

The Lebanon Planning Commission, after careful consideration of the testimony and

evidence in the record, adopts the following General Findings of Fact:

- A. Section 16.02.010.E – Consistency with Plan and Laws. Each development and use application and other procedure initiated under this code shall be consistent with the city's adopted comprehensive plan as implemented by this code, adopted master plans, and with applicable local, state, and federal laws and regulations. All provisions of this code shall be construed in conformity with the adopted comprehensive plan.

The Trails Master Plan, adopted by the City Council, establishes trails within the Residential Low Density (Z-RL) zone, including Trail 4, Trail 6, Oak Street Pedway, Trail 22, Trail 9, and portions of the Burkhart Creek Trail. The Trails Master Plan, an addendum to the Parks Master Plan, is consistent with the Comprehensive Plan and meets the goals of the Comprehensive Plan with planning for trails in the Z-RL with the following goals and policies:

Natural Environment:

G-12: Securing and maintaining public access to rivers and streams when possible.

P-6: Use designated greenways along select watercourses to protect natural vegetation and water resource values and provide public pedestrian/bicycle access where physically practical.

Community Friendly Development

G-5: Developing streets whose purpose is not solely to move automobiles safely and efficiently, but also create a pedestrian and bicycle friendly environment.

Transportation

P-42: Acquisition of land and/or easements for bikeways and trails shall be evaluated along with the need for land for parks and open space.

P-50: The City shall work to maintain and preserve the scenic aspects of current and future separated multi-use paths.

Public Facilities and Services

P-36: Identify sites for a variety of park uses, including both passive and active recreational uses.

P-37: Seek to achieve a variety a park land, secure adequate city-wide neighborhood, and local parks, acquire unique natural areas, achieve a system of linear greenways, and create school/park and recreational areas where possible.

No comprehensive plan goals or policies expressly prohibit parks or recreational facilities from being in low-density residential zones. The Trails Master Plan is an adopted master plan that has been determined to be consistent with the comprehensive plan

and approved by the City Council. As the plan has been adopted and many trails have been developed, it is clear trails in the low-density residential (Z-RL) zone are consistent with the comprehensive plan.

- B. Section 16.02.010.C states, “Most restrictive regulations apply. Where this code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.” In this case, the Trails Master Plan imposes higher standards as it is the most specific to trails, their alignment, use, and conditions of development. As such, the trails master plan, adopted by the Council, would identify where trails are permitted, including the RL zone.
- C. The City’s most specific definition of parks and recreation areas is found in Section 12.12.020 of the Lebanon Municipal Code:
 - a. “City Park” means all City of Lebanon-owned or maintained parks, playgrounds, and public recreation areas. The park boundaries include all sidewalks, vanity strips, and curbs in the designated area and extend through any adjacent streets to include all city rights-of-way in the designated zone.
 - i. “Recreation areas” means any area within a public park dedicated to recreational purposes, including but not limited to playgrounds, sports fields, gardens, walking trails, bike paths, gazebos, and other similar amenities, as well as public trails maintained by the city for public use.

Based on these definitions, a recreational trail is considered a recreation area in a city park. Although the development code may have separate definitions for recreational trails and parks, the definition above is the most specific and includes public trails in the definition of a city park.

- D. Terra Hydr Inc., Tonquin Industrial LLC, Bob Albertson, Donna Albertson, Albertson Trucking Inc., Mark Brown, McCammant Properties Inc., Eric Johnson, Brown Transfer Inc., McGuire Brothers LLC, Steve McGuire (petitioners) v. City of Tualatin (respondent), and METRO (intervenor-respondent) LUBA Case No. 2013-016 was a case that dealt with the placement of a trail, and whether a trail is defined as a park. As part of the LUBA decision, the conclusion identified that a trail as a whole constitutes a park. The case is included as an attachment for reference.
- E. Table 16.05.070—Public Uses allowed in the residential zones identify “Other public uses such as parks and recreational facilities, open space, and pedestrian amenities” as permitted in the Z-RL zone, subject to a Conditional Use Permit or an Administrative Review if projects implement the city’s adopted facilities plans.
- F. Although the land use table also identifies recreational trails as a use, trails that implement the trails master plan and are maintained as part of the City of Lebanon park system are to be interpreted as categorized as “parks and recreational facilities, open space and pedestrian amenities” in conformance with the most precisely defined definition of the code.

IV. ORDER

It is the decision of the Lebanon Planning Commission to **CONFIRM** the interpretation of staff that recreation trails are permitted in the Z-RL zone as “Other public uses such as parks and recreational facilities, open space, and pedestrian amenities”.

V. APPEAL DATES

Any appeals pertaining to this application must be made to the Lebanon City Council within 15 days of the date the notice of this order is mailed.

APPROVED BY A 5-1 VOTE OF THE LEBANON PLANNING COMMISSION ON THE 19th DAY OF FEBRUARY 2025.

DATED at Lebanon, Oregon, this 19th day of February 2025.

SIGNED:



- Don Robertson, Planning Commission Chair
- Lory Gerig-Knurowski, Planning Commission Vice Chair

ATTEST:



Kelly Hart, Community Development Director

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PLANNING COMMISSION ORDER

Planning File No. CI-24-01; Laura LaRoque