



Planning Application AR-20-05
Final Applicant Rebuttal



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BY EMAIL

Chair Salvage and Planning Commissioners
c/o Kelly Hart
925 Main Street
Lebanon, OR 97355

Re: Applicant's Final Written Argument
File No. AR 20-05

Dear Chair Salvage and Commissioners:

As you know this office represents the applicant, Farmworker Housing Development Corporation ("Applicant" or "FHDC"), in the above-referenced file. The proposed development of 24-units of affordable housing is located at the western terminus of Weldwood Drive. Please accept this letter as Applicant's final written argument in support of approval of this application and include this letter and the attachments in the record.

FHDC has reviewed and responded to all relevant clear and objective criteria that apply to the proposed needed housing development, and supported its application with materials to show that all of the criteria have been met, or as conditioned can be met. In addition, the Applicant reviewed all relevant testimony and provided responsive information confirming that the proposal will not detrimentally impact nearby wells, wetlands, it is feasible to design the development to control stormwater, and confirming that access, traffic impacts, and onsite parking comply with Lebanon Development Code provisions. Further, the Applicant confirmed that landscaping would be designed and installed in the manner provided by the City Code, and as anticipated by the Code, the landscaping is an acceptable method for addressing potential noise impacts from the development.

The Applicant also provided non-code relevant information to confirm that fears of reduction in neighboring property values as a result of this application are unsupported by comparison to data from other FHDC properties and their surrounding neighbors' property values, and that the school district is taking steps to address student/teacher ratios. Last, the Applicant clarified the applicable laws relevant to this application including, but not limited to, that only clear and objective standards can be applied to needed housing applications, and the framework for land use decision making when the federal Fair Housing Act is implicated. Based on the application materials and the additional responses from FHDC during the public review process, there is ample evidence in the record to show that all clear and objective criteria are met, as conditioned, and the Planning Commission should approve the proposed development.

During the review process, FHDC also included responses to particular conditions of approval. In particular, FHDC requested revisions to condition of approval 1.a, and condition of approval 3 Engineering Department e. In addition, FHDC requested the removal of a few inapplicable conditions of approval related to a traffic impact analysis that is referred to in the staff report as being required if further development is proposed by the Applicant. FHDC requested removal of conditions of approval 3, Transportation, c and d because no traffic impact analysis is required for this proposal. Attached hereto is a revised version of the conditions of approval, reflecting these modifications and making other minor typographical corrections. Attachment 1. The Applicant requests that the Planning Commission approve the application and adopt the conditions of approval as set forth in Attachment 1.

Based on the Applicant's submittals to date, and the established need for farmworker housing in Lebanon, FHDC respectfully requests approval of this application as conditioned in Attachment 1.

Sincerely,



Jennifer M. Bragar

JMB/jr
Attachment
cc: client

V. CONCLUSION AND RECOMMENDED CONDITIONS FOR DEVELOPMENT

The Planning Commission approves the application subject to the adoption of the following Conditions of Development:

1. The Planning Department conditions include, but may not be limited to:
 - a. A landscape plan shall be submitted in compliance with Chapter 16.15 and approved prior to the issuance of a building permit, without application of subjective standards. The landscape plan shall include a six-foot tall site obscuring fence of chain link with vinyl slats along the south and east property lines as delineated in the Minor Land Partition in condition 1.d, with a minimum five foot landscape buffer.
 - b. A Children's play area shall be provided in compliance with Section 16.05.170.F. Any and all playground equipment shall comply with the International Play Equipment Manufacturers Association standards. The children's play area shall be included for review as part of the landscape plan.
 - c. A minimum of 46 vehicle parking spaces shall be maintained on-site at all times. A minimum of 44 bicycle spaces (24 open and 20 covered) shall be permanently maintained.
 - d. An application for a Minor Land Partition shall be filed and approved prior to issuance of building permits for the dedication of the public right-of-way, and the separation of the project site from the remainder of the land area of the existing tax lot.
2. All requirements of the Lebanon Fire District shall be met, including but not limited to:
 - a. Plans shall be submitted for review and approval by the Lebanon Fire Marshal that demonstrates full compliance with the Oregon Fire Code and local amendments. Lebanon Fire Marshal approval shall be obtained prior to issuance of building permits.
3. The Engineering Department conditions include, but may not be limited to:

General

 - a. All public improvements shall:
 - i. conform to the latest "City of Lebanon Standards for Public Improvements."
 - ii. require completion of a Drawing Review Application and a Public Improvements Permit prior to beginning construction.
 - iii. be designed by a professional engineer registered in the State of Oregon.
 - iv. Prior to final plat approval, a bond or other approved form of assurance is required for all incomplete public improvements.
 - b. An engineered site plan shall be submitted for review and approval for the site. The site plan must be submitted with an Application for Site Plan Review and associated fee.

The site plan shall detail all site improvements necessary for the proposed development together with a grading and drainage plan.

- c. All elevations shown on plans submitted to the City must be on the NAVD 88 vertical datum to provide compatibility with the City computer aided mapping system.
- d. All private, onsite utilities must be reviewed and approved by the City Building Official.
- e. Provide a landscape and illuminate plan as part of the engineering site plan review plan set.

Transportation

- a. Provide a Geotech report including minimum street section for wet and dry weather construction conditions.
- b. Cul-de-sacs and dead-end roads must have sufficient turning radius to allow the operations of emergency vehicles and Albany-Lebanon Sanitation vehicles. Fire Marshall approval of turnaround and emergency access. Minimum cul-de-sac radius and turn arounds must comply with the City's transportation plan.
- c. Proposed public street should be minimum 60-foot right-of-way with 5-foot sidewalk on both sides.
- d. Sidewalks, paths and driveway approaches must comply with ADA requirements.
- e. Provide City standard sidewalks and ADA access ramps access along proposed public street.
- f. Provide City standard street trees in compliance with the City of Lebanon street tree policy. See the policy and approved street tree list at (<http://www.ci.lebanon.or.us/index.aspx?page=117>)
- g. With engineering drawings, indicate the location of street and path lights, mailboxes, utility pedestals, signs.
- h. Mailbox locations must be also be reviewed and approved by the Postmaster.
- i. Provide City standard streetlights at all intersections and along proposed public street.
- j. Site lighting shall not glare or shine onto adjacent public streets or neighboring properties.
- k. Provide verification of Republic Services approval of location and access to garbage and recycling containers shown on site plans prior to approval of detailed engineering site plans.
- l. Provide one bus shelter to provide access to City transportation system and the Lebanon Community School District.

Water

- a. Identify any on-site wells on the engineered drawings. Back flow prevention devices will be required on any lot that is also served by the city water system.
- b. Fire suppression will be under the Fire Marshal review and approval. The number and location of fire hydrants shall be approved by the Lebanon Fire Marshal. All new hydrants must be operational and accepted by the City prior to storage of combustible materials on site.

c. Water main improvement should be extended through the development site to the edges of the property frontage to complete the loop from the south-east property line to the north-west property line.

Sewer System

- a. Identify any on-site septic systems on the engineering drawings. Provide Linn County approval for all septic systems.
- b. Extend the sewer main system as needed to service the development.

Storm Drainage

- a. Storm drainage facilities must be designed and constructed to ensure historical rates of discharge are not exceeded. Storm drain capacity shall be determined by the Rational Method for a 10-year event with a 15-minute minimum durations time using the curve (fig 5.3) in the master plan. A detailed design including engineering calculations shall be submitted as part of site plan review.
- b. With the engineering drawings, provide a grading plan for the site that indicates existing and proposed elevations. Drainage improvements (ditches and or piping) may be required at the site boundaries to prevent adverse impacts. The engineering drawings must provide a detailed design (including calculations) of the drainage improvements and mitigation of any impacts to adjacent properties.
- c. Provide verification of Oregon DEQ NPDES 1200C permit issuance and all condition of permit issuance prior to construction
- d. Provide correspondence from the appropriate state and federal regulatory agencies regarding wetland identification and required fill-removal permits, if any. Any wetlands identified as being impacted by public improvements shall be mitigated prior to the final acceptance of public improvements.
- e. With engineering drawings provide a construction erosion prevention plan.

Landscaping

- a. Submit a landscape and irrigation plan for any proposed landscape improvements to the City Engineer for review. Any landscaping proposed in the public right of way shall have a maximum mature height of no more than 24 inches above the street grade and at least 3 feet from any fire hydrant. All landscaping proposed in the yard setback areas adjacent to public streets shall have a maximum mature height of no more than 36 inches above the street grade.
- b. Vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety per Subsection 16.12.030.H of the Lebanon Development Code. A clear-vision area shall contain no plantings, fences, walls, structures, utility pedestals, or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb.