City of Lebanon

Planning Commission

Meeting Minutes
Special Virtual Meeting
April 30, 2020 and May 7, 2020

Due to the COVID-19 Pandemic, the City of Lebanon Planning Commission conducted a virtual meeting. The public hearings were held in two phases to allow the public to provide comment in between the meetings. The minutes prepared reflect both hearing dates to provide a compiled record of the public hearing process.

Members Present (April 30, 2020): Chairman Jeremy Salvage, Vice-Chair Don Robertson and Commissioners David McClain, Todd Prenoveau, Joshua Galka, Josh Port, and alternate Commissioner Samuel Brackeen.

Members Present (May 7, 2020): Vice-Chair Don Robertson and Commissioners Todd Prenoveau, Joshua Galka, Josh Port, and alternate Commissioner Samuel Brackeen.

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

APRIL 30, 2020

1. CALL TO ORDER

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

2. ROLL CALL

Roll call was taken. All Planning Commission members were present.

3. APPROVAL OF MEETING MINUTES

February 18, 2020 minutes were approved as submitted.

4. CITIZEN COMMENTS - *None*

5. PUBLIC HEARINGS

Prior to the initiation of the public hearings, Chairman Salvage presented the modified hearing procedures in response to the pandemic and identified all the expanded opportunities available for the public to review the proposed applications and provide

written and verbal comment.

A. Planning File AR-20-03 and VAR-20-01 – Administrative Review and Class II Variance Request for Applegate Landing LLC

Chairman Salvage opened the hearing for Planning File No. AR-20-03 and VAR-20-01. City Attorney Kennedy asked the Commission if there was any ex-parte communication, conflict of interest or bias regarding the application. All Commissioners indicated there was no ex-parte communications, conflicts or bias.

Director Hart presented staff's report for the proposed application. The subject property is generally located on the north side of the intersection of Airport and Stoltz Hill Roads. The total site area was previously 8.19 acres with frontage on Airport Road and Strawberry Lane. Through an application for a Minor Land Partition in 2019, the property was divided into three parcels, with the subject property totaling 2.37 acres.

The new subject parcel is located approximately 600 feet north of Airport Road, and approximately 150 feet east of Strawberry Lane, which is a County road. The property is zoned Residential Mixed-Density (Z-RM). Surrounding the property to the north is a vacant parcel within the RM zone; to the south is a legal non-conforming grocery store, and a single-family residential dwelling located within the County with a comprehensive plan designation of Residential Mixed-Density (C-RM); and to the east, across Burkhart Creek, and to the west are single-family dwellings located within the County with a comprehensive plan designation of C-RM.

For the development, the Applicant is proposing to development a 48-unit affordable housing apartment complex. As indicated on the site plan, there would be a total of four 3-story apartment buildings, and a large community building proposed.

For Density, the minimum lot size for a multifamily use in the RM zone is 9,000 square feet. At 2.37 acres, the subject property exceeds this standard. For the unit size and count, the development code would require 85,050 square feet, or 1.9 acres to develop the proposed project. The subject site at 2.37 acres exceeds this minimum, therefore the project is compliant with the density standards.

For setbacks, the Lebanon Development Code requires a minimum 10-foot front setback, 5-foot side setbacks, and a 20-foot rear setback. As indicated on the site plan, the project meets or exceeds this minimum requirement. For the east side setback, the property runs along Burkhart Creek. A 5-foot setback to the proposed fence line is provided, which is approximately 5-feet from the top of bank and approximately 20-feet from the centerline of the creek. A wetland delineation has been completed, and Department of State Lands (DSL) has concurred the accuracy of the delineation to determine the basis for the building setbacks.

Open space requirements include 25% of the project development area to be designated for open space with a minimum usable open space requirement of 25% of the total open space, and a designated children's play area with playground equipment. Credits to reduce the percentage of open space required are permissible when developed recreation areas are provided such as a community room, sports court, and swimming pools. The site area is 93,364 square feet, which requires a minimum 23,341 square feet of open space to be provided, inclusive of the common open space requirements. As indicated on

the site plan, 16,689 square feet of common open space is provided in two main areas located near the front of the property and includes the large 3,000 square foot community building. 25,652 square feet of additional open space is provided throughout the development.

For Parking, if calculating the parking demand for the project with no concessions, a total of 108 spaces would be required at 2.25 spaces per unit. With the excess bicycle parking provided on-site, the parking demand is reduced to 105 spaces per the development code.

The project is identified as an affordable housing project, where all units would be designated as affordable for incomes between 30% of the Area median income to a maximum of 60% AMI. Based on the designation of the entire development as an affordable housing project, the Applicant is requesting a reduction in the standard parking requirement of 2.25 spaces per unit to 1.5 spaces per unit. This would provide a total of 74 parking spaces on-site, which would be a 30% reduction in the parking requirement.

For affordable housing projects, there is a correlation that demonstrates households with lower area median income result in fewer vehicles per household. In the Applicant's narrative, a number of studies and resources have been provided which demonstrates a lower vehicle per household standard when associated with an affordable housing development. Based on the studies provided, the applicant contends that 1.5 spaces per unit would provide sufficient parking to accommodate the residents and guests.

Under the Oregon Affordable Housing Pilot Project State program, the City of Bend adopted an affordable housing parking requirement at 1.5 spaces per unit. The Applicant's proposal is equivalent to an adopted standard from an Oregon city, which provides a consistent application of standard for an affordable project. In addition, a bus stop would be provided at the entrance of the development to provide for use of the public transit system to provide an alternative to a personal vehicle.

In terms of site access and transportation improvements, the site is located approximately 600 feet north of Airport Road. As part of the development, the Applicant would build a new public street to full City standard (including sidewalks, landscaping and curb and gutter) that would provide access to Airport Road and terminate in a cul-de-sac at the southwest corner of the subject development. At the end of the cul-de-sac, a 20-foot emergency access road to Strawberry Lane would be provided and restricted to emergency vehicle access only.

For the intersection of Airport and Stoltz Hill Roads, the Applicant has aligned the new public street segment with the existing intersection. The Engineering Department has reviewed the alignment and determined it to be appropriate for the existing configuration.

According to the City's adopted Transportation System Plan, Airport Road will need to be signalized within the vicinity of Stoltz Hill Road. As part of the project, a Traffic Impact Analysis (TIA) was completed by DKS, Inc. and concurred by the City's contract traffic analysis consultant. The TIA indicated that based on the current and projected traffic impacts of the project, a signal is not immediately warranted. However, it is anticipated that a signal would become appropriate based on traffic increases as early as 2022. Based on the adopted TSP, Engineering staff's understanding of the existing street network, and the expansion of the intersection as proposed by this development, it is anticipated that the signalization of Airport Road would likely occur at Stoltz Hill Road. As

such, the project has been designed and conditioned to contribute to the development of a signal at the Airport and Stoltz Hill intersection.

Director Hart concluded the staff report with recommended actions for the Planning Commission to consider.

Chairman Salvage opened the conversation to questions from the Planning Commission.

Chairman Salvage asked for clarification for the City of Bend parking standard, and whether the application of the standard was for a specific development, or for the City as a whole. Director Hart clarified it was a citywide code to administer the lower parking standard.

Commissioner Brackeen commented on how affordable housing projects are funded, and the studies provided to justify the parking reduction. The studies provided were over 10 years old, and it appears that the request to provide less parking is to save money. The reduction of parking should be to provide a higher amenity to the residents, but that was not seen here. It is Commissioner Brackeen's opinion that additional information should be provided to further justify the reduction in parking. Commissioner Brackeen further pointed out that the development code requires sufficient parking to be provided on-site for the development, the applicant needs to prove that the reduction in parking would accommodate the need, but the information provided as part of the agenda was not sufficient.

Director Hart identified that the age of the study does not negate the validity of the study. In the planning profession, it is understood that there is a correlation of less parking demand for managed affordable housing projects. For Bend's City parking standards for affordable housing projects, although it is part of the State pilot program, it does not diminish the fact that the parking standard has been incorporated into the City code and determined 1.5 spaces is appropriate for affordable projects. If the Commission does not feel there has been appropriate data provided by the applicant, it can be requested that the applicant provide additional information prior to making a decision. For the determination for the variance request, the justification for the reduction of the parking should be based on the reduction in demand, and not on providing other amenities.

Commissioner Brackeen provided further comments on median income in Linn County, and concluded that it appears the only purpose to request the reduction in parking is to save money on construction costs. Commissioner Brackeen concluded that there should be a correlation to providing a higher living standard in exchange for the parking area.

Chairman Salvage requested information about on-street parking. Director Hart indicated that there will be on-street parking provided on the Stoltz Hill extension, but those parking spaces may not be utilized as credit for on-site parking. Further, based on the location of the site, it is 600 feet from the intersection at Airport, and it is another block away from any other street; there is not a close opportunity for the residents to park anywhere else, so it is at the developers self-interest to provide sufficient parking.

Commissioner Galka asked about the signalization of Airport Road, and the developer's contribution. Director Hart indicated that the intersection would be signalized, and the developer would be contributing 25% of the cost of the construction.

Commissioner Brackeen commented further that the City is growing, and with that growth, we want to make sure we are looking at up to date data on parking reduction and requested to provide more information on more local areas, and Linn County specific information. Further, Commissioner Brackeen requested an understanding of what the extra space would be used for in exchange of the parking.

Director Hart indicated that the applicant can provide additional analysis for the reduction in the parking. As for what the additional space is used for, the provided site plan shows how the space is being used, the land is being used to provide a larger buffer from the neighboring areas, the large community building and open space, and the storm detention area. The site plan shows how it's being used, and if the full parking requirement were to be provided, then the project would result in a reduction of units.

Chairman Salvage asked about the mixed-use path along Burkhart Creek. Director Hart indicated that due to the location of the property, the mixed-use path would be deferred construction until the properties to the south are developed.

Commissioner McClain indicated he agreed with Commissioner Brackeen regarding the parking requirements, and the normal expectation of use of the residential units, and the number of parking spaces seems insufficient. Further information should be provided by the applicant.

Director Hart provided further clarification on the number of units, and the number of bedrooms within the development.

Commissioner Port clarified that over half the units would be one bedroom or studios. Director Hart clarified that was an accurate statement.

Seeing no further questions of staff, Chairman Salvage opened the hearing for the applicant to speak.

James Lutz, representative for Applegate Landing, LLC thanked the Commission for participating in the virtual meeting. Mr. Lutz indicated that he understood the concerns over the parking, but over half the units are studios and one-bedroom apartments, so they feel there is sufficient parking provided. In addition, there will be approximately 25-30 parking spaces provided on the street.

Mr. Lutz further expressed his excitement over the site, the location, trail access, and proximity to town.

Speaking further on parking, Mr. Lutz indicated there will be a bus stop, an emphasis on carpooling, and the use of less cars in the future. The standard parking space application for the number of smaller unit size seems excessive. The location of the project lends well to easy access to town, and there will be a focus on public transit, and bicycle use.

The first-floor units will be ADA designed, and the target demographic will be older individuals and veterans. Based on all this, they feel there is a justification for the 1.5 spaces, and it is not based on the savings associated with less parking.

Mr. Lutz believes the project as a whole will be a benefit to the community, especially with the signalization of Airport Road and Stoltz Hill.

Daniel Bullock, Casa of Oregon, a non-profit development consultant group for affordable housing spoke for the applicant team. To address the parking, the variance findings is based on need and demand, not cost savings. However, to address the cost savings, the money would be allocated to the community room, and services to be provided in the community room rather than the parking.

For the question of rents, the median income for Linn County is $49,500. Mr. Bullock further explained the funding and how the covenants for affordability are applied. The project would be designated as an affordable project for 60 years, so there is no opportunity for the project to transition to mark rate.

Commissioner Brackeen asked clarification on the tax credits, and the funding source, in addition, requested whether other multi-family projects have reduced parking because of affordability.

Mr. Bullock responded that the parking reduction has been used in other projects in other rural communities but does not know of any in Lebanon. There is a general emphasis to save money that can go to resident benefit, such as the community room, and generally, parking is not a fully utilized amenity when providing the full parking requirement.

Chairman Salvage indicated he would like to receive feedback from the City of Bend and how the application of that code has been applied.

Director Hart indicated that she would reach out to Bend and requested that the applicant also provide further analysis on the parking reduction.

Commissioner McClain indicated support for the project but requested the applicant to see if they can come up with some additional parking spaces before the next meeting.

Seeing no further comment, Chairman Salvage motioned to postpone the public hearing to a date certain of May 7, 2020, and to leave the public record open for public comment until 5:00pm on Tuesday, May 5, 2020. Vice-Chair Robertson seconded the motion.

The motion passed 7-0.

B. <u>Planning File CUP-20-01</u>– Conditional Use Permit Request for CoEnergy Propane

Chairman Salvage opened the hearing for Planning File No. CUP-20-01. City Attorney Kennedy asked the Commission if there was any ex-parte communication, conflict of interest or bias regarding the application. All Commissioners indicated there was no ex-parte communications, conflicts or bias.

Director Hart presented staff's report for the proposed application. The subject property is generally located at the east end of Industrial Way, and the north end of Williams Street. The subject site is a lease area toward the north end of the Rick Franklin Railroad Yard. The Applicant, CoEnergy Propane, is proposing to utilize the lease area for a propane fuel

storage and distribution facility.

The property is zoned Industrial (Z-IND). Surrounding the lease area to the north is a largely vacant area that is utilized for storage associated with the railyard located in the Z-IND zone; to the south is the railyard operations and offices located in the Z-IND zone; to the east is vacant property in the Z-IND zone, and to the west is a cemetery, and further west is the Samaritan Hospital campus, both uses located in the Public Use (Z-PU) zone.

The Applicant is proposing to establish a propane storage and distribution facility. The use would include a 60,000 gallon above-ground storage tank for the on-site storage of liquid propane.

The tank would generally be located in the northwest corner of the leasehold area, and adjacent to the rail line. The tank would be installed on a concrete foundation, with concrete bollards placed every four feet around the perimeter of the tank.

The tank would have a rail tower installed to allow for the propane tank to be refueled from the rail line. In addition, the site would be accessed from Williams Street for distribution trucks to be able to fill the smaller truck tanks from the on-site storage tank from a second valve source facing the interior of the property. The site is 1.69 acres and provides sufficient area for trucks to fully maneuver and turn around to allow for proper vehicle circulation on-site.

For the fueling procedure, it would be through a closed system, where a hose is connected to the storage tank and the truck or rail tank. Once connected, the valve would be opened to fill the tank. Upon completion of fueling, the valve would be closed, and the hose lines would be disconnected. As identified on the provided plans, there are safety protocols in place, including an emergency shutdown switch, fire extinguisher rated for propane fires, and crash protection bollards. In terms of staffing, the site would be considered “unmanned” as there are no staff on-site. The train operators and truck drivers that would be fueling the tank or discharging to the truck all require training and certifications prior to operating the tank.

For additional safety considerations, federal regulations indicate that the tank must be at least 75 feet away from a building that is suitable for human occupation. As proposed, the storage tank would be located approximately 842 feet from the closest building on the Samaritan Hospital Campus to the west, and 850 to the office buildings for the railyard to the south. All required State permits would be necessary to be obtained prior to issuance of a certificate of occupancy. The State Fire Marshal would be the permitting agent for the storage of hazardous materials.

Director Hart concluded the staff report with recommended actions for the Planning Commission to consider.

Chairman Salvage opened the conversation to questions from the Planning Commission.

Commissioner McClain asked about the direction of the prevailing winds.

City Engineer Whitlatch indicated the winds were from the south, south-west, away from the hospital, so the winds would blow more towards Tennessee Road.

The applicant, Bryan Adams representing CoEnergy Propane spoke on the project. Mr. Adams indicated the company has been serving the community since 2001. This facility would provide a greater service area and provide for a lower cost to the local residents with the installation of this facility.

Chairman Salvage asked storage capacity of the other facilities in the company. Mr. Adams indicated in Redmon there is 50,000-gallon storage tank, and in Corvallis there is a 30,000-gallon storage facility. The Lebanon facility would take over for the Corvallis facility, and is better situated due to the rail access.

Seeing no further comment, Chairman Salvage motioned to postpone the public hearing to a date certain of May 7, 2020, and to leave the public record open for public comment until 5:00pm on Tuesday, May 5, 2020. Commissioner Prenoveau seconded the motion.

The motion passed 7-0.

6. WORK SESSION - *None*

7. COMMISSION BUSINESS & COMMENTS

Director Hart thanked the Commissioners for participating in the virtual platform, and it is anticipated the platform will continue to be virtual for the next few meetings.

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:15pm.

(Minutes continued on next page)

MAY 7, 2020

1. CALL TO ORDER

Vice Chair Robertson called the meeting of the Lebanon Planning Commission to order at 6:00 pm via the GoTo 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 McClain were excused.

3. CITIZEN COMMENTS - *None*

4. PUBLIC HEARINGS

Prior to the initiation of the public hearings, Vice Chair Robertson presented the modified hearing procedures in response to the pandemic and identified the procedures that occurred at the April 30, 2020 Planning Commission meeting, the public comment procedures, and the hearing process for the current meeting.

A. Planning File AR-20-03 and VAR-20-01 – Administrative Review and Class II Variance Request for Applegate Landing LLC

Vice-Chair Robertson introduced the continued hearing for Planning File No. AR-20-03 and VAR-20-01 and asked if there was any ex-parte communication, conflict of interest or bias regarding the application identified since the previous meeting. All Commissioners indicated there was no ex-parte communications, conflicts or bias.

Director Hart presented a quick overview of the project, and the summaries of the public comments received. The basic project overview is the project would be accessed from the intersection of Airport and Stoltz Hill via an extension of Stoltz Hill Road. The development includes proposed construction of 4 3-story apartment buildings and a community room. And the parking ratio is 1.5 parking spaces per unit, a proposed reduction from the development code standard of 2.25 spaces per unit.

Prior to and through the Public Comment Period, the City received a number comments. These comments were provided to the Planning Commission, Applicant's, and posted to the City's website and Facebook page on the evening of May 5th.

For this project, the City received 5 letters of concern, 12 letter of support for the project, and one verbal comment during the comment period. After the close of the comment period, the City did receive one additional verbal comment on the project. Although this comment was received after the close of the comment period, it was recommended to still consider the comment.

Vice-chair Robertson authorized the second verbal comment to be included into the record.

The first verbal comment was indicating concern over drainage on Strawberry Lane, and security and privacy, and there should be a perimeter solid fence.

The second verbal comment indicated an opposition to the project as the land is currently a wildlife refuge and wetland area.

At the conclusion of the verbal comments, Director Hart summarized each of the written testimony provided.

Betty Beaver testimony: Miss Beaver lives on the property that would be directly adjacent to the new extension of Stoltz Hill Road. Her points of concern include:

1. Traffic on Airport road is currently congested, and there are concerns about an increase in the traffic volumes. In addition, with the signal at the intersection of Stoltz Hill and Airport, this would have a negative impact to her, since her driveway would be located so close to the intersection, the vehicle stacking would make it extremely difficult for her to turn left out of her driveway.
2. She then echoed the concerns noted regarding parking for the site and encourage great scrutiny to any studies that are presented to validate the reduced parking.
3. Next, as her side yard would be so close to the new street, she is concerned about people loitering on the sidewalk, and the light glare from streetlights, the noise and loss of privacy. She is requesting a fence be built along the two property lines that intersect with the project.
4. She is asking about whether there has been an analysis of crime statistics for the development.
5. And finally, would like to understand how or if the project would have any impact on the easements she holds for her septic system on the neighboring property.

Anna Klinkebiel testimony: Ms. Klinkebiel lives on Strawberry Lane. Most of her comments and questions were requesting clarification on certain aspects of the staff report and exhibits, as such, Director Hart, throughout the summary of the letter provided input on the project to provide clarification.

The first point of clarification requested was regarding the duration of access for Strawberry Lane. Strawberry Lane is a County Road, so a County right-of-way permit will be required. It is the right-of-way permit, not the Traffic Impact Analysis that will stipulate how long access will be granted on Strawberry, and from communication with the County, this permit is for a very limited interim basis until the roadway is built to the property and is not tied to the installation of the intersection signal.

The next question asked was regarding vision clearance areas and construction of a site obscuring fence. The commenter was concerned about her fence and vegetation on her property potentially being impacted. For the vision clearance areas, it is an area designated when there is an intersection of a driveway and a street. So the project driveway would have a vision clearance area, and the 20-foot emergency vehicle access would have a vision clearance area at the intersection of Strawberry Lane. However, the location of both these areas are far enough away from the individual's property that the existing fence and vegetation on her property would not be impacted. For the fencing request on the persons southern property line, I believe the applicant will respond to that.

The clarification on the lot line adjustment, in 2019, the applicant filed a minor land partition to separate the existing large single property into three properties. That minor land partition does not reflect the current property configuration as it was not inclusive of the areas for the public right-of-way. The Lot Line Adjustment will be required to adjust the property to the current configuration and account for the new street. For the layout of the street, the configuration of the cul de sac is close to the final configuration, but not exact. The Engineering department will need to review the street layout for final conformance, make sure it meets all required radii and is designed to NOT impact this persons property.

Additional comments were requesting clarification on right-of-way permits through the County. These improvements would be associated with any modifications on Strawberry Lane, and they would be stipulated through the County permitting procedures, but no improvements have been required at this time through this permit.

A second question was asked about landscaping and vision clearance areas, and removal of vegetation. Again, any fencing or landscaping on the individual's property would not be impacted as part of this application. The applicant can speak further on the vegetation that is to be removed on the development property.

Finally, the commenter requested clarification on the type of direct onsite supportive services that would be provided, and whether those services would be limited to the residents, or if it were to be bringing in an outside population for the services

Judy and Stanley Smith Testimony: Their major concerns are regarding significant traffic impacts on Airport Road. Their suggested improvements would be signalization of Airport and Stoltz Hill, as well as Airport and 12th Street. In addition, it was suggested that the development be accessed from Strawberry Lane rather than directly from Airport.

Finally, they commented on parking, and identified concerns that there would not be sufficient parking for guests, especially if the community room is to be rented out for parties or other events that would bring in a large number of guests.

Donna Beamer Testimony: The City received the letter from Donna Beamer that was signed by 30 other residents back in September of 2019 before the application was filed.

This letter identified serious concerns about increased traffic on Airport Road, and indicated that inclusion of a traffic signal would not be enough to mitigate the traffic or potential hazards. It was suggested that while the project is worthwhile, an alternative location in a different area of the City would be more appropriate.

Nancy Chlarson Testimony: This letter requested a privacy fence between the development and surrounding properties. In addition, she requested a grass area be provided for each unit to provide an area for the resident's pets to use the restroom. Lastly, she requested that the parking variance not be granted, because there is already an issue with parking on 9th Street.

Dale Jenkins Testimony: Dale Jenkins and a number of other signatories to the letter indicated support for the project because Linn County is in need of more housing. In addition, supportive affordable housing needs are significant in the County and for veterans. And the project would provide onsite supportive services and treatment programs within the resident services which will provide a benefit to the veteran's

community.

Chamber of Commerce: The Chamber of Commerce near the beginning of last year issued a letter of support for the project, echoing the previous letter and the needs for more housing and providing supportive services to the veterans.

Build Lebanon Trails: Two people, Thad Nelson and Rodney Sell wrote letters of support for the project as it would expand the Lebanon Trail system.

Veteran Community: 11 other letters from veterans, several with multiple signatures were submitted to vocalize their support for the development as it would support the local community of veterans.

At the conclusion of summarizing the public testimony, Vice-Chair Robertson recognized the Applicant to respond to the comments.

James Lutz, representative for Applegate Landing, LLC spoke. Mr. Lutz began by providing more background to the project, his history, and the purpose and intent behind the project. Mr. Lutz has been a 4th generation Oregonian, has lived in Lebanon for over 25 years, and his family continues to grow in town. Two of his sons are serving in the United States Marine Corp. His family has a long history of serving in the military and helping veterans. Edward Allworth is his great grandfather, which shows the roots in this town, and his desire to continue helping the veteran community.

Due to this, Mr. Lutz began the process of developing a veteran home, working with CASA of Oregon to apply for funding. In 2019, the developer applied for funding through Oregon Housing and Community Services and received the funding as well as other tax credits and grants. To date, there has been a large investment in the project including environmental impact studies, wetland delineation reports, archaeological studies, traffic impact analyses, drainage studies, and more.

Mr. Lutz contends that with the ongoing housing crisis in Oregon, this project will provide much needed, affordable housing, to service the large population of veterans in the City. In addition, this project would provide an extra service to the community as a whole, with providing funding for the signalization of the intersection of Airport and Stoltz Hill Road. The project will also be adding to the Lebanon trail system.

Mr. Lutz continued on to address the public comments, and indicated it was his intent to be good neighbors.

For Mr. and Mrs. Beaver, the new road will be close to their east property line for a short segment near the back side of their property. There was concern with noise privacy. As the new road is a dead-end road, there won't be any through traffic and will have far less traffic than what is on Airport Road. It seems reasonable that the project could provide additional measures to reduce the effect of having a new road near one's property. The preference would be to refurbish the exiting chain link fence and install sight obscuring slats to complement the existing shrub and trees barrier. The Veterans housing project site will be near five hundred feet north of Mr. and Mrs. Beavers house, and will not impact their septic easement.

For Anna Klinkebiel, there was concern about the emergency access. This Emergency Access road was a requirement from the Lebanon fire department for emergency access only. It will have permanent barricades used only for the Lebanon Fire department. The access will be used for temporary Construction access, only for the first portion of construction. this will be gated during construction and not open to the public at any time. Once the new road is open, the construction access will only be used for egress of delivery trucks a few times a week until construction of the facility is complete. The new emergency access road was deliberately set far enough off Anna's southern property line, as to minimize the impact to the existing tree line and landscape area. The preference is to retain all the trees, shrubs and foliage along that property line. With regard to the requested privacy barrier, it would be reasonable to extend the new sight obscuring fence on the east side of Annas property, heading west, along her south property line, up to the mature Fir trees and again, leaving the natural buffer along the property line. The question arose as to what would be involved with the single HUD 811 household. This single unit is set aside and targeted for a Veteran with a serious disabling wound, most likely a traumatic brain injury occurring during their service to our country. This Veteran will have either permanent care or daily care and supervision. As the Resident Services program will be used to coordinate some of this supervision and stationed out of the Community building, The Community Building use will be limited for the use of Applegate Tenants Only and not a "Public Facility".

For Judy and Stanley's comment at 970 Airport, there were many observations and concerns with the intersection of Stoltz Hill and Airport Road. The developer tried to get approval to use Strawberry lane for a portion of the permanent access, and there were many reasons it was not approved. Once the new intersection and signals get installed, there will be a more consistent flow of traffic onto Airport road reliving the congestion on Stoltz road. There will be no delivery trucks allowed to park on Airport road that are delivering products to the Minimart. There will be increased vison clearance on all side of the intersection. There will be signalized crosswalks at all corners of the intersection, increasing the safety of pedestrian's crossings the road, especially for the students going to and from High School or to the Mini mart.

A Traffic Study was conducted and provided to the City of Lebanon. It was reviewed and approved by the contracted City Traffic Engineer. The finding set forth in the study, concluded that the increase in traffic by the entire development, still well be within the City's traffic standards and will be until 2022 when the new signaled intersection will be built.

Mr. Lutz concluded his statements and thanked the Planning Commission for consideration.

Vice-Chair Robertson opened the discussion for Planning Commission questions.

Commissioner Prenoveau commended Mr. Lutz on the project, and the veterans service. The concern is the parking, but he would like to support the project.

Commissioner Brackeen indicated appreciation for a project for the Veterans, and wants to be in full support for the project. He appreciated the submittal of newer studies, and

additional information provided in between the two hearing dates. Commissioner Brackeen did indicate that he would like to see a per unit parking requirement for the complex to make sure each unit has sufficient parking provided.

Director Hart clarified that there is a condition of development included in the proposal that would require the development of a parking plan and the parking assignment and limitation on the number of vehicles permitted on site be included in the lease.

Commissioner Prenoveau indicated the concern that the development code requires 2.25 parking spaces per unit, so he does not think that we should waiver from the code. The variance would set a precedence and thinks if we want to provide a different standard, then the code should be changed. He further states that there is enough area on-site to provide more parking.

Vice-Chair Robertson asked the applicant to speak on what the lease agreement would look like for the parking restriction.

Mr. Lutz responded that there are quiet a few one-bedroom units and studio apartments that may not need parking, or may need only one space, so some of the units would be limited to one space, while the larger units would be assigned two spaces. He further stated that they have provided additional evidence to prove that the lesser parking requirement is warranted.

Vice-Chair Robertson referenced the additional evidence noted and indicated that all the apartment complexes provided as evidence for lower parking requirements were located close to public transit, except for one, and requested the applicant to speak to that. In addition, for those residents that have to work out of town, how would they get to and from work.

Mr. Lutz mentioned there will be multiple bus options including the Linn Benton Loop, Dial-a-Bus, the American Legion, and the Veterans home at the north end of the City to provide transportation service.

Commissioner Brackeen asked whether there were existing Memorandums of Understanding in place for these transportation services.

Mr. Daniel Bullock indicated that the resident services contracts run through a different agency that services multiple projects, and this project would be included in their portfolio.

Commissioner Brackeen asked for him to speak specifically on the transportation aspect and whether there were any established MOUs.

Mr. Bullock indicated that the MOUs exist within the operator, but not specifically for this property. There is confirmation of services, but no MOUs at this time.

Vice-Chair Robertson asked Mr. Lutz to identify that the current parking configuration is the maximum that can be put on the property in the current building and use design.

Mr. Lutz indicated that they reviewed the plan further and were able to identify options to include seven more parking spaces.

Director Hart displayed the new site plan with the inclusion of the seven parking spaces. In addition, the applicant provided a site plan that showed the design if the required 2.25 parking spaces were provided. This plan would eliminate the community room and open space area, resulting in a loss of service and non-compliance with the open space requirement. The only other alternative would be to reduce the number of units by 16.

Vice-Chair Robertson asked the Commissioners whether they had any other questions for the applicant. Seeing none, the public hearing portion was closed and all communication moving forward was limited to the Commission and staff.

Vice-Chair Robertson summarized that traffic and parking were the major concerns about the project.

Commissioner Brackeen identified that he does not want to sacrifice a community room or open space because the commission won't allow a variance. It is understood that parking was identified as a concern, but with the resident services that are being provided to help get people around, as well as the additional spaces provided, and the newer parking studies to further justify the reduction, along with the installation of the new traffic signal, the project appears to have addressed the concerns.

Commissioner Galka discussed the parking spaces per unit plan with the added spaces and verified that there is at least one parking space per bedroom provided on-site. After calculating, Director Hart verified that there is at least one parking space per unit.

Commissioner Galka indicated that would be perfectly reasonable. Vice-Chair Robertson agreed with the statement and asked whether Commissioner Prenoveau agreed. Commissioner Prenoveau indicated it was acceptable but would like to discuss parking as a whole and the use of variances as a whole at another meeting.

Commissioner Brackeen indicated his concerns over the project have been satisfied, with the additional parking.

Commissioner Port spoke the request to provide designated visitor parking.

Vice-Chair Robertson requested Engineering Director Whitlatch indicate when the traffic signal would be triggered. Engineer Director Whitlatch indicated that the City has already initiated the preliminary designs will be working with the County to move the signal forward now, even though the project itself does not trigger the installation.

Vice-Chair Robertson asked if there were any further questions. Seeing none, Vice-Chair Robertson asked if the commission agreed that the decision criteria can be met for both the development and the variance.

The commissioners all vocalized in the affirmative.

Vice-Chair Robertson asked for a motion.

Director Hart clarified that since the decision appeared to be based on the expanded parking design that the motion should be to include the modification to the conditions of development to reflect the increased parking.

Commissioner Brackeen moved to approve the applications with the modified condition to require 81 parking spaces, with some of them to include visitors.

Commissioner Port seconded the motion.

The motion passed 5-0.

B. <u>Planning File CUP-20-01</u>– Conditional Use Permit Request for CoEnergy Propane

Vice-Chair Robertson introduced the continued hearing for Planning File No. CUP-20-01 and asked if there was any ex-parte communication, conflict of interest or bias regarding the application identified since the previous meeting. All Commissioners indicated there was no ex-parte communications, conflicts or bias.

Director Hart presented a quick overview of the project, the property would be located north of Rick Franklins rail yard. The tank would be a 60,000 gallon tank situated in the northwest corner of the leasehold area with access to both the rail line, and the internal circulation for truck routes. Safety measures have been proposed including bollards, an emergency shut off, and a fire extinguisher.

Director Hart then provided a summary of the public comment. During the public comment period, the City received one letter from a neighboring resident. The letter indicated concern over the facility not having an on-site security guard. In addition, there were concerns about if the tank leaked how the propane would move through the slough. The commenter is requesting additional conditions and security measures be placed on the application including: an extra row of bollards around the tank; a leak protection system, including resident notification on the tank placement and any emergency communication if there is a leak; and more fire protection service.

At the conclusion of summarizing the public testimony, Vice-Chair Robertson recognized the Applicant to respond to the comments.

Mr. Bryan Adams, President of CoEnergy Propane, provided a written response as well, but described the response verbally. There is a detailed leak protection system in place for the system in the tank, piping, and exterior of the system. There are excess flow precautions as well, along with and emergency shut off valves. A monitoring system will also be installed on the tank to indicate whenever there is any release of gas from the tank. Regarding the request for additional bollards, but this is not recommended because it would limit air movement which is key if there are any leaks. Additionally, this is an odorized propane, so people will be able to detect if there was a leak.

Per the fire district, there has not been an identified need to provide a new fire hydrant, and there are no concerns about meeting code. This is the first step in the permitting process, a permit at the state level is also required.

Mr. Adams concluded and was available for questions.

Vice-Chair Robertson asked if there were any questions. Seeing none, Vice-Chair Robertson indicated that it appeared Mr. Adams answered all the concerns.

Seeing no further communication, the public hearing was closed.

Vice-Chair Robertson asked the commissioners whether they thought the decision criteria could be met.

Commissioner Brackeen answered in the affirmative and indicated it seemed like the system was safe, it was good to have the added notification procedures as identified in case there was a leaka and met or exceeded all relevant codes.

Vice-Chair Robertson asked for a motion.

Commissioner Galka moved to approve the conditional use permit based on the written findings and conditions.

Commissioner Prenoveau seconded.

Motion passed 5-0.

5. WORK SESSION - *None*

6. COMMISSION BUSINESS & COMMENTS

None.

7. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:15pm.

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