



LEBANON PLANNING COMMISSION MEETING MINUTES

February 19, 2025 at 6:00 PM

Santiam Travel Station – 750 3rd Street, Lebanon, Oregon

MISSION STATEMENT

The City of Lebanon is dedicated to providing exceptional services and opportunities that enhance the quality of life for present and future members of the community.

6:00 PM – REGULAR SESSION

CALL TO ORDER / FLAG SALUTE

ROLL CALL

PRESENT

Chair Don Robertson
Vice-Chair Lory Gerig-Knurowski
Karisten Baxter
Kristina Breshears
Alternate Michael Miller
Alternate Regina Thompson

ABSENT

Alternate W. Marcellus Angellford
Don Fountain
Alternate Shyla Malloy

STAFF

Community Development Director Kelly Hart
City Manager Ron Whitlatch
City Attorney Tre Kennedy

MINUTES

1. December 18, 2024 Planning Commission Meetings

The minutes were approved as submitted.

COMMISSION REVIEW

2. Public Hearing – Planning File CI-24-01

A Code Interpretation to clarify whether recreational trails are permitted in the Low-Density Residential (Z-RL) zone.

The public hearing was opened.

Community Development Director Hart presented the staff report. Staff reviewed the Lebanon Municipal Code, Lebanon Development Code, adopted Parks and Trails Master Plans, and relevant Land Use Board of Appeals cases. They interpreted recreational trails to be classified

as parks and recreational facilities, open space, and pedestrian amenities, which are permitted in the Low-Density Residential zone.

Chairman Robertson asked if there are any objections to the process or to the notice provided.

Applicant Laura LaRoque asked why the request was changed to legislative instead of administrative or quasi-judicial. City Attorney Kennedy said that he feels this should be considered legislative because the application applies to multiple properties. He confirmed that notice for a legislative hearing was provided. In response to Chairman Robertson's question as to whether this was acceptable, Ms. LaRoque said the change to legislative was unexpected, and she has not yet considered the implications. However, she does not have any objections at this moment and is fine with proceeding with her testimony.

City Attorney Kennedy clarified the distinction between legislative and quasi-judicial actions.

Applicant's Testimony:

Ms. LaRoque gave an overview of her request expressing opposition to City staff's interpretation that reclassifies recreational trails as parks through an administrative interpretation, instead of through a formal zone code amendment. She reviewed the reasons for her disagreement with the City's position.

Scott LaRoque said that they are not opposed to trails but would just like the code updated.

Testimony Agreeing with Applicant's Interpretation: None

Testimony Agreeing with the City's Interpretation:

Rod Sell, Build Lebanon Trails Board President, distributed trail maps and provided a brief history on Linn County Planning Department's approval of the conditional use permit for the Georgia Pacific Mill Race Trail (GPMRT), which prompted the request for clarification of Lebanon's review process.

Commissioner Baxter asked about the long-term impact of this code interpretation on development. Community Development Director Hart stated that sections identified by the applicant list recreational trails similarly to open space, which staff believes aligns with park use. As a result, she does not anticipate a major impact on development.

She also explained that code interpretations clarify current code until they can be amended. The applicant could have applied for a code amendment, but the City has not had the capacity or need to modify the code. Inconsistencies and interpretations are common, with regular updates being made. City Attorney Kennedy added that as guiding documents change, inconsistencies may arise. As long as there is no obvious intention to violate the law or no clear conflict in interpretation of a code, higher courts will generally allow local governments the freedom to interpret and apply their own codes. Elected bodies dictate policy. Staff provides their best interpretation of the policy's intent.

There was discussion about different classes of use related to impacts and considerations.

City Attorney Kennedy confirmed for Chairman Robertson that the LUBA case referenced was specific to that city's code. He clarified that while it is not binding precedent, it is instructive for analyzing and evaluating the code interpretation presented. There was discussion about using the most restrictive or applying the higher standard when interpreting the code.

Applicant's Rebuttal:

Responding to Commissioner Baxter's question about long-term implications, Ms. LaRoque referenced her Exhibit A, which highlights all instances of recreational trails in the development code. She pointed out that trails and parks are listed separately, allowing them to be used

interchangeably. The main impact would be permitting recreational trails in areas where they were previously not allowed.

City Attorney Kennedy asked Ms. LaRoque if she would still have an argument if the City Council amended the parks ordinance to specifically include the Lebanon trails system as part of the Lebanon parks system. Ms. LaRoque replied that she is unsure as this had not been presented and she has not thought it through.

In response to staff's comment about a discrepancy in the code, she believes it is very clear and there is no inconsistency. She feels that staff is not reading the land use tables or definitions correctly, as they clearly state where recreational trails are permitted.

City Attorney Kennedy asked about the impact of the parks master plan creating ambiguity. Ms. LaRoque responded that the development code should be updated if the City wants to implement the goals and policies of the master plan.

A commissioner asked if the applicants opposed a specific trail near their property. Ms. LaRoque clarified that the development-specific project by the group supporting the City's position is not part of this application. She is not opposed to the trail proposed near her property in Linn County's jurisdiction. Trails may be appropriate in a low- density zone, but she believes they should not be approved based on creative interpretation of the code.

City Attorney Kennedy asked if, assuming Ms. LaRoque is correct and the Council's policy aligns with staff's code interpretation, the issue is merely delaying the implementation of trails rather than stopping them. If a code amendment is needed and there is support for including the trails system, he questioned the ultimate outcome. Ms. LaRoque responded that no active trails are currently affected, so she doesn't believe there would be any delay. A code amendment would be more appropriate.

In response to City Attorney Kennedy's question about whether the master plan, comprehensive plan and zoning ordinance are inconsistent, Ms. LaRoque stated that the master plan may not be in conflict; it could be that the zone map or the comprehensive plan has not been updated, or the alignment not clearly defined.

City Attorney Kennedy stated that the City has never intended for discrepancies between the master plan and zoning interpretations. Staff appreciates the issue being raised and aims to provide interpretations that can be presented to policymakers. His role is to assist staff in offering legally sound interpretations with proper legal implications.

The public hearing was closed.

Commissioner Baxter asked about the application process for developing other recreational trails. Community Development Director Hart explained that they would be classified as open-space parks and recreational amenities, requiring a conditional use permit. If part of the master plan, it would undergo an administrative review. Code interpretations serve to clarify the code temporarily until it can be amended to formalize the changes and eliminate ambiguity.

After commissioner discussion, a motion to approve staff's written code interpretation CI-24-01, was made by Commissioner Baxter, seconded by Commissioner Miller.

Voting Yea: Chair Robertson, Vice-Chair Gerig-Knurowski, Commissioners Baxter, Breshears and Miller. The motion passed 5-1 (Commissioner Thompson dissent vote).

CITIZEN COMMENTS – None

COMMISSION BUSINESS AND COMMENTS

Community Development Director Hart said that there is nothing on the agenda for March, but one application is scheduled for April. The City Council/Planning Commission joint work session will be held on March 26 at noon.

She provided a quick update on SB1537. More information will be presented in April.

There was discussion regarding options for development code text amendments, the process for reviewing master plans, and the Build Lebanon Trails' contribution to the City's trails.

ADJOURNMENT – The meeting adjourned at 7: 32 PM.