued an additional notice within one hundred eighty ~~(180)~~ days of the expiration of any prior notice shall have an additional one hundred ~~eighty~~ [dayeighty \(180\) day](#) period of exclusion added onto the period of the additional exclusion/restriction notice.

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Any person cited or arrested under [Section 9.18.100](#) (Criminal Trespass in an AIEEA) shall be issued an additional one year exclusion to take effect on the expiration date of any current exclusion notice.

• **9.18.090 - Exemptions from exclusion.**

Notwithstanding [Section 9.18.070](#) (Civil Exclusions), a person to whom an exclusion notice has been issued may be present on public premises, pedestrian public ways, or streets within an enhanced enforcement area for the following purposes:

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A. To travel to and from a scheduled meeting with an attorney or criminal justice personnel within the enhanced enforcement area; to and from obligations performed in compliance with an order of the court or a criminal justice agency within the enhanced enforcement area; and to or from an administrative or judicial hearing to which the person is a party within the enhanced enforcement area;

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B. To travel to and from a public or private establishment located in the enhanced enforcement area to obtain goods or services not otherwise reasonably available outside the area to satisfy essential needs of the person. As used in this paragraph, "essential needs" means food, physical care, or medical attention;

C. To travel to and from the person's place of employment within the enhanced enforcement area;

D. To travel to and from a government agency, private nonprofit corporation, or treatment provider within the enhanced enforcement area to obtain social services, counseling, or treatment needed for the health or well-being of the person in association with chemical dependency or mental health;

E. To travel to and from an educational facility within the enhanced enforcement area to enroll as a student or attend scheduled classes;

F. To travel to and from an educational or day care facility within the enhanced enforcement area for purposes of meetings or dropping-off or picking-up minor children over whom the person has legal custody or guardianship;

G. To travel to and from a religious institution within the enhanced enforcement area for the purposes of exercising the person's right to worship;

H. To travel to and from the person's permanent residence within the enhanced enforcement area, or to travel to and from a residence of an immediate family member within the enhanced enforcement area. For purposes of this section, "immediate family" means the person's parents, in-laws, step parents, siblings, grandparents, children or grandchildren.

A person to whom an exclusion notice has been lawfully issued and who is present on a public premise, pedestrian public way, or street pursuant to this section shall travel by the most

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direct/shortest route to and from the locations specified in this section, and, if stopped by an enforcement officer, has the burden to demonstrate, by clear and convincing evidence, that the person is traveling to or from one of the locations for purposes specified in this section.

- **9.18.100 - Criminal trespass in an enhanced enforcement area—Violation.**

A. Any person to whom a notice of exclusion has been issued and who knowingly enters or remains in an AIEEA while under the period of exclusion is guilty of a violation of this chapter for criminal trespass in an enhanced enforcement area.

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B. A violation of this section is punishable, upon conviction, by a fine of not more than five hundred dollars for each and every incident or by imprisonment for a period not to exceed thirty days or both.

C. Any OLCC licensee who knowingly fails to observe operational restrictions put in place by the Lebanon city council as provided in this chapter is guilty of a violation of this section.

D. Any OLCC licensee who knowingly allows any person, to whom a notice of exclusion has been issued, to enter into and/or remain in the licensee's business premises may be cited under the terms of this chapter.

- **9.18.110 - Appeals.**

A. A person to whom an exclusion notice, or extension thereof, has been issued may appeal the notice or extension by filing a written request with the city recorder, within five business days after service of the notice of exclusion, setting forth the name and address of the appellant and the appellant's reasons why ~~they~~ ~~he~~ believes that the notice or extension should be rescinded. Failure to file an appeal within this five-day period shall be a waiver of all rights to review the issuance and validity of the notice of exclusion or extension, and the hearings officer shall dismiss any appeal filed outside of this time frame. The name and address set forth in the request shall be deemed conclusively correct, and mailing to the person at that address, by first class mail, shall be deemed delivery three days after the date of mailing. Failure of the person to actually receive a notice of hearing or the hearings officer's decision if mailed to the address set forth in the request shall not in any way invalidate or otherwise effect the validity of any notice or decision.

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B. If a request for an appeal is filed, the notice or extension shall be subject to a stay until such time as a hearings officer has issued a final decision upholding or rescinding the notice.

C. The request shall be accompanied by an appeal fee, in an amount established by resolution of the city council. Except as provided in subsection G of this section, the appeal fee is not refundable.

D. Unless the appellant and the city agree to a longer period, a hearings officer shall hear an appeal within ten days of the filing of the request. At least five days prior to the hearing, the city shall mail notice of the time and location of the hearing to the appellant at the address set forth on the request.

E. The hearings officer shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the hearings officer deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The city has the burden of proof to demonstrate, by a preponderance of the evidence, that the issuance or extension of the exclusion notice is based upon probable cause that the appellant committed a criminal act or other requisite offense in an enhanced enforcement area. The formal rules of evidence under the Oregon Evidence Code shall not apply.

F. The hearings officer shall issue a written decision within five business days of the hearing date. A copy of the decision shall be mailed to the person's address as set forth on the request, and shall be deemed effective upon actual receipt, or three days after mailing, whichever is sooner. If upheld, the period of exclusion shall commence immediately upon the effective date of the decision.

G. The decision of the hearings officer is final, and may include a determination that the appeal fee be refunded to the appellant upon a finding that the issuance of the exclusion notice or extension thereof was not grounded in law or fact.

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Passed by the Lebanon City Council and executed by the Mayor on this 13th day of January 2021 by a vote of \_\_\_ yeas and \_\_\_ nays.

CITY OF LEBANON, OREGON

\_\_\_\_\_  
Paul R. Aziz, Mayor   
Jason Bolen, Council President

ATTESTED BY:

\_\_\_\_\_  
Kim Scheafer, MMC, City Recorder

# Agenda Item 4



# Is Illegal Camping Illegal?

- **MARTIN V. THE CITY OF BOISE**
- **BLAKE VS. THE CITY OF GRANTS PASS**



# MARTIN VS THE CITY OF BOISE

## Boise Ordinance:

- **Camping Ordinance:** Ban's the use of “any of the streets, sidewalks, parks, or public places as a camping place at any time.”
  - Camping defined as “the use of public property as a temporary or permanent place of dwelling, lodging, or residence.”
- **Disorderly Conduct Ordinance:** bans “occupying, lodging, or sleeping in any building, structure, or public place, whether public or private... without the permission of the owner or person entitled or in control thereof”.
- **Criminal Offense:** possible jail sentence.

## 9<sup>th</sup> Circuit Federal Court:

“as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.”



# MARTIN VS THE CITY OF BOISE

- **Ruling:** An ordinance violates the Eighth Amendment's prohibition on cruel and unusual punishment, if it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them. (2018)
- **Martin Does:**
  - Forbid criminal punishment of individuals sleeping in an outside public area, when there are no other reasonable alternatives available.
  - Can't criminalize the "status" of being homeless.
  - Martin is interpreted narrowly and was an "as applied" decision.
- **Martin Does Not:**
  - Establish a "right to Camp".
  - Allow people to choose when, where, how they rest in public.
  - Require City's to establish or offer shelter.
- **Supreme Court denied review December 2019**

# BLAKE VS. THE CITY OF GRANTS PASS

## Grants Pass

- Ordinances imposed heavy fines for camping in public.
- Blake owed total fines to the city of about \$5,000.
- City Council President “the point is to make it uncomfortable enough for them in our city so they will want to move on down the road.”

## 9<sup>th</sup> Circuit Federal Court:

- Sleeping on the streets is “an unavoidable consequence of being homeless” and a city cannot restrict that activity unless it offers an “alternative sleeping space.”
- “Grants Pass ignores the basic life sustaining need to keep warm and dry while sleeping in order to survive the elements... Under the Grants Pass ordinances, if a homeless person sleeps on public property with so much as a flattened cardboard box to separate himself from the wet cold ground, he risks being punished under the anti-camping ordinance.”
- Minimal measures necessary to protect from the elements.

# BLAKE VS. THE CITY OF GRANTS PASS

- **Ruling:** An ordinance violates the Eighth Amendment by imposing fines against individuals for sleeping outdoors on public property, and by excluding individuals from the park without proper due process. (2020)
- **Blake Does:**
  - Broaden the Boise ruling to include civil violations and punitive fines.
  - Establishes that there are basic minimal measures a person must take in order to keep warm and dry while trying to survive the elements.
  - Imposes a due process right for Park Exclusions.
- **Blake Does Not:**
  - Require a City to provide sufficient shelter.
  - Establish a right to camp at any time or at any place.
  - Limit the City's ability to enforce public health and safety laws such as littering, public urination, obstruction of roadways, harassment and others.
- **Currently Pending Appeal.**



# RV There Yet?

## Parking Ordinance vs. Camping Ordinance



# LEBANON'S CURRENT ORDINANCE

## 12.12.040 - Camping.

- A. No person shall, within any city park or recreation area, or other public space or way, camp with or without a tent, trailer, motor vehicle, truck-mounted camper or motor home except in specifically designated areas. In such specifically designated areas, stays shall be limited to ten days in any four-week period. A "day" is defined as a twenty-four-hour period, including day and night. An extension may be granted by special permission of the director of public works or his/her designee. In specifically designated camping areas a daily camping fee shall be charged for the privilege of using said area and to recover costs for the city. This fee shall be established by resolution of the city council. Stays other than day use during the winter season shall be restricted to recreational vehicles that are self-contained. "Self-contained" means any vehicle that has manufactured-installed toilet facilities. All other camping is prohibited during the winter season. The winter season shall be defined by the director of public works and generally will extend from mid-October to mid-April.
- B. As used in this section, the following definitions apply:
1. To Camp" means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.
  2. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- C. The violation of this section is punishable, upon conviction, by a fine of not more than five hundred dollars or by imprisonment for a period not to exceed thirty days or both.

# What Other Cities are Doing.

- ▶ **Medford:** Developed Urban Campground. Five rows of small green tents (25 total) are lined up under individual canopies. The wood-chip covered ground is about half the size of a football field, surrounded by an eight-foot chain-link fence covered in opaque black mesh. Four portapotties, two sinks and a 250-gallon water tank sit in the corner. It's modest and clean.



Referrals are needed for admittance.

Many of the resources at the campground are donations from various community organizations, like a charging station to plug into phones that was donated by the city. Little Caesar's also donates pizza seven days a week. Residents can sign up for a ride to a local Christian fellowship where they can take showers and do laundry.

Other Resources available:

Housing Services  
Veteran Services

Drug and Alcohol Counseling  
Document Assistance

Mental Health Services



# What Other Cities are Doing: Tiny Villages

Medford: Hope Village

Grants Pass: Foundry Village

Tiny Houses:

- Transitional program with a goal of establishing long term employment and housing.
- Daily chores and responsibilities to keep community clean.
- Community garden
- Creates sense of community.

Transitional program:

Case managers work with each individual to develop action plans to establish self sufficiency.

Not free: Monthly program fee that increases over time.



# What Other Cities are Doing - Simply Update the Ordinance

**Pendleton:** Public Parks close at 10 pm. People may not sleep in the right-of-way, including sidewalks, driveways and doorway entrances. Sleeping is permitted, including inside a tent, on other public property from 10 p.m. to 6 a.m. the next day, but a temporary campsite may not be established. Sleepers must pack up their belongings, clean up and vacate their sleeping spot by 6 a.m.

The ordinance complies with federal law by affirming the right of the homeless to rest and provides guidance on when and where that might take place. It is a tool that police can use to enforce the law and it provides a reasonable right of appeal before legal action would take effect.

It will require an effort from the community as a whole to address not only where the homeless rest, but to address the services, from the public and private sectors, which will be provided to the homeless. The city continues to engage in partnerships and discussions about dealing with homelessness, and community partners are vital to this effort.

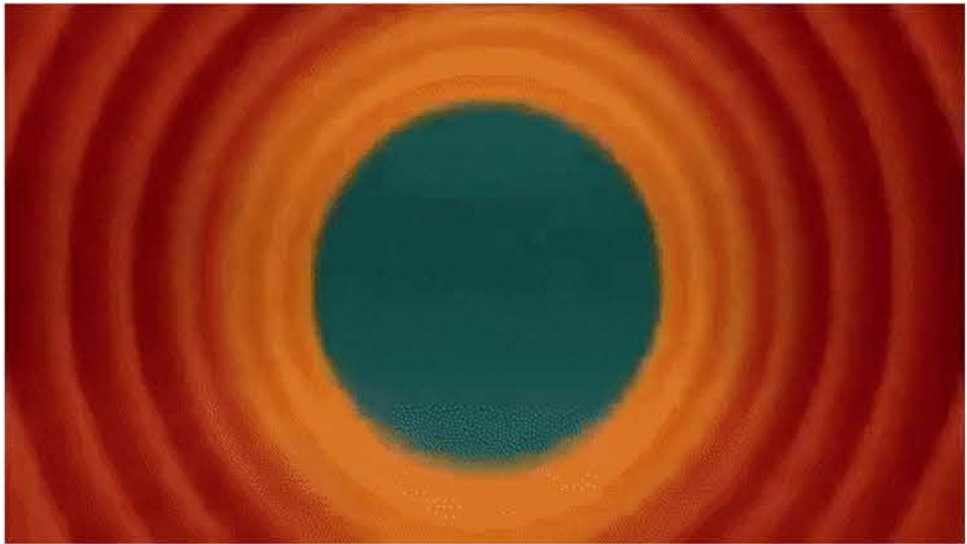
# Proposed Legislation?

- ▶ House Bill 4001 – Declares Homelessness a State of Emergency
  - Proposes to allocate \$40 to \$60 million to create new shelters and public hygiene centers.
  - Bill would distribute money to local governments through competitive grants.
  - State of emergency would allow a bypass of zoning restrictions.
  - Requires local governments to waive land-use and zoning restrictions that would normally prevent shelters. This provision includes a sunset clause, currently set to expire July 2021.
  - Provides one time money to help shelters get started. No further costs for ongoing operation.
- Unanimous support from House Rules committee but no vote due to Republican walkout.
- Current status: At Desk upon adjournment.
- Bill also faced budgetary competition from wild fire prevention.
- Concerns from local governments about the creation of “centralized, rural low-income zones.”

# ESTABLISHING AN ALTERNATIVE?







# Agenda Item 5



# MEMORANDUM

*City Administrator's Office*

To: Mayor Aziz and City Council  
From: Nancy Brewer, Interim City Manager  
Subject: City Councilor Vacancy

Date: December 29, 2020

## I. INTRODUCTION

Councilor Karin Stauder (Ward 2) has submitted her resignation from the Council, tentatively effective at the end of the March 10, 2021 meeting (Attachment A). Council will need to select a replacement.

## II. CURRENT REPORT

Section 34 of the City's Charter requires the majority of the Council to appoint a replacement Councilor to complete the term of the resigning Councilor, which for Stauder is December 31, 2022. In the last decade there have been two mid-term Council vacancies. One in 2011 and the second in 2014. The two processes to select a replacement Councilor have been slightly different.

- The Council passed a resolution declaring a vacancy (2011).
- Staff advertised the vacancy (2011 and 2014).
- In 2011 an interview panel of the Mayor and two City Councilors conducted interviews of applicants and made a recommendation to the full Council. In 2014 all Councilors interviewed candidates in open session.
- Councilors submitted up to five potential interview questions to the City Recorder (2014).

## III. RECOMMENDATION

There is an outline of the recommended process with estimated due dates included as Attachment E.

There is at least one individual who has already expressed interest in the position.

Attachments:

Resolution declaring a Council vacancy.

- A. Councilor Stauder's resignation letter.
- B. Draft press release announcing the vacancy.
- C. Interview questions used in 2014.
- D. Current Board/Commission application form
- E. Outline of a process with tentative due dates.



A RESOLUTION AUTHORIZING THE CITY OF ) RESOLUTION NO. 2021- 01  
LEBANON TO DECLARE VACANT THE WARD )  
2 CITY COUNCIL SEAT HELD BY COUNCILOR )  
KARIN STAUDER )

**WHEREAS**, Chapter VII, Section 33 of the Charter of the City of Lebanon requires that an elected office shall be deemed vacant upon the incumbent's resignation; and

**WHEREAS**, City Councilor Karin Stauder submitted a letter of resignation on December 21, 2020 with a tentative effective date of March 10, 2021; and

**WHEREAS**, City Councilor Karin Stauder's term does not expire until December 31, 2022.

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

**Section 1.** The City Council seat of Karin Stauder, Ward 2, is hereby declared vacant effective March 11, 2021 and shall be filled through appointment by a majority of the incumbent members of the Council.

**Section 2.** This resolution shall be effective immediately upon passage.

Passed by the Lebanon City Council and Approved by the Mayor on the 13th day of January 2021 by a vote of \_\_\_\_ in favor and \_\_\_\_ against.

\_\_\_\_\_  
Paul R. Aziz, Mayor   
Jason Bolen, Council President

Attested:

\_\_\_\_\_  
Kim Scheafer, MMC, City Recorder

To: Mayor Paul Aziz, and City Manager Nancy Brewer  
From: Karin Stauder, City Councilor Ward 2  
Re: Letter of Resignation  
Date: December 21, 2020

It is with great regret that I am writing to inform you of my need to resign my position as City Councilor of Ward 2, tentatively effective March 10, 2021.

My partner and I are moving out of the area and I will no longer meet the resident requirement of serving as a Councilor for the City of Lebanon.

Thank you, Mayor, for all the support you have given me during my tenure. I would also like to thank each of my fellow council members. It has been a pleasure and an honor to work with each of you (and Mayor). I am proud of what we have accomplished over the past years. We all worked cohesively as a team with only the best interests of our City and the citizens of Lebanon in mind. I have no doubt you all will continue to put the needs of our community first. Interim City Manager Brewer, I know we have not had an opportunity to work together here in Lebanon long, but I was extremely fortunate to work with you in Corvallis. Your leadership skills are exceptional, and I know the City of Lebanon is in great hands.

Additionally, I would like to thank each of the City Directors; Kelly Hart, Ron Whitlatch, Jason Williams, Matt Apken, Kendra Antilla, Angela Solesbee, Brent Hurst, and Kindra Oliver, the City Recorder, Kim Scheafer and the Chief of Police, Frank Stevenson. You all do such an amazing job. When I first came on board you all welcomed me to the team and brought me up to speed by meeting with me and educating me of what each of your departments are responsible for.

CC: City Council Members  
Department Directors

925 S. Main Street  
Lebanon Oregon 97355

TEL: 541.258.4900  
www.ci.lebanon.or.us

# DRAFT



## PRESS RELEASE

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Contact: Kim Scheafer, MMC, City Recorder  
Phone: 541.258.4264  
Email: [kscheafer@ci.lebanon.or.us](mailto:kscheafer@ci.lebanon.or.us)

FOR IMMEDIATE RELEASE

Date: January 14, 2021

### VACANCY ON LEBANON CITY COUNCIL

The Lebanon City Council invites interested persons to apply for a vacant position on the Lebanon City Council – Ward 2. The position should be filled by a qualified elector who resides within the boundaries of Ward 2. To qualify, applicants must be a registered voter, have lived in the City of Lebanon continuously for a minimum of six months prior to appointment, and may not be an immediate family member of an already seated elected official or City staff member.

Ward 2 can be generally described as the north east of the City. The City's official ward map can be viewed on the City's website at <https://www.ci.lebanon.or.us/citycouncil/page/city-ward-map>.

The term of this position ends December 31, 2022 and would be eligible for election in November of 2022 to a four-year term.

The City Council functions as the governing body of the City of Lebanon. Thereby establishing city ordinances and resolutions, adopting the city budget, and is the final authority for city business. The City Council normally meets monthly at 6:00 p.m. on the 2<sup>nd</sup> Wednesday and at noon on the fourth Wednesday, if needed. Councilors on occasion are asked to attend special meetings and events.

A completed Board/Committee/Commission/Council Application can be mailed or delivered to the City Recorder's Office, Lebanon City Hall, 925 Main Street, Lebanon, Oregon 97355 or send via email to [cityrecorder@ci.lebanon.or.us](mailto:cityrecorder@ci.lebanon.or.us). The application is located on the City's website at [https://www.ci.lebanon.or.us/sites/default/files/fileattachments/committees\\_amp\\_commissions/page/908/board-committee-commission\\_application\\_fillable\\_-\\_website.pdf](https://www.ci.lebanon.or.us/sites/default/files/fileattachments/committees_amp_commissions/page/908/board-committee-commission_application_fillable_-_website.pdf) or may be picked up at City Hall. The completed application must be received by 5 p.m. on xxxxxx. Each applicant will be interviewed by the Lebanon City Council with the finalist being sworn in at the xxxxxx City Council Meeting.

Contact City Recorder Kim Scheafer at 541-258-4264 or [kscheafer@ci.lebanon.or.us](mailto:kscheafer@ci.lebanon.or.us) for further information.

-END-





City Recorder's Office  
 925 S. Main Street  
 Lebanon, OR 97355  
 541.258.4905  
[kscheafer@ci.lebanon.or.us](mailto:kscheafer@ci.lebanon.or.us)  
[www.ci.lebanon.or.us](http://www.ci.lebanon.or.us)

## APPLICATION FOR BOARD / COMMITTEE / COMMISSION / COUNCIL

**Applicant Information (Please type/print clearly):**

Name:		Date:
Home Address:		
Mailing Address:		
Home Phone:	Email:	Business Phone:
Occupation:	Employer:	Emergency Contact Phone:
Preferred method of contact: <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input type="checkbox"/> Email		
Please mark which one you are interested in serving on:		
<input type="checkbox"/> <i>Ad Hoc Committee</i> _____ <small>(Print the Ad Hoc Committee Name)</small>		<input type="checkbox"/> <i>Non-Election Council Vacancy</i>
<input type="checkbox"/> <i>Arts Commission</i>	<input type="checkbox"/> <i>Budget Committee</i> <small>(Must be Registered Voter)</small>	<input type="checkbox"/> <i>Library Advisory Committee</i>
<input type="checkbox"/> <i>Planning Commission</i>	<input type="checkbox"/> <i>Senior &amp; Disabled Services Advisory Committee</i>	<input type="checkbox"/> <i>Trees &amp; Trails Advisory Committee</i>
Are you applying for reappointment: <input type="checkbox"/> Yes <input type="checkbox"/> No    If so, how long did you serve in this capacity: ____ Year(s) ____ Month(s)		
Describe experience <b>related</b> to position applying for:		
List current and/or previous involvement on any government boards/committees/commissions/councils:		
Explain why you are interested in serving in this capacity (attach additional sheet if needed):		

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

<p style="text-align: center;">DATE SENT TO:</p> <p>Director: ____ / ____ / ____      Mayor: ____ / ____ / ____</p> <p>Applicant Appointed:    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	<p>City Council Appointment      ____ / ____ / ____</p> <p>Date: Applicant Notification      ____ / ____ / ____</p> <p>Term End Date:      ____ / ____ / ____</p>
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**(DRAFT) Schedule of Events  
City Council (Ward 2) Appointment**

Attachment E

✓	DATE	EVENT	RESPONSIBLE FOR	COMMENTS
✓	January 13	Provide Examples of Interview Questions to Council	City Recorder	<i>Distributed at 1/13 Council Meeting</i>
	January 14	Publish Press Release	City Recorder	
	February 12	Deadline for Council to Submit Interview Questions to City Recorder	City Council	
	<b>February 12 (5:00 p.m.)</b>	Deadline for Candidates to Submit Their Application to City Recorder	Interested Candidates	
	February 16	Compile and Submit Interview Questions Received from Council to the Mayor for Final Review	City Recorder	
	February 23	Deadline to Verify Candidate Requirements (Linn Co. Elections)	City Recorder	
	February 23	Submit Final Interview Questions to City Recorder for Candidate Interviews	Mayor	
	March 4	Publish Council Packet Which Contains Candidate Applications	City Recorder	
	March 10	Electronic City Council Meeting – Candidate Interviews ( <i>in the order applications were received</i> )	Mayor/Council	<i>Councilor Stauder's Last Meeting</i>
		City Council Deliberations and Decision	Mayor/Council	
	March 11	Mayor Notifies Candidates of Council's Decision	Mayor	
	April 14	Council Meeting (Tentative at Travel Station) – Candidate is Sworn In	City Recorder gives Oath of Office	

# Agenda Item 6



# CITY MANAGER'S REPORT

Reporting period: December 2020

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

- The community has had impressive response from staff on several issues in December:
  - Finance worked with Central Willamette Credit Union to provide financial assistance to community members with COVID impacts with past due utility bills.
  - The Economic Development Catalyst and Community Development Director expedited a program to provide businesses impacted by the “Extreme Risk” category of complete closures with \$5,000 grants. The Finance Department assisted by setting up 37 new vendors and issuing checks. All this was done in about 2.5 weeks.
  - Staff at the Wastewater Treatment Plant managed a 17.7 MGD flow during early December rainstorms, with no overflows. This is amazing progress in a few short months since the City took over operations of the plant, and began the arduous work of repairing, replacing, and upgrading failing systems.

There is more information about these work efforts in the respective Department summaries, but all three show significant levels of effort to serve the community as quickly as possible, and with limited bureaucracy. I am proud of the staff members who have advanced these initiatives.

## B. HUMAN RESOURCES – Angela Solesbee, HR Director

- Recruitment:
  - IT Administrative Analyst (external posting)
    - Interviews canceled. Revisiting in next few months
  - Maintenance Worker – Water (external posting)
    - Closed. Scott Patten hired 12/28/2021
  - Police Officer
    - Closed. Tyler Romeo hired 1/4/2021
- Benefits:
- Classification and Compensation:
  - Market reviews on AFSCME positions will be completed by 1/31/2021
  - Review of part time employee pay practices will be completed by 1/31/2021
- Training and Development:
  - December all employee training – Valuing Diversity
  - January all employee training – Fire Extinguisher Training
  - First 2 policies (Holiday and Bereavement) approved and pending review by all employees. Policies are effective 1/1/21
  - Management training series is in development with a projected start date of 2/1/2021
- Performance Management:
  - Project – get performance evaluations to 100%, began in May 2020. Since then:
    - 27 employees (AFSCME and Non-union) have had a performance evaluation since May 2020
    - 14 evaluations are currently past due.
  - 100% of evaluations are past due for Teamsters (project to get this current will begin in February).

THE CITY THAT FRIENDLINESS BUILT



- Other HR Items:
  - Employee personnel and medical files have been scanned for on-line access (completed).

## II. LEGISLATIVE / CITY RECORDER – Kim Scheafer, MMC, City Recorder

- **City Council Meetings:** Regular Session January 13, 2021
- **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, meeting minutes, public records requests, 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).
  - The City Recorder transferred all the City's permanent election records into ORMS during the month of December.
  - The Deputy City Recorder completed transfer of City agreements into ORMS.
- **Training:**
  - The Deputy City Recorder attended a virtual seminar – Meeting Minutes in Robert's Rules.
- **Public Records Requests:** No public records requests were received since the last packet was published.
- **Liquor Licenses:** No liquor license applications have been received since the last packet was published.

## III. COMMUNITY DEVELOPMENT – Kelly Hart, Director

### A. Planning:

- 2020 Planning Applications – A Year in Review:
  - Total Applications Submitted: 52
  - Withdrawn Applications: 6 (one development was modified to no longer need a variance, Western University withdrew their development plan on Mullins Drive in favor of an existing building on South Santiam Hwy, one upon review was not needed to move forward with proposal, and three submitted applications for review, then decided to not move forward)
  - Annexations: 8 (1 Industrial Property, 6 Residential Properties, 1 City initiate for street segments)
  - Administrative Review Applications (Developments):
    - Residential: 235 units approved (6 townhomes, 1 ADU, 228 apartment units)
    - Commercial: 4 developments (preschool, ODVA building, Western U, expansion of Industrial Bldg. on Montessa Way)
  - Land Partitions: 12 applications
  - Conditional Use Permits: 2 (coffee cart and CoEnergy Propane)
  - Comprehensive Plan Map Amendments: 2 applications (Stoltz Hill Road, and Russell Dr/Franklin St)
  - In 2019 there were a total of 62 Planning Applications, 10 more than this year. However, there were larger development proposals in 2020 than in previous years. Over the past 5 years, the City has been averaging 54 permit submittals a year, so this year has been on par with the average activity, while also in the midst of a pandemic.
  - In February, year-end updates for Building will be provided.
- The Planning Commission held a meeting on December 16, 2020. The Planning Commission considered a proposed Annexation and Comprehensive Plan Map Amendment for the property at the northeast corner of Russell Drive and Franklin Street. The proposed Map amendment was to modify the designation from Low Density Residential to Mixed Density Residential to allow for greater variety in types of housing that could be developed on the site. The Planning Commission unanimously recommended the City Council approve the proposal. The Comprehensive Plan Map Amendment will be presented to the City Council on January 13, 2021. The Planning Commission also held the State required annual public meeting on Severe Rent Burden in our community and possible solutions. Representatives from Community Services Consortium and DevNW participated in the meeting. For information purposes, the PowerPoint Presentation from the evening has been included as an attachment.

- The January Planning Commission meeting will include two items.
- In December, five applications were approved administratively, including:
  - Administrative Review for an 11-unit apartment townhome project on Walker Road
  - Administrative Review to modify a previously approved project
  - Administrative Review for tenant improvements and University use (Western U) for the previous Old Town Furniture Store
  - Administrative Review for a Warehouse and Office Use for the Veterans' Home
  - Class I Variance to authorize a fence higher than 8 feet to enclose a basketball court within an apartment complex on 12<sup>th</sup> Street
- Staff is currently processing eight planning projects:
  - Admin Review for a four-unit development on Cooper Street (waiting for the applicant to respond to comments)
  - Annexation and Comprehensive Plan Map Amendment for the property at the northeast corner of Russell Drive and Franklin Street to annex and amend the land use designation from Residential Low Density to Residential Mixed Density (Application to be presented to the City Council in January 2021)
  - Minor Land Partition to divide a lot into two single-family lots for a property on Jadon Drive (application public comment period closes January 4<sup>th</sup>, Notice of Decision to be issued after)
  - Administrative Review to add an additional unit to a duplex property to create a triplex for the property on the northeast corner of E Street and 9<sup>th</sup>. (application public comment period closes January 4<sup>th</sup>, Notice of Decision to be issued after)
  - Subdivision application to create 21 lots on the new extension of Stoltz Hill Road, north of Airport Road (application tentatively scheduled for February Planning Commission)
  - Subdivision application for 27 lots for the second project of the development area on River Road, north of the Water Treatment Plant (application scheduled for the January Planning Commission meeting)
  - Annexation of a property on Hansard Ave. (application scheduled for January Planning Commission meeting, and February City Council meeting)
- Two DRT meetings were held during the month of December. Discussion included interest in development of an industrial site, development of a new restaurant, and development of a food pod.
- The Community Development Director is in the process of developing a Planning Commission calendar for 2021 to include a number of work sessions to discuss upcoming code changes to comply with state regulations, as well as provide additional training on public meeting laws, and different planning topics that have been of interest over the last year. Additional sessions will be planned to address the Planning Commission responsibilities as the historical preservation commission as well.
- HB 2001/2003 requirements: The State legislature passed two significant housing bills in 2019 which require action to be taken to modify the City's development code. These bills require modification to Accessory Dwelling Units, provide additional accommodations for duplexes, and ensure the code language is clear and objective. These new regulations need to be adopted by the City no later than June 30, 2021. As the code amendment process is initiated, staff will present to Council the state requirements and implications for the City of Lebanon.
- City staff from the City Manager's Office, Community Development, and Engineering worked with the Downtown Businesses to authorize outdoor dining with weather barriers and heating opportunities for seven different businesses. The permit was issued on December 22, 2020. Signs for parking stalls to be reserved for take-out were also ordered by the City and delivered to the Downtown Association on December 30, 2020. Conversion Brewing will be requesting use of Strawberry Plaza at the City Council meeting in January for outdoor dining purposes.

**B. Building:**

- The city processed 45 permits in November. Total fees received were \$19,103.69 and valuation of construction was \$1,328,766.48. By comparison, in November 2019, 28 permits were processed. Total fees received were \$8,602.78 and valuation of construction was \$466,721.23.
- A current list of the larger construction sites include:
  - Applegate Landing Apartments (Stoltz Hill Road and Airport Road)
  - Village Loop Apartments (Mill Race Development)

- Wassom Street Townhomes
- Riverside Banks Subdivision and Duplexes (Williams Street)
- Garden View Apartments (South Main Road)
- Cam Multifamily (12 Street & Leonard)
- Cascade Ridge Apartments (North 5th Street)
- Mill Race Multi-Use Building (Hwy 20, north of Reeves Pkwy)
- Gerig Industrial Building (Tennessee Road)
- Redbud Apartment Complex (Russell Drive)
- Urgent Care Building (Cooperative Way)
- Lane Manufacturing Building expansion (Montessa Way)

### C. Economic Development:

- **Biz Oregon and CDBG update:** The Economic Development Catalyst has been in contact with representatives from other rural communities in Linn County as well as Business Oregon to try and brainstorm ideas for Community Development Block Grant (CDBG) uses. There are still funds available at the state level and they have reached out seeking further creative ideas in response to COVID 19. After speaking with community members, a need was identified for Senior outreach regarding telehealth, internet access, isolation, access to programming, family and current events. It was proposed that a grant become available to loan iPads or other devices from the Senior Center and to provide low/no cost internet access to these Seniors. A conversation was had with Business Oregon representatives and it was determined that this is the type of project they would like to support. Lebanon was invited to submit a pre-application to start the process with formal application to follow, a public hearing will need to take place in February after the public announcement has been made to move forward. The City of Lebanon has entered into an agreement with Sequoia Consulting to write the pre-application and application when it is accepted.
- **Upcoming:** Business Oregon has announced new sums of money for the Community Development Block Grants (CDBG) for Small Business grants, Public Service Grants, and for Broadband. The City of Sweet Home applied on behalf of Linn County and was approved, once those funds are fully dispersed through Community Lending Works, Sweet Home or Linn County would be allowed to apply again and for a larger sum. The grants have grown in size and will continue to help small businesses.
- **The State of Oregon Funds:** The funds allocated by the state to be distributed by the counties allowed 1.6 million for Linn County. The Economic Development Catalyst assisted the Lebanon Chamber of Commerce to give feedback on the requirements of eligibility and the list of Lebanon businesses that would qualify. Then between the Chamber of Commerce, with assistance from the Downtown Association, all of the Lebanon businesses were contacted to be made aware of the \$5,000 grant. It later was announced that all of the businesses that received the initial \$5,000 grant were issued an additional \$5,000 grant.
- **City of Lebanon Grant and Downtown Dining Efforts:** After multiple conversations with the downtown restaurants and assessing their needs and wishes for what outdoor dining looked like it appeared that each business was going to have a unique need and funding request in order to make outdoor dining possible. In response to this the City of Lebanon decided to issue the same \$5,000 grant with eligibility requirements that the County set forth. The Economic Development Catalyst and Main Street Manager with the Downtown Association contacted all of the Lebanon businesses that were eligible (49 in total), from this list 37 applied and were approved for grants. In total, \$185,000 in CAREs Act funds were allocated to small businesses in the City limits of Lebanon that have been adversely affected by the most recent Governor's executive orders and county risk category. Additionally, the staff of the City of Lebanon approved a right of way permit for all businesses wishing to have additional sidewalk seating to increase outdoor dining as long as they adhere to all ADA and fire codes. Also, on behalf of the downtown dining establishments, "Dine Downtown, curbside to go" feather signs were purchased and distributed to all 14 restaurants/cafes in downtown.
- **Other meetings and initiatives:**
  - Business Oregon PPE Pre-Packaged Deliveries to Businesses: The Regional Development Officer for Linn County with Business Oregon reached out to regional partners to gauge the interest level of being able to assist with distribution of the PPE packages to Businesses. Currently the business can contact the Department of Administrative Services (DAS) directly, but Business Oregon is looking to make the process more efficient. The

Economic Development Catalyst replied by expressing interest in this program and helping to get PPE to small businesses. Further conversations were had with the Chamber of Commerce and the Lebanon Downtown Association to coordinate the distribution and tracking of the businesses that receive the PPE care packages. Supplies were ordered and Lebanon was successful in obtaining PPE. In total, the Economic Development Catalyst ordered 8,000 masks, 4,000 large and 4,000 medium gloves, over 5,000 packages of wipes, and 1,000 2-liter bottles of gel hand sanitizer. An email press release and information will be posted on websites and Facebook to inform businesses of the PPE Care package and how to pick up from either the Chamber or the Downtown Association.

- Virtually attending: Optimist, the Lebanon Museum Foundation Meetings, the monthly regional economic development practitioner meeting, Oregon Cascade West Council of Governments (OCWCOG) Certified Economic Development Strategy (CEDS) update monthly meetings.
- Lebanon Downtown Association (LDA) Meetings: Virtually attended the Economic Vitality 101 training as well as the Economic Vitality Committee meeting and the Board of Directors meeting.

#### IV. ENGINEERING SERVICES – Ron Whitlatch, Director

- City Crews are continuing to televise the Existing Westside Interceptor 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. If funding allows 1 or 2 of the projects may move forward in the spring of 2021.
- 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 next summer during low flow conditions.
- Upon City Staff assuming operations and maintenance of the Wastewater Plant, a belt press for handling solids was rented to ensure we could handle biosolids over the winter months. Staff is currently looking at a more permanent (larger) belt press for purchase. There are several treatment plants in Oregon that have a belt press for sale. If a used press cannot be procured, Staff may be looking to purchase a new one. Cost for a new press is approximately \$250k - \$300k.
- Staff has prepared a Request for Proposals to begin a Master Plan for the Wastewater Treatment Facility. Three consulting firms responded to the initial request for qualifications. Each of the firms have been sent the RFP and had an opportunity to tour the WWTP. The process will likely take two years to complete as it will need DEQ review and approval. This effort will 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 is currently designing the trail which goes from Gills landing to Mountain View Park. Funding for this is still unknown, as we are waiting on the outcome of several grant opportunities.
- The Oregon Marine Board is currently developing a design and specifications for the new dock at Gills Landing. Drawings should be delivered in January in order for Staff to bid the project. This project is being funded by FEMA as we lost the dock in the 2019 high flow event on the South Santiam River.
- The playground structure for Porter Park will be installed as soon as Maintenance Crews have a break in their schedule. The remainder of the park has been constructed.
- David Evans and Associates has completed the update to the existing Westside Interceptor (sanitary sewer) model. The report shows that the Existing Westside Interceptor is at or above capacity during 5-year storm events. The last model update was done 10 years ago and showed that the existing pipe was at capacity. David Evans is now 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.
- 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 wrapping up multiple environmental, financial, and planning documents that are required to receive Clean Water State Revolving Fund Loan.
- David Evans & Associates is under contract to be the City's "Owners Rep" for the Westside Interceptor Project. The City is not able to administer Federal Aid Projects, thus the need to have a firm on board who is. DEA's role will be to

help with the process of selecting a CM/GC Contractor, along with the contract support and administrative overview on behalf of the City during construction. This is a very similar scenario as was used for our Water Treatment Plant Project. Staff issuing a Request for Proposals in early February for a CM/GC.

- 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 spring 2021.
- 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.
- 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)
- 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 Count project which will be constructed in 2021.
- 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 will be to have an environmental assessment and potential abatement done to the site prior to demolition. Staff is currently contacting Environmental Firms to complete this work.
- Plans have been changed from a 5-plex to a duplex on Second Street. Building permits have been issued and construction is under way. Connections to City services has been made and water meters installed. The building is under construction. Driveway still to be completed.
- Mill Race Multi Use site plan has been approved. Building construction is progressing with onsite utilities completed and tested.
- Mill Race Apartments Complex Phase I, are under construction along with onsite utilities.
- Site plan for Miller's Auto Repair has been approved with site work to begin soon.
- Paventy & Brown Orthodontics new building site plans have been approved. Project has been awarded and to start shortly.
- River Place at the Lakeside contractor completed all public improvements and is currently working on punch list items. Subdivision plat to be signed upon public improvements acceptance.
- Site plan for Hall Duplexes off Oak Street has been approved. Contractor is completing onsite improvements along with building permits for 3- duplexes and 1-single family home. New sewer main installed and connections have been completed.



- Riverside Banks Subdivision (Milton & Williams St) public improvement have been completed and private street paved. Contractor working on final punch list and as-built's.
- Construction of the River Trail Place Subdivision on River Road is in process. Extension of water line from Mtn River Drive has been completed. Contractor still needs to complete onsite utilities and sewer main extension.
- N 5<sup>th</sup> Street Apartment plans have been stamped approved; contractor hasn't started on any improvements.
- Water main extension for Franklin Street single family home construction has started. Power company to complete service connection in January.
- Contractor for Cam Multi-family at 10<sup>th</sup> & Leonard streets is working on final public improvement for paving and streetlights. Paving is scheduled for January, weather permitting. Building construction still under progress.
- Steven King site plan for Airport road has been approved and building permits to be issued.
- Nova Urgent Care contractor working on site utilities. Water line tested for new hydrant and passed. Building still under construction.
- Cascade Ridge IV Apartments has completed all public improvements. Contractor is working on final punch list items.
- Redbud Apartments on Airport Road, contractor working on site utilities and building. Additional hydrant to be install at west driveway entrance.
- Welch Apartments (Walker Rd)- contractor working on punch list items for acceptance. All public improvements in and completed.
- 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. Contractor making progress on sewer main extension.
- Site plan and public improvements for Prism Manor at the corner of Russell and Franklin have been returned to the Engineer for revisions.
- Public Improvement Plans for the McKinney Phase II apartment complex off of River Road have been approved.
- Colonia Paz Phase 1 public improvements and site plans have been returned to the Engineer for revisions.

#### V. FINANCE SERVICES – Matt Apken, Finance Director

- **Accounts Payable:**
  - FY20/21 payments made in December 2020 – 299 Checks were processed for payments of \$1,373,552.
- **Miscellaneous payment:**
  - We have started reviewing online payments and will be working with those departments that take in-person payments to begin taking in-person payments through the same system as we use on-line, called Paymentus.
- **COVID-19 Grant:**
  - The City submitted a new reimbursement request for \$81,457.69 in December. We had 12 approved utility assistance grants for \$8,942.97. We also sent out 37 business grants for a total of \$185,000. December 30, 2020 was the last day to use the Coronavirus Relief Funds we were promised by the state and we will have a final reimbursement in January.
- **Audit Prep:**
  - We are in the final stages of the audit and hope to have everything reviewed and submitted to the state by year end.
- **Other Projects:**
  - We have been working on payroll optimization and ACH AP payments.
- **Utility Billing for December 2020:**
  - 5,826 Billing statements mailed by the end of December = \$895,680.
  - Active accounts: 6,335
  - 280 Owner Lien notification letters were mailed. 873 accounts were past due, but we did not charge late fees.
  - 353 IVR calls sent out. This call notified of lock off and need to setup payment plan.
  - We did not do the normal lock offs due to the county being in the extreme risk category. We will re-assess whether to begin lock-offs in January.

- Total of 204 Service orders: 23 read request, 0 Lock offs, 4 Turn offs, 26 Turn on, 33 Move Outs, 68 Move ins, 3 reconnects, 4 Returned Mail, 12 Leak Checks, 1 Pressure Test, 7 Meter Change out, 9 New Meter Installations, 0 Quality Checks, 0 Door Hangers, 5 Dead meters, 9 misc. other.

	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	June 20	July 20	Aug 20	Sept 20	Oct 20	Nov 20	Dec 20
Active Accounts	6,295	6,296	6,299	6,301	6,304	6,305	6,306	6,312	6,314	6,322	6,322	6,328	6,335
Penalty applied	959	822	822	0	0	0	0	0	0	0	0	0	0
Lock Offs	61	49	49	0	0	0	0	0	0	0	91	5	0

## VI. INFORMATION TECHNOLOGY SERVICES – Brent Hurst, Director

- The IT Department continued Fire planning and meetings to assist in the Fire Administration and Fire Prevention and Life Safety staff move to the MBVA Building downtown.
- The IT Department continued to deploy laptops for staff and replace needed equipment to support remote work as needed. Configuration, deployment, support, and maintenance of remote workers' laptops and voice systems was a large portion of the workload of the IT Department during this season.
- DocuSign was purchased for use with City staff. The initial accounts have been set up at the end of December with implementation and training to follow in January and February.
- The IT Department worked with Police Administration to order replacement vehicle laptops in December.
- The IT Department dealt with several printer and copier updates and changes during the month of December.
- IT continues to review, update, respond, and evaluate the cybersecurity stance of the City and Fire. Additional device encryption protection was obtained in December to protect laptops that are deployed remotely.
- The IT Department provided support to both the WTP and WWTP SCADA systems during the month of December for various break-fix, reporting, and upgrade issues.
- The IT Department helped to onboard a new LINX Dispatcher.
- IT and GIS continue to evaluate asset management and facility maintenance solutions for use in the City.
- IT and GIS reviewed coordination regarding potential multi-county Emergency Coordinator position and brainstormed potential GIS needs and ArcGIS Online or Portal Collaboration solutions.
- GIS continued analysis, updates, and synchronization after the data collection of the fall Water System Flush project.
- GIS sent all employees web map gallery descriptions and links to new map galleries which included public web map gallery and hyperlink locations on City website and City intranet sites.
- GIS continued Beneficial User Survey for Lebanon Area Groundwater Project coordination with vendor and City staff including data delivery details and explanation.
- GIS coordinated with Maintenance staff regarding field web application function; identified need to create new features and reviewed process with staff.
- GIS coordinated with LFD staff regarding web map needs for unique address points needed by Fire and coordinated agreements needed to publish a county wide address layer for Fire.
- GIS coordinated with LFD staff regarding additional workstation installation and licensing of desktop GIS software and potential training for additional LFD staff; coordinated staff involvement in continued LFD GIS project coordination.
- GIS coordinated with LFD staff regarding a key LFD GIS contractor going out of business and plans moving forward; reviewed existing applications, data layers, live event plotting, and location tracking; reviewed City resources, abilities, and capacity; coordinated migration of responsibilities to other contractor.
- GIS coordinated with the City Recorder for GIS website updates and confirmed maps were easily found from our City website.
- GIS coordinated with IT and Maintenance staff for potential WinCan and GIS training for Maintenance staff; began setup and configuration of training virtual workstation; downloaded and migrated GIS desktop software, WinCan plug-in application, and configuration instructions; coordinated with IT staff for remote access laptop for Maintenance staff;

reviewed plug-in application instructions and identified requirement for additional WinCan installation, started database and license coordination for secondary WinCan installation.

- GIS coordinated with Maintenance staff regarding aerial photography plot installation schedule.
- GIS completed the monthly Taxlot update process:
- GIS coordinated with IT and Lebanon Community School District staff regarding data inquiry and web map application needs; created new ArcMap document and added City Limit boundary layer, saved as layer file and leveraged ArcCatalog Conversion Tools convert layer to kmz (keyhole markup language zipped); coordinated kmz data export and hyperlinks to existing publicly available web map application with description of City Limit boundary verification; also coordinated plans for additional public web app creation for the public web map gallery.
- We have addressed multiple other normal break-fix issues, equipment replacements, and maintenance renewals for IT. During the past month, the IT Department closed 398 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

- Governor Brown considers public libraries on par with retail establishments. As such, we were able to reopen after the two-week freeze.
- We have resumed our previous Phase 2 schedule, open to the public Monday through Thursday, noon to 6pm and Saturday, noon to 5pm. We continue to offer curbside hold pickup Monday through Thursday from 10 to noon, and Friday from 10 to 4pm. (We also offer curbside during open hours for patrons who prefer it.)
- We are continuing to limit occupancy to 25% of capacity (50 people including staff) and have not called back any volunteers.
- Library interior and exterior lighting was replaced with LEDs this month. The total project cost (\$26,466.85) was funded by the Energy Trust of Oregon – our contribution was zero. We expect to see substantial energy savings over time.

## VIII. MAINTENANCE – Jason Williams, Director

### A. Streets:

- Started annual tree trimming throughout City.
- Leaf pick-up continued through December.
- Street sweeping continues including sweeping for the City of Halsey and Brownsville.
- Provided road closures for contractors.
- Completed sign maintenance as needed.
- Completed a round of cold mix pothole patching.
- Continued mowing in the rights-of-way.
- Continued grading of City maintained alleyways.

### B. Collections (Sanitary-Storm):

- Assisted the Water crew with many service-line repairs.
- Cleaning and televising sanitary and storm sewer continue.
- Cleaned and cleared catch basins to prevent blockage.
- Continuing with ditch mowing and cleaning.
- Located sewer lateral connections for contractors.
- Assisted the Wastewater Treatment plant with the Vactor cleaning out the basin.
- Continued I and I investigations on the existing westside interceptor. The collections crew has spent the majority of their time with this investigation.

### C. Water:

- Meter reading has been completed.
- Daily water service orders including, leak checks, locates, taste and quality issues, water samples and other customer concerns continue.
- The crew paved and replaced concrete after new or leaking water services were placed.



- Replaced approximately 55 water meters to touch/radio read.
- Completed approximately 73 locates.
- Installed (1) new water service.
- Repaired (3) water main breaks.
- Changed out failing meter boxes and dead meters.
- Worked on the water maintenance list.
- Vehicle Maintenance.
- Worked daily on service line leaks.

#### **D. Wastewater Treatment Plant:**

- For the month of December 2020, 44 separate loads of bio-solids containing 25.83 dry tons was hauled to the City of Albany for disposal. Cost to the City of Lebanon given \$670.00/dry ton was \$17,306.10. No further loads are anticipated this month with the exception of one load.
- December 3rd, Clarifier #4 - 25 Hp RAS Pump #202 stopped suddenly due to impeller binding (hair and fabrics), due to inefficient pumping velocities. For some time now we have known that the Hp of the RAS pumps for Clarifier #4 were way oversized (back in 2011), forcing speed controls systems to run these pumps way out of their efficiency points. This is an ongoing issue that will be resolved soon (refer to additional Pump #202 items below).
- On December 4th, we had the first engineering walk through by West Yost Engineers responding to the RFP associated with the Wastewater Management Plan. Good questions asked and the tour took almost four hours. RAS Pump 202 was removed from Clarifier #4, disassembled and debris removed and placed back into service.
- The long overdue replacing of some of the large process control valving in the RAS (Return Activated Sludge) building specific to the Waste Activated Sludge Processing side of the piping commenced on Monday December 7, 2020 and was completed on Wednesday December 9th, 2020.
- Clarifier #4 - 25 Hp RAS Pump #202 stopped again suddenly due to impeller binding (hair and fabrics) again due to inefficient pumping velocities. RAS Pump 202 was removed (requires the crane truck each time) and taken to Fisher RPM for inspection leaving only one operating RAS pump in Clarifier #4.
- On December 10<sup>th</sup>, we had the second engineering walk through by Corollo Engineers responding to the RFP associated with the Wastewater Management Plan. Again, very good questions asked, and tour took almost four hours just like the first walk through earlier in the month.
- Clarifier #4 RAS pump was received back from Fisher RPM on December 14<sup>th</sup> and placed back into service (crane truck) after having been checked at Fisher RPM. Inspection by Fisher RPM showing lop sided wear on the volute ring caused from operating the pump out of its efficiency point.
- Clarifier #4 - 25 Hp RAS Pump #202 stopped again on December 15<sup>th</sup> due to impeller binding (hair and fabrics) again due to inefficient pumping velocities. Pump 202 was removed again and cleaned of fouling debris. In order to prevent repeated clogging failures of Pump 202, pump was placed back into the 202 slot and placed on standby (lag) after demonstrating repeated failures when placed in the lead pumping position.
- On December 19<sup>th</sup> a massive winter rainstorm hit Oregon bringing along with it over three inches of rain in a 24-hour period. Given the City of Lebanon is a CSO (Combined Storm Overflow) system, the massive influx of rainwater increased the MGD in flow to the treatment plant both rapidly and massively.

Within a short 6 hour time period flows from the city entering the waste water treatment plant increased from a previously steady 4.5 MGD to well over 10.0 MGD and then eventually 24-hours later to peak out at 17.7 MGD demonstrated with the West Interceptor Pumping Station (WIPS) reaching MAX Q on December 21, 2020 at 1030 AM. At that point no greater flows could be pumped to the wastewater plant resulting in backing up water in the main incoming sewer collection system. Fortunately, Max Q flows kept up with the incoming flows and the plant remained at Max Q for over 4 hours. Eventually, with rain subsiding WIPS decreased Staging reaching Stage 5 around 4:15 AM on December 23, 2020.

This rain event and the activation of the storm diversion system (approved by permit above 9.0 MGD) caused a sustained flow through the storm diversion system for many hours. While a greater percentage of the flows were processed through the sewage treatment plant. I have attached for your reference the timeline flows of this event.

**RED:** Flows through the storm Diversion System.

**GREEN:** Flow through the Sewage Treatment Plant.

**BLUE:** Flow Discharged to the Chlorine Contact Chambers.

The influx of large rain-water flows continues to enter the wastewater treatment facility at this time with flows currently at 10.8 MGD and we are not yet out of the high flow risk zone yet.

- For chlorine to kill all pathogens (E-coli) around 30-minutes of contact time is needed. This means that the capacity of the chlorine contact chambers has to be large enough to permit holding the water for 30 minutes. Both secondary effluent and all storm water from the storm diversion system gets pumped into the chlorine contact chamber. During the peak flow periods of storm water diversion, the chlorine feed pumps, and de-chlorination pumps performed extremely well keeping pace with the extreme flow and injecting enough chlorine to kill the pathogens. We have learned however during this high flow event that at flows greater than 12.0 MGD the much needed 30 minutes of contact time in our chlorine contact chambers diminishes and risks permit violation of passing E-coli. The reduction of the contact time does not originate from within the secondary process but is exacerbated by the storm water diversion flows only. We can control the flow through the wastewater treatment facility at the desired flow rate to provide the much needed 30-minutes of contact time. What we cannot control is the volume of storm water also sharing the same chlorine contact chamber impacting our ability to have a long enough time period to ensure we remain within our E-coli limits. We are continuing to proceed with the final completion of a pre-chlorination injection system into the storm water diversion system, to help the existing treatment plant's normal disinfection process meet E-coli permit limits and our de-chlorination system remove the excess chlorine residual. This is a giant balancing act given existing inherited equipment and that we are committed to operating the entire treatment process as originally designed supported with a strong emphasis on precise process control.
- Specific to item above we did exceed our E-coli discharge limit on Monday and in accordance with our current operating permit have undertaken a corrective consecutive sample pulling process every four hours with five straight sample to meet permit limits to avoid triggering a permit violation recording.
- We have been working with Reiner Pumping Systems on a special program to replace Clarifier #4 RAS pump 201 (which failed last month and remains dismantled due to excessive wear). We have determined that flow out of the RAS system falls into the pumping efficiency range of a 15.0 Hp pump whereby we currently have oversized KSB 25 Hp pumps. Subsequently, Reiner Pump will be providing one ABS 15.0 Hp pump equipped with a special KSB bracket that we can then install in the RAS Pump 201 position that will meet our flow requirements and NOT foul or plug with debris. Reiner Pumps are so convinced that this pump will work perfectly they are supplying the pump to us (Through Fisher RPM in Albany) at no charge for 30-days. At the end of the 30-days we can either purchase this pump or have Reiner Pump take it away.

If we purchase this "Lead" pump, then we will need to purchase a second companion "lag" pump given the second pump must equal the same Hp as the lead pump. It is our sincere hope this program works so we can finally end the fouling problems with our larger Clarifier #4 25-Hp pumps and to prevent further destruction of them by forcing them to operate so far beyond their design. We should have the new ABS 15-Hp pump sometime in January 2021.

- RAS Vault old valve(s) replacement project commenced on Tuesday December 22nd and finished December 23rd. Two valves remain but will remain uninstalled until they can be isolated for safe removal. A great team effort spearheaded by Mike Trippett and Jason Williams.
- The entire staff at the wastewater treatment plant has worked and continues to work as the top professionals they all are. They work any hours asked of them without hesitation. Their dedication to their vocation is inspiring and makes one proud to be a part of this skilled team.

#### **E. Parks:**

- Opened, closed and cleaned parks restroom buildings daily.
- Completed landscaping rounds in all parks and school district properties.

**THE CITY THAT FRIENDLINESS BUILT**

- Chemical applications have been made in parks and school district property for weed control.
  - Applied chips in landscape areas as needed to eliminate hand work.
  - Trails have all been swept.
  - Daily vandalism control/repair.
- F. **Water Treatment Plant:**

Production	
Monthly Water Use (Intake Flow Meter)	63.09 MG
Finish Water Produced	59.50 MG
Water Sent to Cheadle Lake	0 MG

Water Quality					
Finish Chlorine			Filtrate Turbidity		
Min > 0.20 mg/L	Max < 4.00 mg/L	Average ~ 1.00 mg/L	Min	Max < 1.000 NTU	Average
0.70	1.20	1.14	0.020	0.056	0.030
Finish pH			Finish Fluoride (Lab Sample)		
Min > 7.00 pH	Max < 9.00 pH	Average	Min	Max < 4.00 mg/L	Average ~ 0.70 mg/L
7.37	8.24	7.78	0.42	0.98	0.65

- **Maintenance/Operations:**
- Water Plant is on COVID scheduling, so we have limited staff onsite to prevent the spread if it happens.
- Had another raw turbidity spike up to 12 NTU. Caused by rain and river flows increased.
- Fluoride roll up door was rolling up past its stop. Found that the open stop was being moved over time. Tightened close stop and it works again.

IX. **POLICE – Frank Stevenson, Chief of Police**

- The Patrol Division had approximately 1,056 calls for service, made 72 arrests, issued 48 traffic citations and wrote 123 case reports. Patrol functions remain unchanged during COVID-19; however, we are conducting more business via telephone and practicing appropriate social distancing when we can. We remain diligent in our patrolling, focusing on being visible and doing our best to provide extra patrol to local businesses.
- Lebanon Police Department along with volunteers conducted a modified shop with a cop, that was within the COVID restrictions. In all, we were able to shop for and with a total of 69 local children.
- This past month, there was a total of one Use-Of-Force incident involving Lebanon Police Officers and a male subject. After review, the Use of Force was justified and within City of Lebanon Police Department policy.
- Detectives remain busy with involved sex abuse cases and narcotics investigations. Chris Miner has transferred out of the Detectives Unit, and Officer James Glover has taken over his spot. The Unit had 3 new cases assigned to them and closed 4, making 2 arrests. For the year so far, Detectives have closed a total of 37 cases and offenders have 771 months to serve in prison.
- Detectives assisted with, wrote and executed a total of two search warrants this month related to narcotics and burglaries; as a result, a lot of property stolen in the burglaries was recovered. Detectives also assisted Linn County Sheriff's Office in locating and arresting a suspect in a homicide case in the Portland area. The case is still under investigation.
- After several years of dedicated service, Sergeant John Trahan retired on December 17<sup>th</sup>. He will be missed
- Chris Miner will be promoted to the rank of Sergeant effective December 26<sup>th</sup>, 2020.
- A Traffic Safety Class was held virtually again this month, with an estimated total of 5 participants.

- With the impending retirement of Sergeant Trahan, ultimately, a vacancy was created. We opened the recruitment process and to date, have a total of 30 candidates. We will be going through the screening and testing process beginning next month. .
- Several hours have been dedicated to keeping abreast of the new guidelines surrounding OSHA requirements for first responders. The public can rest assured that there will not be a change in the level of service being provided.

**X. SENIOR SERVICES and LINX – Kindra Oliver, Director**

- The Senior Center continues to offer virtual on-line activities and classes through Zoom, You Tube and Facebook to provide more programming and reach more seniors who are remaining at home. Follow the [Lebanon Oregon Senior Center](#) on Facebook, for up to date information and check out our programming for the month of January.
- LINX Transit is operating the Loop and Dial-a-Bus services, Monday through Saturday, 7:00am to 6:00pm. We continue with the additional FTA and OHA safety requirements and protocols for operating public transportation.
- We want to welcome our new full-time LINX Dispatcher, Danielle Estell. Danielle started in mid-December and is working four 10-hour shifts each week.
- We recently submitted our LINX STIF (Statewide Transportation Improvement Fund) grant application for the FY2021-23 biennium. The Linn County Transportation Advisory Committee met on December 29th, 2020, to discuss applications received for Linn County. The next step will be a recommendation to the Linn County Board of Commissioners to consider approval, for the Linn County STIF plan to be submitted to ODOT and then go through their review and approval process. The STIF grant included continuation of LINX expanded transit services (Saturday service, extended hours (currently 6pm), service up to 3 miles outside city limits), the LOOP deviated fixed route, one expansion vehicle and service to outlying communities. These expanded services had been identified in the Transit Development Plan, which was finalized in fall 2017.
- Grant applications for STF (Special Transportation Funds) and for ODOT Section 5310 are due on January 22<sup>nd</sup>. LINX Transit has received approximately \$43,000 annually for the last few years through the STF program and anticipate we'll request a like amount for FY2021-22. ODOT Section 5310 includes assistance for up to \$3,000 in preventative maintenance for each vehicle, as well as other capital purchase needs.



# Lebanon Housing Conversation

Wednesday, December 16, 2020





## Why we are here? House Bill 4006 (2018)

Requires cities to track affordable housing development and cities over 10,000 with severe rent burden to hold a public meeting to discuss:

- The causes and consequences of severe rent burden within the city;
- Barriers to reducing rent burden; and
- Possible solutions to reduce housing rent burden

# Housing Affordability vs. Rent Burden

**Housing is Affordable** - when the household spends 30% of income or less on housing expenses (mortgage or rent and utilities).

**Severe Rent Burden** - When a household spends more than 50% of household income on rent and utilities.

**Housing Cost Burden** – when a household spends more than 30% of household income on rent and utilities or on a mortgage.

**Regulated Affordable Units** – a dwelling subject to a regulatory agreement that requires units to be affordable for specified income levels over a defined period. (Example – units affordable to households earning less than 60% of AMI, for 50 years)

# Severe Housing Cost Burden in Lebanon

Approximately 1 in 3 renter households (32.9%)  
spent > 50% of their income on housing  
(1,073 households)

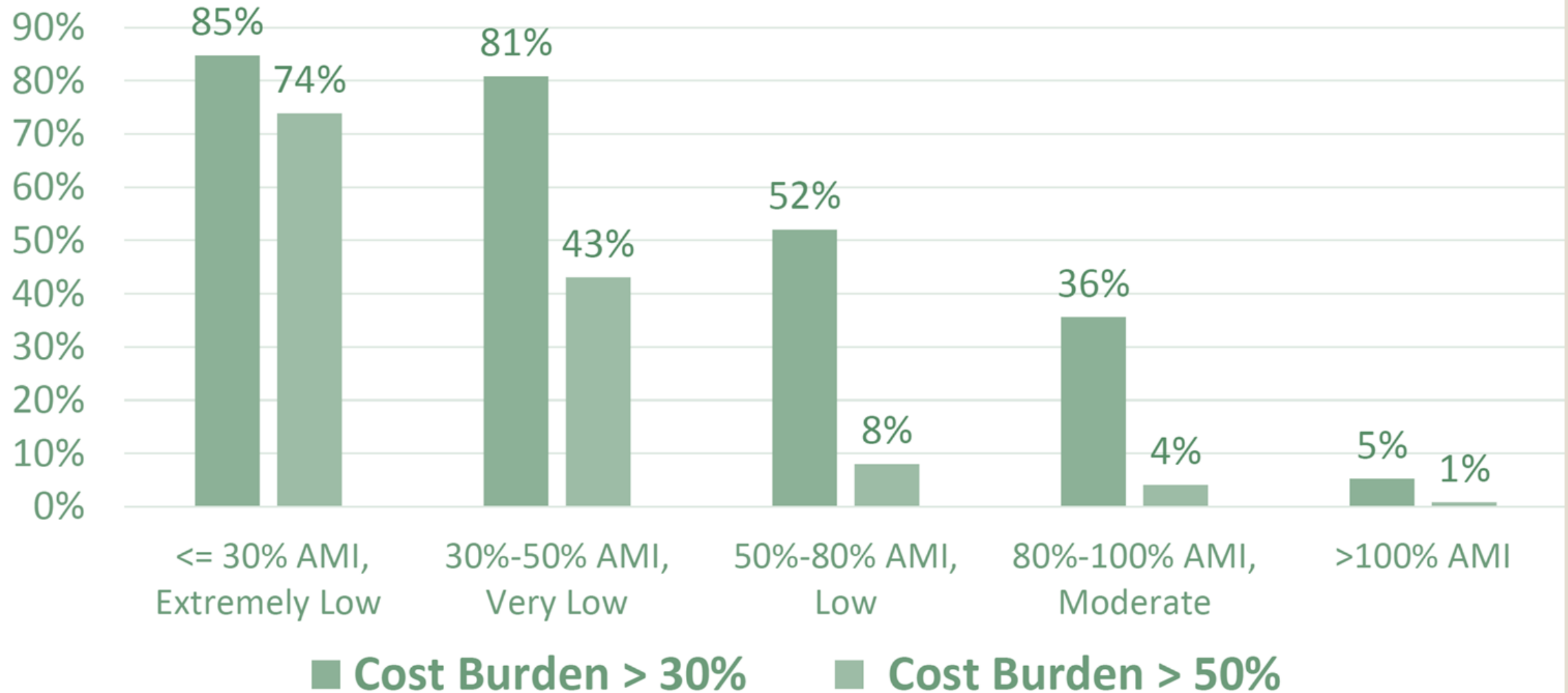


**\*\*Down 2.9% this year from 35.8% in 2019\*\***

Lebanon is 1 of 11 cities with population between 10,000-25,000  
with severe rent burden

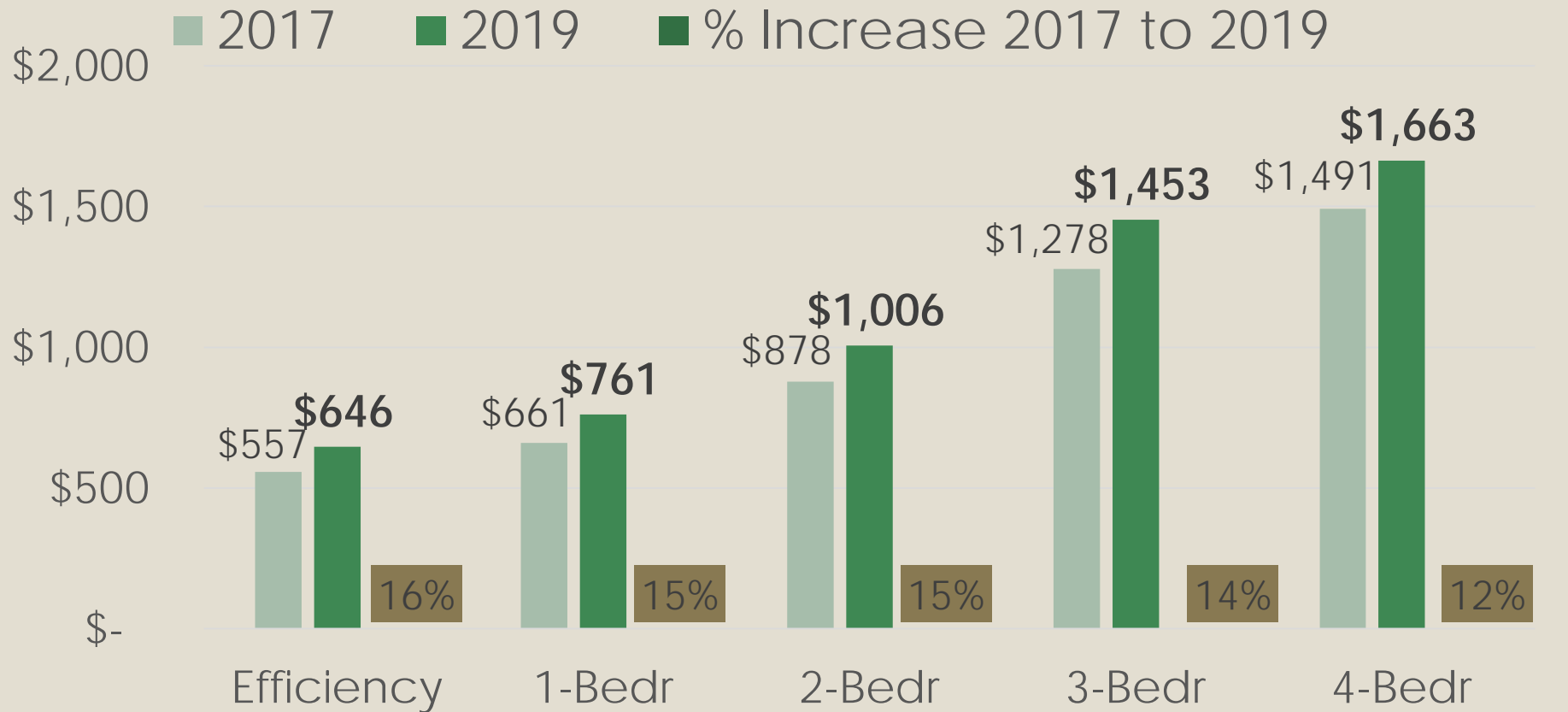


# Cost Burden By Income in Lebanon



# Cost of Rents

Fair Market Rents  15% 2017 – 2019



**Income Needed:**

\$25,840

\$30,440

\$40,240

\$58,120

\$66,520

**Market Rents:**

\$615-\$725

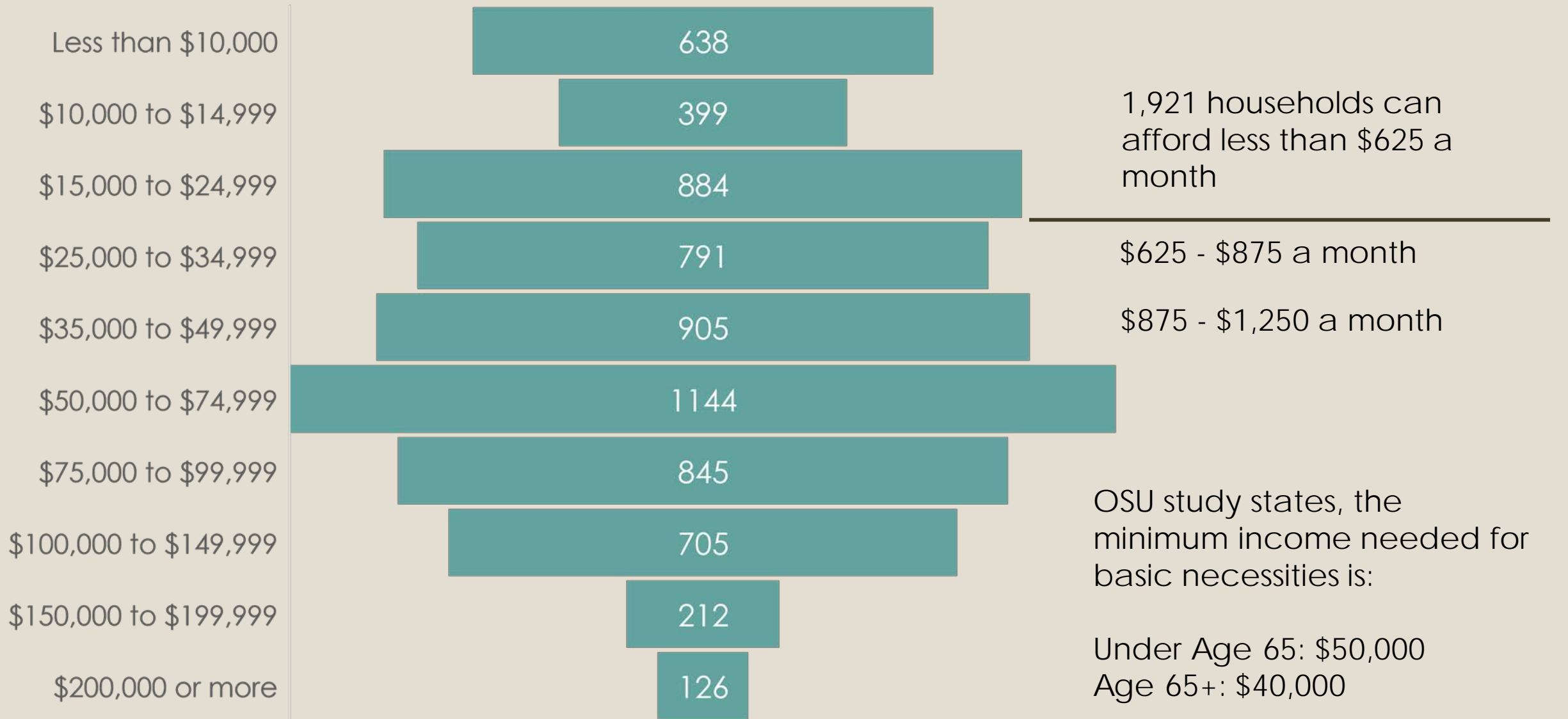
\$825-\$1,114

\$800-\$1,314

\$975-\$1,995

\$2,100-\$2,995

# 2019 Lebanon Household Incomes



# Causes of Rent Burden?

Year	Median Income	2-Bedr FMR	Average home price (Linn Co.)	Average Price/SF
2015	\$56,200	\$801	\$196,380	\$122
2016	\$53,600	\$830	\$217,761	\$135
2017	\$55,100	\$878	\$271,663	\$159
2018	\$59,700	\$916	\$299,333	\$169
2019	\$60,600	\$1,003	\$330,140	\$170
% Change 2013-2018	6.2%	14.4%	52.4%	38.5%
% Change 2013-2019	<b>7.8%</b>	<b>25.2%</b>	<b>54%</b>	<b>39%</b>

Household income of \$80,000/year to afford \$2,000 monthly payments (10% down, 4.0% interest rate)

A household must earn:

**\$19.35/hour = \$40,248/year**  
for a 2-bedroom home

# Causes of Rent Burden?

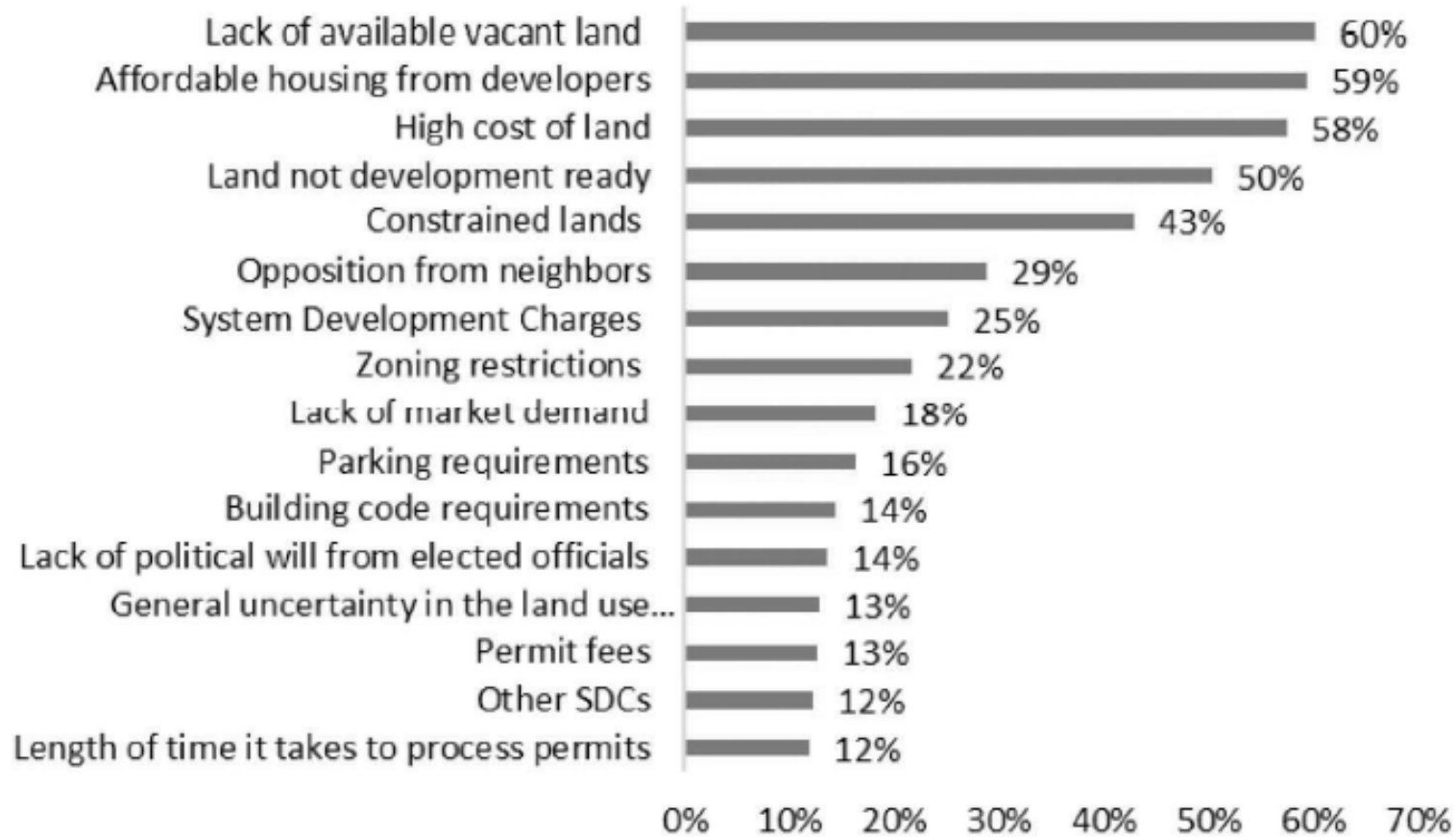
- **Renting is on the rise** – increasing 10 percentage points between 2001 and 2015, largely propelled by 55 +
- **Low vacancy rates** → increased demand = Rapid increase in rents
- **Mismatch between housing needs** (types, size, price) & housing stock
- **Lack of affordable housing** – 271 affordable units where 363 are needed; we only meet 74.7% of need. (Bright side! City approved 72 additional affordable units in 2020)
- **High cost of housing** in the region and state

# Consequences of Severe Rent Burden

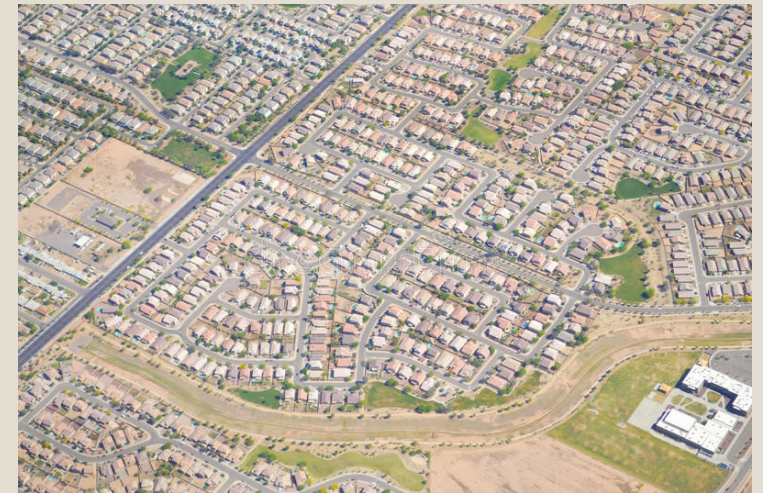
- **Housing insecurity and increase in homelessness** – increase effect on those with fixed incomes – single-parents, elderly, persons with disabilities, veterans, etc. and on minorities
- Increased mobility → **disruption in student learning and development**
- Increased need for **social services and safety net programs**
- Reduced ability to make healthy choices (childcare, safe vehicles, healthy food, healthcare, clothing, etc.)
- Little to no savings
- **Reduced home ownership rates** - inability to save for homeownership to earn equity
- Unable to move up to market rate housing → lower turnover in affordable housing developments

# Barriers to Reducing Rent Burden

## Barriers to Affordable Housing, 2018



Source: Oregon Housing Affordability Survey, UO Institute for Policy Research and Engagement, Q11





# Whose Helping?

- ✓ Community Services Consortium
- ✓ DevNW
- ✓ CDBG
- ✓ Tax Credits/State Funding





# Solutions to Reduce Rent Burden?

- **Incentives for Affordable Housing**
  - Land use tools – Reduced parking, inclusionary zoning
  - Deferred SDCs or waived (if paid by other funding sources)
  - Tax abatement – state laws
  - Property Donations and Land Banking
  - Grants/loans – CDBG, urban renewal, housing fund (local, revenue source needed)
- **Affordable Housing Production Revenue Sources**
  - Construction excise tax – up to 1% on value of new construction; 50% minimum to developer incentives, 15% to OHCS, and 35% for affordable housing programs (Corvallis, Newport, Lincoln City, Eugene, Portland, Cannon Beach, Medford, Milwaukie)
  - State and Federal \$ - tax credits, other programs
  - CDBG
  - Urban Renewal

# Solutions to Reducing Rent Burden

## Process Efficiencies

- Online permitting (DONE)
- Expedited land use reviews (DONE)
- Other?

## Land Use Standards & Zoning

- Code Audit – Clear and objective standard updates, affordable housing density bonus revisions (DONE???)
- Evaluate parking standards?

## Evaluate other efficiencies

- Minimum densities
- Height and lot coverage
- Less parking for affordable housing?
- Other?

## Housing Opportunities

- Accessory dwelling units (ALLOWED & UPDATING IN PROGRESS)
- HB 2001 – will require duplexes wherever single-family are allowed (by 6/30/21)



# Support for Affordable Housing

## 283 Housing Units Approved through November 2020

- 154 multifamily units
- 1 ADUs
- **74** affordable housing units (with more on the way)
- 54 single family/duplex/townhomes/manufactured homes

CDBG loans and grants for low-mod housing rehabilitation

CDBG – down payment assistance (via DevNW)

CDBG grants for emergency housing assistance (via CSC)

City Efforts – Housing Needs Analysis & Buildable Land Inventory

# Technical Assistance from the State

## Dept. of Land Conservation & Development (DLCD)

- Housing Needs Analysis – Completed 2019
- Code Audits; Lebanon complies with SB 1051
- Code updates to comply with HB 2001/2003 – deadline June 30, 2021
- Housing strategies and implementation plans, based on Housing Needs Assessment recommendation - complete

**Other Thoughts, Concerns, Stories?**

Questions?

# \*Executive Session

*Per ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of the public body with regard to litigation or litigation likely to be filed.*

*\* 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.*