



925 S. Main Street
Lebanon, Oregon 97355

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MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Kelly Hart, Community Development Director
Subject: Comprehensive Plan and Zoning Map Amendments
CPMA-24-01 and ZMA-24-01

Date: December 18, 2024

I. BACKGROUND

The subject properties constitute the residential block between Oak Street and E A Street on the west side of Hiatt Street. The subject properties consist of five parcels, four with addresses including 1008, 1030, 1050, and 1070 Hiatt Street. The fifth parcel is a city-owned parcel designated as right-of-way for E A Street. The County Assessor Map places the parcel within Township 12 South, Range 2 West, Section 11CD, Tax Lots 5600, 5601, 5700, 5800, and 5900. The properties are currently within city limits, are designated in the comprehensive plan, and are zoned as Residential Low Density (C/Z-MU).

The Applicant is requesting authorization to change the land use and zoning designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and a zoning designation of Residential High Density (Z-RH).

II. CURRENT REPORT

PROJECT PROPOSAL: The project proposal consists of two applications are under consideration: (1) a Comprehensive Plan Map Amendment to change the land designation to Residential Mixed Density (C-RM) and (3) a Zoning Map Amendment, both subject to Planning Commission recommendation and City Council decision. The comprehensive plan identifies, to the extent possible, the boundaries of a land use classification, as shown on a zoning map, should generally follow street and alley lines, lot lines, railroad right-of-way, or significant natural features (rivers, creeks, ridge lines, etc.). As such, the property owners of the entire block have combined as applicants to propose the amendment to change the designation and zoning of the four properties in the block.

SURROUNDING PROPERTIES AND USES: The properties are in a developed neighborhood. The residential block is surrounded by residential uses to the north, east, south, and west. To the south includes the railroad right-of-way. To the west, adjacent to the project boundary block, are properties designated Residential Mixed Density (C-RM) and zoned Residential High Density (Z-RH). To the North, east, and south of the block boundaries are blocks designated and zoned Residential Low Density (C/Z-RL).

COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS: The subject block consists of four parcels. 1070 Hiatt Street is improved with a nonconforming fourplex apartment complex, 1050 Hiatt Street is improved with a duplex, 1030 Hiatt Street is improved with a single-unit dwelling, and 1008 Hiatt Street is improved with a single-unit dwelling and an accessory dwelling unit. In the Low-Density Residential zone, multi-plex developments with three or more dwellings are prohibited. The block has a mix of dwelling units, and the comprehensive plan map and zoning map amendment are intended to increase the property's conformity with the four-plex (initially constructed in 1940) and expand housing opportunities for the improved properties.

III. DECISION CRITERIA AND RECOMMENDED FINDINGS – COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS

Section 16.27.050 of the Lebanon Development Code identifies the criteria for considering amendments to the Comprehensive Plan Map and Zoning Map. Since the criteria are the same for each amendment, the findings have been combined.

1. All proposed amendments to the Comprehensive Plan Map or 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 Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues. 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—This chapter addresses goals and policies related to the City's natural environment.

RECOMMENDED FINDING: The project area is not located within a designated flood hazard area, does not contain any identified natural or historic resource, and is not otherwise in an area subject to increased risk to other natural hazards. Therefore, none of the goals or policies in Chapter 2 are found to be directly implicated by this application. Upon any site development proposals, the property owners are responsible for complying with state law, including compliance with the State Historic Preservation Office (SHPO), Department of Environmental Quality (DEQ), and Department of State Lands (DSL), or any other regulatory agency that may have an interest.

- c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the city. It is found the following policies apply:

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.

P-11: Require that new developments are either served by existing and/or proposed public infrastructure extensions and improvements and/or are served by privately funded infrastructure extensions and improvements.

RECOMMENDED FINDING: The current Z-RL zoning district already allows for residential development and three properties have already been developed with multiple units. The change to the RH zone would not significantly increase the density or demand on facilities. Within Hiatt Street is an existing 12-inch water main and a 12-inch sewer main, with a 60-foot right-of-way. There is sufficient capacity within the public facilities and the local street system to accommodate residential development and densification of four lots if future developments were proposed. Accordingly, it is found that the application complies with Policies P-10 and P-11.

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

P-31: Manage its urban growth boundary and the lands within it to encourage development within urban areas before conversion of urbanizable areas through the implementation of land use regulations and policies.

RECOMMENDED FINDING: "Urbanizable Land" is defined in the Comprehensive Plan Glossary. Generally, urbanizable lands are those unincorporated areas in the UGB for which a city and county coordinate to ensure they will remain available for city expansion over the planning period. Mutually adopted urban growth boundary agreements typically govern how and when urbanizable land can be converted to urban use. The subject property, however, is already within municipal boundaries and is currently zoned for full urban development under the low-density residential zone. The uses allowed in the Z-RL zone are generally similar in urban intensity to those permitted in the proposed Z-RH zone for the size of the properties under consideration. The RH zone may allow, with the use of variances, minor additions to the density of the existing number of dwelling units. Accordingly, it is found that the subject property is already urban land by existing zoning rather than urbanizable land

to be converted to urban use, for which Policies P-30 and P-31 would apply. Those policies are, therefore, not implicated in this case.

- d. Chapter 4: Land Use – This Chapter details the goals and policies to ensure the City provides different types of land within City limits that are suitable for various uses. It is found the following policies apply:

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

P-5: To the extent possible, require that the boundaries of land use classifications, as shown on the Zoning Map, generally follow street and alley lines, lot lines, railroad right-of-way, or significant natural features (rivers, creeks, ridge lines, foot of slopes, benches, etc.). In the event that a public street or alley is officially vacated, the regulations applicable to the adjoining property to which it reverts shall apply.

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 Residential High Density Zone designation, ensuring consistency between the Plan and Zone maps (P-1 and P-12). The review process, evaluation, and determination of compliance with the Comprehensive Plan as part of the review process addresses compliance with Comprehensive Plan policies (P-6). The state effectively acknowledged the Comprehensive Plan; conformance with these policies ensures conformance with state law. Compliance with Statewide Goals will be reviewed in another finding.

- e. Chapter 5: Economic Development —This Chapter addresses population growth and economic development and the trends affecting both.

G-1: Ensure that there are opportunities for people to live and work in Lebanon.

RECOMMENDED FINDING: The amendment may result in an increased opportunity for people to live in Lebanon by increasing the density of the properties in the project area.

- f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.

RECOMMENDED FINDING: 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 site's development 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 Plan and zone change.
- c. Housing Density and Affordability - This subsection allows for the creation of density bonuses and cooperation with various agencies to provide affordable housing. It ensures 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-unit - to meet local needs.
- d. Housing and Open Space—This subsection notes that adequate open space must be included in multifamily projects. The policy applies to site development and not to requests.
- e. Housing and Transportation Connectivity—This subsection includes policies on school placement in residential areas, sidewalk and ADA requirements, bikeways and pedestrian trails, development of local street standards, and emergency vehicle access. These policies apply to development requirements, not the Plan and zone change.
- f. Housing, Public Utilities and Services—Policies call for the adequacy of utilities to serve development and the 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 development of the property.

P-30: Ensure that the Comprehensive Plan Map provides opportunities for a variety of housing types, densities, and locations within the Urban Growth Boundary area, including both the area inside the city limits and the Urban Growth Area.

P-42: In order to assure choices of housing types and costs, provide the opportunity to develop detached and attached single-family units, duplexes, garden apartments, town houses, multiplex units and boarding houses, lodging, or rooming houses, and manufactured housing.

RECOMMENDED FINDING: The amendment of the comprehensive plan and zone would allow for a more extensive range of residential uses and assure a greater choice in housing.

- 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 historic preservation. The focus on community-friendly design is associated with infill development, promotion of mixed-use opportunities, and development-specific standards.

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

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

RECOMMENDED FINDINGS: The proposal does not include a development request, so the development-specific goals and policies do not apply. In addition, there are no historical sites on the property, so the historical preservation goals are not applicable. The existing development provides a mix of density and building types. The amendment would allow for future development to provide for a minor increase in dwelling units to add to the mix of dwellings in the neighborhood.

- 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. It is found the following policies apply:

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 sites are generally located to the west of Hiatt Street, south of E Oak Street, and north of A Street. These rights-of-way are classified in the 2018 Lebanon Transportation System Plan (TSP) as local streets.

Lebanon's 2018 TSPs do not identify any level of service or congestion issues adjacent to the proposed development. Therefore, the subject properties, which are developed with existing residential and middle-income dwellings, are 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. It is found 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: Within Hiatt Street is an existing 12-inch water main and a 12-inch sewer main, with a 60-foot right-of-way. The public facilities and the local street system have sufficient capacity to accommodate residential development and densification of four lots if future developments were proposed.

- 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 to processing a Plan text or map amendment. The city must follow these requirements and do so with the public hearing process.

While the proposed zone change does not prescribe 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 RH zone does not preclude the development of the site with single-dwelling units.

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

Goal 1, Citizen Involvement: Public hearings will be held before the Planning Commission on December 18, 2024, and the City Council on January 8, 2025. This is consistent with City procedures, state law, and the goal's intent.

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 has not been designated as open space, a scenic area, or known for having natural resources. As such, this goal is not applicable. Upon redeveloping the sites, the property owners are responsible for complying with state law, including compliance with the State Historic Preservation Office (SHPO), Department of Environmental Quality (DEQ), Department of State Lands (DSL), or other affected agencies.

Goal 6, Air, Water, and Land Resource Quality: the map designation would change from a residential low-density designation to a residential, mixed-density designation with high-density residential zoning. With the designation change, there are properties in the direct vicinity of the new designation, and the high-density residential zoning maintains similar land use types permissible in the low-density residential designation, with an expanded opportunity for additional housing types. The applicable uses suited for the site would be similar in terms of air, water, and land resources under the high-density residential zoning as the low-density residential zoning. Therefore, there should be no significant impacts on air, water, or resource quality that would otherwise occur.

Goal 7, Natural Hazards: The site is not located within any designated flood plain, does not contain steep slopes, or contains any other identified natural hazard.

Goal 8, Recreational Needs: The proposed map amendments do not reduce the land designated for recreational opportunities or create uses that would adversely impact them.

Goal 9, Economic Development: The map amendments will allow a greater variety of uses thereby increasing development potential. Further, the proposed RH 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 the community's housing needs. The city has adopted a comprehensive plan and housing needs analysis that projects the city's housing needs through 2039. The Housing Needs Analysis identified that the city had a surplus of land available to accommodate the projected housing needs. Specifically, 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. 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 are 240 acres of low-density surplus, 0 acres of medium-density surplus, and 63 acres of high-density surplus. The proposal is to change the designation from Residential Low Density to Residential Mixed Density, allowing residential development subject to the Residential High-Density zoning. This change would increase housing opportunities, as such, this proposal would comply with Goal 10.

Goal 11, Public Facilities and Services: The goal is to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural land. The subject project area is urban land already fully served by urban public facilities and services.

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

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

Goal 14, Urbanization: Previous findings indicate the change will increase the city's ability to meet the community's housing needs, not impact the ability to provide industrial opportunities and expand commercial opportunities. The land is already within the urban growth boundary and city limits, thus eligible for urbanization.

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 and 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 FINDINGS: The change to the RH zone is not anticipated to adversely impact the City's ability to provide needed services. Further, previous findings indicate that 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: The proposal is to amend the Comprehensive Plan Map and Zoning Map. With the Comprehensive Plan Map amendment to the Residential Mixed Density designation, the allowable zoning designation based on Table 16.26-1 of the Lebanon Development Code is High-Density Residential, which is consistent with the proposal by the applicant. As such, the project complies with this decision criteria as the proposed zoning map amendment to High-Density Residential is occurring with a concurrent comprehensive plan map amendment to Residential Mixed Density.

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 complies with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.

V. PUBLIC NOTIFICATION AND COMMENTS

A public notification for this project was issued on November 27, 2024, for initial consideration by the Planning Commission on December 18, 2024. All public comments received on this application will be presented to the Planning Commission at the scheduled public hearing.

VI. PLANNING COMMISSION RECOMMENDED ACTIONS

1. Evaluate the public testimony and the record established before the Planning Commission
2. Commission options:
 1. Recommend the City Council approve the proposed Comprehensive Plan Map Amendment (CPMA-24-01) and Zoning Map Amendment (ZMA-24-01) to modify the Comprehensive Plan Map designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and amend the zoning from Low-Density Residential (Z-RL) to High-Density Residential (Z-RH); or
 2. Recommend the City Council approve the proposed Comprehensive Plan Map Amendment (CPMA-24-01) and Zoning Map Amendment (ZMA-24-01) to modify the Comprehensive Plan Map designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and amend the zoning from Low-Density Residential (Z-RL) to High-Density Residential (Z-RH), adopting modified findings for the decision criteria and conditions of development; or
 3. Recommend the City Council deny the proposed Comprehensive Plan Map Amendment (CPMA-24-01) and Zoning Map Amendment (ZMA-24-01) to modify the Comprehensive Plan Map designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and amend the zoning from Low-Density Residential (Z-RL) to High-Density Residential (Z-RH), 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 PUBLIC HEARING

LEBANON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon Planning Commission on **December 18, 2024 at 6:00 p.m.** in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.:	CPMA-24-01, ZMA-24-01
Applicant:	Wallace Family Trust
Location:	A, Oak and Hiatt Streets
Map & Tax Lot No.:	12S02W11CD05600,05601, 05700, 5800 & 05900
Request:	Comprehensive Plan Map and Zone Map Amendments
Decision Criteria:	Lebanon Development Code Chapters: 16.20 & 16.27

Request: The applicant is requesting to change the Comprehensive Plan Map Designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and the Zoning Map Designation from Residential Low Density (Z-RL) to Residential High Density (Z-RH) on the above mentioned properties.

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 Tuesday, December 17, 2024.** Written testimony may be emailed to kelly.hart@lebanonoregon.gov or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **December 18, 2024.**

If you wish to address the Commission under Public Comments or for a Public Hearing, click: <https://zoom.us/meeting/register/tJ0kc-mvqz0tGNNdy6yIDyTwRCHsPhM7a4Jq> to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register **ONLY** if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link <https://youtube.com/live/o-bnDDNlgms?> to watch on YouTube.

The agenda and application materials will be available for review on the City's website at <https://www.lebanonoregon.gov> seven days prior to the hearing.

From: [Justine Lynn](#)
To: [Kelly Hart](#)
Cc: nickybum94@yahoo.com
Subject: Public Comment to Planning Case No. CPMA-24-01, ZMA-24-01
Date: Friday, November 29, 2024 12:31:44 PM

Caution! This message was sent from outside your organization.

Hello,

My husband and I received the Notice of Public Hearing for the Lebanon Planning Commission specifically for the above-mentioned case number. We currently reside at 940 Hiatt St which is 1 block North of the proposed tax lots. We believe changing the Comprehensive Plan Map Designation from C-RL to C-RM and Z-RL to Z-RH would be detrimental to the surrounding property owners. We believe the change would encourage the build of apartments in our neighborhood. It has been our observation that in the areas of apartments there has been an upward increase in transient activity as well a property crime. We have been dealing with the constant transient foot traffic between the apartments on A Street and the nearby Booth and River Parks. We and our Neighbors do not need an increase in this type of activity. Not only would it be a greater strain on us to consistently monitor our properties, but it would decrease our property values that we have all worked hard to maintain or increase. Please consider the demographic of our neighborhood before making any decisions.

Kindly,

Nicholaus and Justine Birch

940 Hiatt St Lebanon, OR

Ph. 541-619-7063

Ph. 541-409-6449

From: [Matt Hector](#)
To: [Kelly Hart](#)
Subject: Comprehensive Plan Ammendments
Date: Wednesday, December 18, 2024 4:33:29 PM

Caution! This message was sent from outside your organization.

Kelly

I realize I missed the deadline of yesterday to get this to you before the meeting tonight. I am sending this anyway as I'm not sure I can get to the meeting.

I live at 312 E Oak St, which is right next door to the property being proposed as high density residential.

While I understand the need for housing in Lebanon, I am strongly opposed to this amendment.

Speeding traffic is already a problem on Oak, as people commonly use it as a bypass from the stoplight at Grant and Williams. We often hear screeching tires as cars notice the stop sign too late, or jump to get across before the oncoming car. We have also witnessed more than one accident at Oak and Williams, with at least one fatality that we know of.

Petty crime and vagrancy is already an issue, and putting up apartments can only make it worse.

On a personal note it can not help the value of our house. As my wife and I are working towards retirement, we may be looking to move from the house we raised our children in. No one will want to pay top dollar for a house that is looked down on by windows from above.

Thank you for your time.

Matt Hector
541-979-6869

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@lebanonoregon.gov

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.

COMPREHENSIVE PLAN MAP AND ZONE MAP AMENDMENT APPLICATIONS

Submitted to: City of Lebanon
Planning Department
925 S. Main Street
Lebanon, Oregon 97355

Applicants/Property Owners: Wallace Family Trust
P.O. Box 774, Lebanon, OR 97355
(541) 619-3552

Auric Investments LLC
2532 Santiam Hwy. SE #120, Albany, OR 97322
(541) 661-1269

Jacob Johnson
1030 Hiatt Street
Lebanon, OR 97355
(541) 405-8128

Erik Swanson
700 Pioneer Street
Philomath, OR 97370
(646) 532-0373

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355

Contact: Laura LaRoque
Email:
Phone: (541) 990-8661

Site Location: 380 E. Oak St.; 1008 Hiatt St.; 1030 Hiatt St.; 1050 Hiatt St. 1070 Hiatt St.

Linn County Assessor's Map No.: 12S-02W-11CD Tax Lots 5600, 5601, 5700, 5800

Site Size: TL 5600 (0.19-AC); TL 5601 (0.19-AC); TL 5700 (0.20-AC); TL 5800 (0.20-AC)

Existing Land Use: Residential

Zone Designation: Residential Low Density (Z-RL)

Comprehensive Plan Designation: Residential Low Density (C-RL)

Surrounding Zoning: North: Z-RL
South: Z-RL
East: Z-RL
West: Z-RH (Residential High Density)



Surrounding Uses:

North: East Oak Street / Residential

South: East A Street right-of-way / Southern Pacific RR

East: Hiatt Street / Residential

West: Alley / Residential

I. Executive Summary

The applicants' requests approval of a Comprehensive Plan Map amendment from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and Zone Map amendment from Residential Low Density to Residential High Density (Z-RH). The subject properties consist of Block 1, Lots 1, 2, 3, and 4 of the Center Addition to Lebanon, which are identified as Linn County Tax Assessor's Map No. 12S-02W-11CD Tax Lots 5600, 5601, 5700, 5800 (i.e., 380 E. Oak Street; 1008 Hiatt Street; 1030 Hiatt Street; 1050 Hiatt Street, and 1070 Hiatt Street).

The properties are bounded to the north and east by public rights-of-way and to the west by a public alleyway. Properties located to the west of the alleyway are zoned High Density Residential and developed primary with single residential dwellings. Properties to the north, east, and south are zoned Low Density Residential and developed primary with single residential dwellings.

All the subject properties have frontage on a public right-of-way. The rights of way consist of East Oak Street, Hiatt Street, and East A Street. According to the Lebanon Transportation System Plan, East Oak Street is classified as a Collector Street whereas Hiatt Street and East A Street are classified as Local Streets.

The property on the corner of Hiatt Street and Oak Street has direct access to Oak Street. 1030 Hiatt Street has an established driveway onto Hiatt Street. 1050 and 1070 Hiatt Street do not have an established driveway(s).

For utilities, water mains are located within the Oak Street and Hiatt Street rights-of-way; a sanitary sewer main is located within the Hiatt Street right-of-way; a storm main is located at the intersection of Williams Street and Oak Street.

The following section provides a detailed analysis of how the proposal meets the development code.

II. Review Criteria – Comprehensive Plan Map

Chapter 16.27 of the Lebanon Development Code identifies the requirements for consideration of an amendment to the Comprehensive Plan Map. 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.

1. 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/applicants has the authority to request a change in a property's Plan and Zoning map. Therefore, this proposal

conforms to these two Sections.

2. 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.

3. Sections 16.27.050 and 16.28.090 establish 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.

4. 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 Section 16.27.070.)

5. 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.

6. 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's 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: The subject property is within city limits. The proposal would amend the Comprehensive Plan Map from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and Zone Map from Residential Low Density to Residential High Density (Z-RH) and would further encourage infill or redevelopment of the subject properties.

- 7. 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 Residential High Density zone designation, 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).

8. 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.
9. 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 the 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's 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.

- 10. 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

P-9: Encourage mixed uses within individual buildings, neighborhoods, and zoning districts were 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.

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

- 11. 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

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 sites are generally located to the to the west of Hiatt Street, south of E Oak Street and north of A Street. These rights-of-way are classified in the 2018 Lebanon Transportation System Plan (TSP) as a local street.

Lebanon's 2018 TSPs does not identify any level of service or congestion issues adjacent to the proposed development. Therefore, the subject properties which are developed with an existing residential and middle housing dwelling are 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.

12. 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

- 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.**

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.

13. 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 prescribe 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 RH zone does not preclude development of the site with single dwelling units.

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 RH 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 the 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 RH 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).

14. 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 RH zone is not anticipated to have an adverse impact on the City's ability to provide needed services. Further, previous findings indicate the existing transportation system can accommodate the Plan and zone change.

15. 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 two allowable zone designations are Residential Mixed Density and Residential High Density (Z-RH). Therefore, the proposed RH zone designation is consistent with the anticipated designation. No other amendments are required.

16. 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.

17. 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.

III. OVERALL CONCLUSION

As proposed, applications for Comprehensive Plan Map and Zone Map amendments satisfy all applicable review criteria as proposed and outlined above.