



**City of Lebanon**  
**Planning Commission**  
**Meeting Minutes**  
**July 15, 2020**

Due to the COVID-19 Pandemic, the City of Lebanon Planning Commission conducted a virtual meeting in accordance with Governor's Executive Order 20-16 and in State public meeting laws.

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

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

**1. CALL TO ORDER/ FLAG SALUTE**

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

**2. ROLL CALL**

Roll call was taken. Commissioner Galka was excused.

**3. APPROVAL OF MEETING MINUTES**

The minutes for the June 17, 2020 and June 24, 2020 Planning Commission meeting were approved as submitted.

**4. CITIZEN COMMENTS - None**

**5. PUBLIC HEARINGS**

**A. Planning File AR-20-05 – Administrative Review Request for Farmworker Housing Development Corporation (Western terminus of Weldwood Drive)**

Vice-Chair Robertson opened the continued public hearing for the item and summarized the actions taken by the Planning Commission to date prior to the hearing on July 15, 2020. Vice-Chair Robertson concluded that the Applicant has requested that the public record be re-opened to allow for further public comment to

be received, then requested City Attorney Kennedy to provide further information on the Applicant's request.

City Attorney Kennedy indicated that the City received a letter from Attorney Bragar on behalf of the Applicant. He indicated that he had no concern regarding granting the request of the Applicant as indicated in the letter and would suggest the Planning Commission honor the request. City Attorney Kennedy further indicated that although he does not agree that there was any procedural errors made by the City, since we are not following the same meeting procedures due to the pandemic, that he sees no issue with opening the public record again, reading the hearing procedures, and providing the public a greater opportunity to speak.

Vice-Chair Robertson requested City Attorney Kennedy to summarize the procedure that is currently requested.

City Attorney Kennedy reviewed the procedures. The Planning Commission would re-open the public record, City Attorney Kennedy would then read for the record the quasi-judicial hearing procedures, then the Planning Commission would leave the public record open from July 15 through July 22 at 5:00pm for any member of the public to provide comment. Then, from July 22 to July 29 at 5:00pm the record would be left open for any interested party to rebut the comments received during the initial comment period. Finally, the record would be left open from July 29 through August 5 at 5:00pm to allow the Applicant to provide final written rebuttal and arguments. At 5:00pm on August 5, the public record would be closed. On August 19, 2020, the Planning Commission will reconvene and consider the public testimony, discuss the application, then decide on the application.

Jennifer Bragar, representative for the Applicant, indicated an appreciation for accommodating the procedural requests, and wanted to make sure the process is followed and in addition to the timelines set forth the raise it or waive it standards are mentioned so all members of the public are aware of the hearing procedures and requirements.

Vice-Chair Robertson motioned the Commission to reopen the record based on the letter provided by the Applicant, and as reviewed by the City Attorney.

Commissioner Prenoveau seconded the motion.

***The motion passed 6-0. City Attorney Kennedy read the quasi-judicial meeting procedures and the raise it or waive it provisions for public hearings.***

**B. Planning File AR-20-09 – Administrative Review Request for McKinney Lane II, LLC (South of intersection of Russell Drive and Franklin Street)**

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 staff's report. The application before the Planning Commission is a request for approval of a 78-unit apartment complex on the south side of the intersection of Russell Drive and Franklin Street. The subject parcel is 7.42 acres and is zoned Residential Mixed-Density (Z-RM). Surrounding the property to the north are vacant properties zoned or designated as residential mixed density (Z-RM and C-RM). At the June Planning Commission meeting, an application for a 48-unit apartment complex at the northwest corner of Russell Drive and Franklin Street was approved. To the south are vacant properties zoned Industrial. To the West is the developed first phase of the McKinney Lane apartment complexes, as well as single-family homes in the County. To the east are single-family homes in the County unincorporated are designated for residential low-density (C-RL).

For the proposed development area, the subject property is 7.42 acres, but the total proposed development area is only 4.02 acres. The site contains identified wetlands, which have been delineated and concurred with DSL. The development proposal would be located between Russell Drive from the north, and the delineated wetland area to the south. The remainder of the approximate 3.4 acres of the property would remain undeveloped.

Director Hart continued, for the development proposal, the Applicant is proposing to develop a 78-unit apartment complex. As indicated on the site plan, there would be a total of six 2-story apartment buildings, and a clubhouse.

In terms of setbacks, per the Lebanon Development Code, the minimum observed setbacks include a 10-foot front setback, 5-foot side setbacks, and a 20-foot rear setback. As indicated on the site plan, the front setback (on Russell Drive) would be over 12-feet. The side setbacks would be over 13-feet on the western property line, and over 12-feet on the eastern property line. The rear setback would far exceed 20-feet as the rear part of the development backs up to the wetlands and property not proposed to be developed.

For Density, with the removal of the wetland area and portions of the property not included in the development, the total project area is 4.02 acres, and as demonstrated in the agenda report, calculating the required land area based on unit type, the required land for the development would be 2.48 acres, therefore the site meets density standards.

For Open space the development code requires 25% of the project development area to be designated for open space/landscaping. Of this open space area, at least 50% shall be usable open space (i.e., not designated for storm drain facilities, etc.), and at least 25% of this usable open space shall be in one area. In addition, a children's play area shall be provided. The remainder of the open space area may be distributed throughout the site. As proposed, the applicant is providing 29% of the development area as landscaping, 41% of the landscaping would be designated for usable open space. Credits, as authorized in the development code at a rate of 1:4 ratio are provided for amenities, such as the clubhouse and pool area. With the credits applied, the project exceeds the 50% of the landscape area to be usable. Over 25% of the usable open space is in the northwest portion of the site and would

include the area with the clubhouse and the pool. The required children's play area would also be located centrally to the site, adjacent to Building 3 as identified on the site plan.

For parking, the development code requires 2.25 vehicle parking spaces per unit, and 0.5 bicycle parking spaces per unit, but also authorizes an earned parking reduction of up to 15% when additional covered and uncovered bicycle parking is provided. The applicant is only proposing a 10% reduction. With the code authorized reduction, the minimum required vehicle parking would be 158 spaces, and the minimum required bicycle parking would be 112 spaces, 92 covered, and 20 uncovered. The development has proposed to meet the minimum vehicle parking with 158 open parking spaces along the internal drive aisle. Bicycle racks would also be provided throughout the site to meet the 20 uncovered bicycle parking requirements, and a total of 92 covered bicycle parking spaces would be provided including covered racks, and storage in each unit, exceeding the minimum requirements.

Finally, regarding traffic considerations, a Traffic Impact Analysis was prepared as part of the planning process and has been included as part of the Agenda. The results of the TIA determined the increased traffic associated in this development can be accommodated within the current transportation system, and no additional off-site improvements would be required. This TIA also took into consideration the anticipated added traffic associated with the recently approved development at the northwest corner of Franklin Street and Russell Drive.

Director Hart concluded the staff report and was available for questions.

Vice-Chair Robertson asked if there were any questions to staff.

Commissioner Brackeen asked a question about providing signage for the wetlands to keep people out of the wetland areas.

Director Hart indicated that wetlands would not be able to be developed on, but there is not any condition to state that the wetlands would not be able to be accessed. But if the Planning Commission wanted to place a condition to restrict access or place signage for the restriction.

Seeing no further questions, Vice-Chair Robertson asked the Applicant if they wished to speak on the project.

Aaron Wigod, representing the development spoke. Mr. Wigod indicated that this is a second phase of the McKinney Lane development. They are providing amenities and a clubhouse that would be shared with the first phase. Overall, indicated an excitement to build the second phase and would be happy to answer any questions.

Vice-Chair Robertson requested that the Applicant address the question of the wetlands posed by Commissioner Brackeen.

Mr. Wigod indicated that they would be amenable to put up signage for the wetlands. They view the wetlands as an amenity, and there were wetlands on the

previous development as well, but they haven't had any known issues of the wetlands being impacted by the residents.

Commissioner Brackeen clarified he did not have any issues or specific requirements regarding signage but was simply asking the question. As the original development didn't have an issue, he did not see an issue moving forward.

Commissioner Prenoveau asked whether there was a rule against walking on wetlands.

Brian Vandetta, Consultant for the Applicant addressed the wetland question. Indicated that there is nothing in State law that would restrict access to the wetland areas, just development.

Vice-Chair Robertson, seeing no further questions moved on to the following proceedings, and requested clarification on the next steps.

City Attorney Kennedy indicated the appropriate process at this point would be to initiate the 7-7-7 rule.

With this determination, Director Hart identified the suggested motion would be to continue the public hearing to August 19, 2020. The public record would be left open until Wednesday, July 22 at 5:00pm for any member of the public to provide comment. Then, from July 22 to July 29 at 5:00pm the record would be left open for any interested party to rebut the comments received during the initial comment period. Finally, the record would be left open from July 29 through August 5 at 5:00pm to allow the Applicant to provide final written rebuttal and arguments. At 5:00pm on August 5, the public record would be closed. On August 19, 2020, the Planning Commission will reconvene and consider the public testimony, discuss the application, then decide on the application.

Vice-Chair Robertson requested a motion based on the procedures discussed.

Commissioner Prenoveau made the motion consistent with the procedures and recommendation identified for the timeframes and the modifications to the findings and conditions.

Commissioner Brackeen seconded the motion.

***Motion passed 6-0.***

## **6. PLANNING COMMISSION REVIEW –**

### **A. Mill Race Urban Renewal District – Comprehensive Plan Consistency Finding.**

Vice-Chair Robertson requested Director Hart to introduce the item.

Director Hart provided a brief introduction on the purpose of the agenda item, and the history of actions that have resulted in the purpose of the development of the

Mill Race Urban Renewal Area. Director Hart then introduced the City's consultant, Elaine Howard from Elaine Howard Consulting, LLC to present the item further.

Ms. Howard indicated that the purpose of the presentation tonight is to provide background on the proposed Urban Renewal Plan and discuss how the project conforms with the City's Comprehensive Plan, then request the Planning Commission to consider a motion that the proposal conforms with the Comprehensive Plan.

Ms. Howard identified the project boundary area and acreage and indicated that there is only one property owner within the plan area as it is project specific to the Mill Race Planned Development Area and is tied to the 2017 Economic Development Agreement. In order to approve the new URD, there would also be the requirement to remove the land from the Northwest URD, which the City Council would consider in August.

Ms. Howard indicated the role of the Planning Commission is to have the plan presented for recommendation, and the statute requires the plan to conform to the comprehensive plan. The role tonight is to decide on conformance and a recommendation to the City Council.

Ms. Howard discussed the specifics of the Urban Renewal Plan, the Maximum Indebtedness and the link to the existing economic development agreement. There was a discussion of the two projects associated with the Plan, a reimbursement of public improvements through tax incentives, and the administration of the program.

There is no impact to the property taxpayers, but impacts are on the different taxing agencies and jurisdictions. Impact of the Plan to the taxing districts is anticipated to be less than the maximum indebtedness, and there are no bonds or local option levies included in the plan.

Ms. Howard then discussed conformance with the comprehensive plan. Ms. Howard indicated that the agenda report provided a detailed analysis for conformance to the Comprehensive Plan, specifically in key areas of land use, population and economy, housing, community friendly development, transportation and public facilities and services.

Ms. Howard asked the Planning Commission if they wanted her to go through each section in detail. Vice-Chair Robertson, seeing no affirmative request from the Commissioners, waived further discussion on the conformance considerations.

Ms. Howard moved on to the process for adoption of the Mill Race Plan Area and the next steps, with the City Council meeting scheduled for final consideration of the Plan on August 12, 2020.

Ms. Howard concluded her report and asked if there were any further questions.

Seeing none, Vice-Chair Robertson asked if the Planning Commission had a motion for conformance with the comprehensive plan.

Commissioner Brackeen moved that the Planning Commission finds, based on the staff report and the provided attachments, that the Mill Race Urban Renewal Plan conforms with the Lebanon Comprehensive Plan.

Commissioner Port seconded the motion.

***Motion passed 6-0.***

**7. WORK SESSION - None**

**8. COMMISSION BUSINESS & COMMENTS**

The Planning Commission and staff discussed the current meeting format, concerns, desires to provide opportunities for live public comment during the meeting, and opportunities to meet in person in the upcoming meetings.

Staff identified limitations on meeting in person due to restrictions in place for indoor gathering based on the Governor's Orders, and that the City Council has continued to only meet virtually. Staff indicated that a meeting with the IT Department and the City Recorder will be scheduled to coordinate meeting formats and identify an alternative virtual meeting method to allow for public comments and interactions during the meeting.

**9. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:10pm.

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