



City of Lebanon
Planning Commission
Meeting Minutes
September 21, 2016

Members Present: Chairman Jeremy Salvage, Vice-Chair Don Robertson, Commissioners Jeanne Callahan, Brian Daniels, Brenda Hall, David McClain and Walt Rebmann.

Staff Present: Community Development Director Walt Wendolowski, AICP; Tre' Kennedy, City Attorney, Ed Patton, PE, Senior Engineer.

1. CALL TO ORDER/ FLAG SALUTE

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

2. ROLL CALL

Roll call was taken, Commissioner Brown was excused and a quorum declared.

3. APPROVAL OF MEETING MINUTES

The August 17, 2016 Meeting minutes were approved as submitted.

4. CITIZEN COMMENTS - None

5. PUBLIC HEARING - Planning File 16-08-48 - An application by the Oregon Department of Veterans' Affairs to Annex property and amend the Comprehensive Plan and zoning maps.

Chairman Salvage opened the hearing. City Attorney Kennedy announced that the quasi-judicial hearing procedures apply and outlined the hearing process. Salvage asked if there were any ex parte contacts, conflicts or bias. None were declared and staff was directed to proceed.

Wendolowski provided the staff report. He located the property for the Commission noting sanitary sewer, water and storm improvements are located within Hansard Avenue. The site located within the City's Urban Growth Boundary and designated Industrial in the Lebanon Comprehensive Plan. Wendolowski stated the applicant is requesting approval to annex the subject property and to amend the Comprehensive Plan and zoning maps to establish the Mixed Use zone. While development options were noted, no concurrent development at this time.

The Department mailed notice of the application to affected agencies, area property owners and the DLCDC. City staff was able to address the DLCDC's concerns regarding compliance with the Oregon Administrative Rules.

The decision criteria for an annexation are found in the Development Code: Chapter 16.26. Regarding findings, Wendolowski noted specific criteria are contained in the staff report and provided the following brief summary:

- Property lies within UGB
- Land within the City limits is located to the west and east.
- Necessary services are located in Hansard Avenue.

The decision criteria for the map amendments are found in Chapter 16.27. Wendolowski again noted the staff report addresses applicable plan policies and concludes the request complies with these policies. Important areas were summarized:

- Findings indicate the City retains a significant surplus of Industrial and Mixed Use zoned property – the change in zone will have no appreciable impact on either zone. However, there the potential to improve employment opportunities given anticipated uses by the ODVA.
- The site is fully serviced with sanitary sewer, water and storm water facilities and fronts along an improved public street.
- Staff analysis indicates the proposal complies with the applicable Statewide Planning Goals.

Based on these factors, it was recommended the Commission recommend City Council approval of the Annexation and Comprehensive Plan Map Amendment, and, Zone Map Amendment. There were no questions of staff.

John Osborn and Lyle Hutchens presented the applicant testimony. Mr. Osborn noted the land was initially purchased to provide additional parking staging with activities at the Veterans' Home, parking has become an issue. The zone change however also allows for future development of the property in support of the Home.

Lyle Hutchens commented on the land use application. He noted that the MU zone also allows limited industrial uses that would be compatible with the parcel size and through design adjacent development. The zone change does therefore not diminish industrial development potential of the site.

Commissioner Robertson asked whether a parking lot was planned. Osborn stated yes. Robertson then asked whether other uses might be development. Osborn noted other uses may occur in the future as funding becomes available.

Robertson asked whether a zone change was necessary to accommodate parking. Osborn noted the zone relates to the adjacent ODVA site and possible future development. Wendolowski added the action effectively "land banks" for these uses. Robertson asked whether this is a separate tax lot. Wendolowski stated yes, noting a boundary adjustment is possible. Asked directly whether a zone change is necessary for the lot, Wendolowski stated the zone change takes a long-range view for the site's development and allows for an expedited review. Hutchens concurred.

Commissioner Rebmann wanted to know the size of the parking lot. Hutchens stated about an acre and Rebmann noted it was a 4-acre site. Dave McClain requested clarification as to the location of the site. Wendolowski stated the ODVA

facility bordered the property on the east, with Pennington Seed to the west. McClain asked whether there are houses to the north and south. Wendolowski noted there were but these parcels are also designated Industrial. Rebmann asked about street improvements. Wendolowski stated Hansard was an improved street.

Commissioner Callahan wanted to know about transit development and pedestrian options to serve the site. Wendolowski noted pedestrian access will be considered when a parking plan is submitted. Transit issues are now being discussed as part of the Transportation System Plan update.

Chairman Salvage asked if there any other questions. Seeing none, he asked if there was any further proponents testimony. Seeing none, he asked for opponents' testimony. Seeing none, Salvage closed the public testimony.

Robertson asked staff whether the zone change would create issues with the remaining parcels to the north and south. Wendolowski stated that was an initial concern. However, smaller industrial sites usually remain vacant or convert to other uses. Industrial employment has a narrow focus; allowing the zone change increased employment opportunities, possibly exceeding those of an industrial use. There was some risk in the change, but the overall the employment benefit supported the request. Robertson asked about the parcel sizes to the north. Wendolowski noted they were each about 4-acres in size. Again Robertson asked if there were any issues; Wendolowski stated the proposal complied with the criteria and the core of the staff discussion centered on providing additional employment.

Seeing no further discussion, Chairman Salvage called for a motion. Commissioner McClain made a motion to recommend Council approval of Planning File 16-08-48 with the findings and conditions noted in the staff report. Commissioner Robertson seconded the motion.

The motion passed 7-0.

6. WORK SESSION

Chairman Salvage opened the work session. Wendolowski noted the report contained two attachments – the first reviewed recommended changes to the Development Code and the second was a memo by Ed Patton outlining potential issues and concerns for private streets. Wendolowski summarized the proposed changes to the Commission, discussing street widths and various improvement requirements. He wanted to be sure staff was on the right track in proceeding with these changes.

Commissioner McClain noted Eugene had private street standards that included a sidewalk and curbing. Commissioner Callahan shared McClain's concern with having a sidewalk for pedestrian safety. McClain reiterated his concern for safety and Callahan noted this would encourage walking as part of our goal to create a healthy community.

Robertson stated he did not disagree with their concerns but we should consider the difference between an extended driveway serving a few homes and an actual

subdivision. McClain suggested considering the number of dwelling units and not just lots. Wendolowski noted the current Code effectively allows a shared driveway for up to 6 dwelling units. The private street standards would be more applicable for a small subdivision. Robertson and Patton briefly discussed a local development and the establishment of a driveway versus a private street. Wendolowski again noted a distinction can be made based on number of lots or dwelling units served by the access. Patton and Wendolowski briefly discussed the possible applicability of the standards to industrial users, concluding the private street generally apply to residential development.

Callahan asked whether fire hydrants are required. Patton noted the City and Fire District review their need and location as part of any development project. Including in the private street requirements is unnecessary. Wendolowski also noted the City tries to avoid engineering or design details in the Code as design standards change and due to the difficulty and time require to amend the Code.

Commissioner Rebmann asked about dumpster pads. Patton noted that these are usually reviewed as part of any development request. In addition, Wendolowski noted, the City often refers the applicant to Republic Services to ensure their requirements are met. Individual garbage cans always remain an option.

City Attorney Kennedy began a discussion on the enforcement provisions. After much discussion between Kennedy and Patton, Kennedy voiced concern as to who has the authority to enforce private street provisions and ensure the maintenance agreements are followed. Both agreed there is some confusion as to where the ultimate enforcement authority lies. Wendolowski suggested an inter-governmental agreement between the City and the Fire District may be appropriate.

McClain believed it was the responsibility of the home owners association to ensure the private street is maintained. Kennedy noted it was ultimately enforceable but who monitors the development and who ultimately litigates are issues. Kennedy wanted to minimize need to enforce. While Patton noted the requirements are usually recorded, Kennedy was concerned they are often written down, initially enforced but ultimately forgotten.

Wendolowski noted this was a very good discussion of the issues. Based on the comments he suggested staff would like to explore the creation of standards for a narrow public street. Looking at the recommended dimensions, it appears possible to create two 9-foot travel lanes, 8-feet of parking on one side, curbs and a one sidewalk within 32-feet. Requiring a public street may avoid future issues related to enforcement.

Robertson asked about manufactured home parks (MHP). Patton noted the design addresses both fire and building code requirements. Wendolowski noted the design is a building matter resulting in a private street. A discussion followed concerning the street system serving Heather Estates.

Wendolowski suggested staff return with some options for the Commission to consider, both for private and public streets. He also noted that it remains possible to modify standards to address specific development issues. These would be

prepared for the next available meeting, likely no earlier than October. The Commission was in agreement.

7. COMMISSION BUSINESS & COMMENTS

Wendolowski noted there are few staff reports at this time. Most activity is centered on building and long-range projects such as the TSP, transit plans and economic development.

Chairman Salvage asked for an update on the airport plan. Wendolowski noted a draft document was completed that recommended re-aligning Airport Road to extend the runway. This information was forwarded to the consulting firm working on the TSP.

Salvage also asked about some tree cutting at the far end of Russell Drive. It was agreed the property was next to the new treatment plant. Wendolowski stated he believes the owner is planning to subdivide the property.

Wendolowski stated there will be a November meeting to discuss amendments to the Cheadle Lake Urban Renewal Plan.

8. ADJOURNMENT:

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

[Meeting minutes prepared by Walt Wendolowski, AICP]