



PLANNING COMMISSION MEETING AGENDA

November 16, 2022

Chair:

Don Robertson

Vice Chair:

Lory Gerig-Knurowski

Commissioners:

David McClain
Kristina Breshears
Dave Workman
Karisten Baxter
Don Fountain
Marcellus Angellford
Shyla Malloy

Community

Development Director

Kelly Hart

Regular Meeting:

6:00 p.m.

REGULAR SESSION – 6:00 p.m.

1. Call to Order / Flag Salute
2. Roll Call
3. Minutes:
 - a. October 19, 2022
4. Citizen Comments
(Restricted to items not on the agenda)
5. Commission Review:
 - a. **Public Hearing Planning File S-22-06**
Proposed 23-lot, 2-tract Subdivision and associated public improvements for a property on the northeast corner of S 5th Street and Joy Street in the Residential Mixed Density (Z-RM) zone.
(31707 SW 5th Street, 12S 02W 22D, tax lot 1001)
 - b. **Public Hearing Planning File VAR-22-05**
Proposed Class III Variance request to authorize four dwelling units to utilize an access easement for a property on Hiatt Street located in the Residential Low Density (Z-RL) zone.
(180 Hiatt Street, 12S-02W-11BD, tax lot 4900)
6. Commission Business & Comments
7. Adjournment

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City of Lebanon
Planning Commission
Meeting Minutes
October 19, 2022

Members Present: Chairman Don Robertson, Vice-Chair Lori Gerig-Knurowski, Commissioners David McClain, Tina Breshears, Dave Workman, Karisten Baxter, Don Fountain, and Marcellus Angellford.

Staff Present: Community Development Director Kelly Hart, Engineering Director Ron Whitlatch and Tre Kennedy, City Attorney.

WORK SESSION – 5:00PM

Director Hart introduced the work session topic – discussion of possible options to be included in the Housing Production Strategy (HPS) and provided a background on the purpose of the HPS, and the goal of the meeting – to identify any strategies that should not be considered further.

The Housing Production Strategy is being developed with a partnership with DLCD and Cascadia Partners, the City's identified consultants. Cascadia Partners was introduced and walked through a presentation of the six potential regulatory options that are being considered:

1. Encourage smaller single-family detached houses
2. Promote cottage cluster housing
3. Recalibrate parking, density and height standards
4. Restructure density bonus provisions
5. Provide more flexibility for multifamily housing in commercial zones
6. Simplify infill design standards

At the conclusion of the presentation, commissioners entered into a dialogue with city staff and the consultants with questions and concerns over the proposals.

Concerns were noted over the proposed height of apartment buildings, a reduction in the parking standards, any discussion of removal or reduction of system development charges or property tax abatement and proposed smaller single-family lots with the possibility of duplexes.

The work session was paused at 6:00pm to transition to the regular session and was re-engaged after the regular session.

REGULAR SESSION – 6:00PM

1. CALL TO ORDER/FLAG SALUTE

Chairman Robertson called the meeting of the Lebanon Planning Commission to order at 6:00pm at the Santiam Travel Station. The meeting was also provided on Zoom for a virtual platform.

2. ROLL CALL

Roll call was taken. Chad Munn was excused. It was also noted that Chad submitted his resignation letter and today would have been his last meeting, the Commission wished him well.

3. APPROVAL OF MEETING MINUTES

The minutes from August 17, 2022 and September 21, 2022 were accepted as written.

4. CITIZEN COMMENTS – *None*

5. COMMISSION REVIEW

A. Public Hearing Planning File A-22-07 – Proposed annexation of a parcel on E Grant Street (12S 02W 12C, tax lot 202).

Chairman Robertson opened the public hearing. City Attorney Kennedy read into the record the quasi-judicial/legislative hearing procedures and the raise it or waive it provisions of public meeting law.

Chairman Robertson asked the Commissioners whether they had any additional ex-parte communications, conflicts of interest or bias. Chairman Robertson indicated that the recent property purchase of this parcel was handled through his real estate office, but he was not the agent of record, and the transaction was completed prior to the annexation application. Seeing no further disclosures, Chairman Robertson requested staff to present the application.

Director Hart presented the staff report and discussed an overview of the decision criteria outlined in the agenda packet for consideration. At the conclusion of the staff report, Chairman Robertson opened the discussion up for questions of staff.

Commissioner McClain asked whether the site would ever be able to be serviced by sewer. City Engineer Whitlatch indicated if a private party wanted to spend the money to pull sewer across the river, they could, but as a City project it is not currently on the horizon. Commissioner McClain also asked where the water service was coming from. City Engineer Whitlatch identified the reservoir at the end of Grant Street.

Seeing no additional questions for staff, Chairman Robertson opened the hearing

and invited the applicant to speak.

Laura LaRoque, Udell Engineering representing the applicant identified availability to answer questions. Reiterated that the scope of the application is just an annexation to adjust the jurisdictional governance over the properties, and there is no development proposal at this time.

Seeing no questions for the applicant, the Chair opened the hearing for those in support or opposition of the application. Seeing none, the Chair closed the hearing, all further commentary was limited to the Commission and staff.

Chairman Robertson asked where the access to the site was from, either off Berlin Road or Grant Street. It was affirmed Grant Street was the access.

Chairman Robertson asked whether the project met the decision criteria. Commissioners indicated with head nods that the application met the decision criteria.

Chairman Robertson requested a motion.

Commissioner Workman moved to recommend approval of the application to the City Council with no modifications to the findings in the staff report.

Commissioner Breshears seconded the motion.

The motion passed 8-0.

6. COMMISSION BUSINESS & COMMENTS

Director Hart indicated there will be a meeting in November.

Commissioner Breshears asked whether there would be additional work sessions in November for the Housing Production Strategy without the consultants. Director Hart indicated none were scheduled, but if it was requested one could be worked through.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:15 pm.

CONTINUED WORK SESSION:

The discussion between the Commission, city staff and the consultants continued. There was a question regarding how it was determined the number of affordable units were needed, how our existing options for middle income residents are not being developed and the possible reasons behind it, and the next steps for the consultants to bring back additional data and information. At the conclusion of the discussion, the Planning Commission identified that there were no strategies that should immediately be removed

from consideration, and additional work sessions would be needed to identify the possible impacts associated with the regulatory options.

The work session meeting adjourned at 6:50pm.

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

AGENDA ITEM

5.a.





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MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Kelly Hart, Community Development Director
Subject: Planning File No. S-22-06

Date: November 8, 2022

I. BACKGROUND

Under consideration is a proposed 23-lot, 2-tract subdivision of the property located on northeast corner of S 5th Street and Joy Street. The property is not currently assigned an address, and Linn County Tax Assessor Map number is 12S 02W 22D, tax lot 1001. The subject property is 6.31 acres and is currently undeveloped.

The property is in a developed neighborhood. To the north and west are properties within the Lebanon Urban Growth Boundary (UGB) and portions of unincorporated Linn County. These properties are improved with residential uses and have a comprehensive plan designation of Residential Mixed Density (C-RM). To the south are properties within the city limits zoned Residential Mixed Density (Z-RM) and improved with single-family residential dwellings. To the east is a developed site that is occupied by Kids and Company of Linn County Board (i.e., Kidco Head Start) in the RM zone.

II. CURRENT REPORT

The proposal includes a preliminary plan to subdivide the existing 6.31-acre site into 23 residential lots, two tracts for storm drainage improvements, and the creation of a new public street. The residential lots have been designed to meet the minimum development standards for a single-family or duplex development. Each parcel meets the minimum width of 50-feet to accommodate a single-family residence or duplex. Lots 21-23 are over 9,000 square feet in area meeting the lot size standards for apartments; however, these lots are accessed via an easement restricting the number of units to a maximum of six between the three lots. On the southern portion of the subdivision parcel there is a City maintained drainage ditch. A 30-foot easement has been established over the drainage ditch for maintenance purposes.

No development has been proposed as part of the subdivision. If the subdivision is approved, a single-family home or duplex is outright permitted on a single lot. If any other housing development is proposed, additional planning permits will be required.

In terms of access, LDC 16.13.030(A)(1) requires that all streets adjacent and interior to new development be improved to City standards. S 5th Street is identified as a collector street in the Transportation System Plan which would require a 75-foot right-of-way width. The existing right-of-way is 60-feet. The Engineering Department has determined that based on the existing

development pattern on the west side of the street, the roadway would not be developed to the collector road standard and no additional right-of-way dedication would be required. Joy Street is a partially improved local roadway with a drainage ditch located along the northern portion of the street. The Public Works Department has determined that a standard street improvement on the north end of Joy Street is not feasible due to the maintenance requirements of the drainage ditch and therefore street improvements would not include a traditional sidewalk and landscape strip but would include a full width street improvement for roadway pavement.

As part of the subdivision, a new public street is proposed with connection to S 5th Street, then ending in a cul de sac at the eastern end of the property. Kingdom Drive would also be extended north from Joy Street to the new public road. The new local streets would be 50-foot in width and improved with curb, gutter and five-foot wide sidewalks and 36-foot street width from curb-to-curb. The Engineering Department has authorized the deviation from the TSP standard due to the site constraints with the 30-foot storm drainage easement reducing the building lot area and it was determined on-street parking on both sides of the street would be the greater public benefit than landscape strips. The TSP authorizes the Engineering Department this level of deviation.

For the eastern portion of the subdivision, an access easement is proposed from the terminus of the cul de sac through lots 21-23. The access easement is proposed to be 30-feet, which per Section 16.12.020.B, a maximum of six dwelling units may be permitted. As such, each lot utilizing the access easement would be eligible for up to a duplex to be constructed.

For new subdivisions, the Development Code establishes maximum block lengths to promote pedestrian connectivity. The block layout provisions in Chapter 16.12.030(K) state that blocks with pedestrian and bicycle connections through the block cannot exceed 800 feet in block length and 2,000 feet in block perimeter. To meet the block length provisions, Kingdom Drive is proposed to be extended north from Joy Street to connect to the new public street in the subdivision. This would allow for pedestrian connectivity through the new subdivision, to the existing subdivision and street network to the south.

For traffic analysis, based upon the Institute of Transportation Engineers (ITE) trip generation rates, single family homes generate 9.43 vehicle trips per day and 0.94 trips during the peak PM traffic hour. The development will create 23 new vacant lots, each of which could be developed with a single dwelling unit. Construction of 23 dwelling units would add about 217 new vehicle trips per day to the public street system. About 23 of those trips would occur during the peak p.m. traffic hour.

Based upon the 11th edition of the Institute of Transportation Engineers (ITE) trip generation rates, attached dwellings units (i.e., duplexes and townhomes) generate 7.20 vehicle trips per day and 0.57 trips during the peak PM traffic hour. The development will create 23 new vacant lots and has the potential to be developed with a maximum of 46 attached dwellings units. Construction of 46 dwelling units would add about 331 new vehicle trips per day to the public street system. About 26 of those trips would occur during the peak p.m. traffic hour.

According to LDC 16.20.110(B), the City or other road authority *may* require a Traffic Impact Study as part of an application for development when an increase in site traffic volume generation by 300 Average Daily Trips. A total of 217/331 daily trips are anticipated. The Transportation System Plan does not identify any capacity or safety issues occurring along the street frontages of this subdivision. In addition, the Engineering Department reviewed the potential average daily trip counts, the surrounding intersections and anticipated traffic flows and determined there would be no off-site mitigation needed, therefore no additional traffic analysis would be necessary.

For utilities, City utility maps show a 10-inch public sewer main and 8-inch water main in Joy Street. There is also a 16-inch water main in S 5th Street, and the City is currently constructing the Westside Interceptor sewer main in S 5th Street along the property frontage which would be the main sewer connection. An extension of both mains is proposed within this application through the length of the new public street. Upon development, each lot will be required to install a new sewer and water lateral connection to the public main. A public storm drainage ditch is available in on the southern portion of the subdivision site with a 30-foot easement over the site. The required stormwater detention facility is provided as Tract A and B in the subdivision.

Finally, the site includes identified wetlands. As part of the subdivision application, a wetland delineation has been provided showing portions of tract A, lots 4-9, 12-16, 18-19, 23 and portion of the new public street with wetlands. A condition has been incorporated to require all necessary approvals through the Army Corps of Engineers, and the Oregon Departments of State Lands and Environmental Quality for the mitigation of the wetlands prior to issuance of any engineering or building permits.

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

III. REVIEW CRITERIA AND RECOMMENDED FINDINGS

The Applicant is requesting consideration of a Subdivision application for the creation of a 23-lot, 2-tract housing subdivision. Below is an analysis of the review criteria (Section 16.22.090 of the LDC) and recommended findings:

1. The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant Sections of Chapter 16.29.

RECOMMENDED FINDING: Within the RM zone, the minimum lot size and lot width is 2,500 square feet and 20-feet for townhouse/rowhouses; 3,500 square feet and 40-feet for zero lot line housing; 5,000 square feet and 50-feet for a single-family detached and duplex dwelling; and 9,000 square feet and 60-feet for a multiple-family, triplex, or cottage cluster dwelling.

As shown on the preliminary plat, the net lot sizes of Lots 1 – 23 range 7,036 square feet to 10,069 square feet with widths exceeding 60-feet. Therefore, the lots comply with the dimension requirements of the RM zone for townhouse, zero lot line, single-family detached, or duplex uses found in Article Two. Setbacks and other development specific standards found in Article Two and Three would be evaluated upon development proposal.

The subject property has frontage along SW 5th Street and W. Joy Street. Both rights-of-way are not fully improved to city standards. SW 5th Street is classified as a collector street with an existing right-of-way width of 60-feet with turnpike style design with a travel lane in each direction and drainage ditches on each side. Joy Street is classified as a local street with an existing right-of-way width of 50-feet with partial street improvements along the south side and drainage ditch along the north side. Therefore, partial street improvements will be required along SW 5th Street and W. Joy Street. Conditions have been incorporated to identify the public improvements required.

In addition, two new public streets are proposed to serve the subject property. Both streets are proposed to have a 50-foot right-of-way width, 36-foot curb-to-curb width, and curbside 5-foot-wide sidewalks, the Engineering Director has authorized a deviation from standard public street design to eliminate the landscape planter strips from the right-of-way to provide on-street parking opportunity for both sides of the street. The proposed public streets will be built to full city standard as specified in Chapter 16.13 and in conformance with Engineering Standards. Site access for each lot would be designed upon development to meet the driveway spacing and vision clearance requirements for compliance of Chapter 16.12, as such, the proposal conforms with Articles Two and Three.

2. The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92 and the County Surveyor.

RECOMMENDED FINDING: In accordance with Oregon Revised Statue (ORS) 92.090, subdivision plat names are subject to approval of the county surveyor. No preliminary subdivision plat will be approved which bears a name similar to, or pronounced the same as, the name of any other division in the same county. Unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name, or unless the party files and records the consent of the part that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot number and, if used, the block numbers of the subdivision plat of the same name last filed. The proposed subdivision plat name Cedar River Estates has been reserved for this site by the Linn County Surveyor; therefore, this criterion has been met.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and of partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

RECOMMENDED FINDING: The proposed preliminary plat will result in a 23-lot, 2-tract residential subdivision on the northeast corner of SW 5th Street and Joy Street. LDC 16.13.030(A)(1) requires that all streets adjacent and interior to new development be improved to City standards. S 5th Street is identified as a collector street in the Transportation System Plan which would require a 75-foot right-of-way width. The existing right-of-way is 60-feet. The Engineering Department has determined that based on the existing development pattern on the west side of the street, the roadway would not be developed to the collector road standard and no additional right-of-way dedication would be required. Joy Street is a partially improved local roadway with a drainage ditch located along the northern portion of the street. The Public Works Department has determined that a standard street improvement on the north end of the street is not feasible due to the maintenance requirements of the drainage ditch and therefore Joy Street improvements would not include a traditional sidewalk and landscape strip but would include a full depth half street improvement for pavement.

As part of the subdivision, a new public street is proposed with connection to S 5th Street, then ending in a cul de sac at the eastern end of the property. To provide connectivity between the existing subdivision to the south and meet the block length standards, Kingdom Drive would be extended north from Joy Street to the new public road. The new local streets would be 50-feet in width and improved with curb, gutter and five-foot wide sidewalk and 36-foot street width from curb-to-curb. The Engineering Department has authorized the deviation from the TSP standard due to the site constraints with the 30-foot storm drainage easement reducing the building lot area and it was determined on-street parking on both sides of the street would be the greater public benefit than landscape strips. The TSP authorizes the Engineering Department this level of deviation. As such, the proposed subdivision meets this criterion.

4. All proposed private common areas and improvements (e.g., homeowners association property) are identified on the preliminary plat.

RECOMMENDED FINDING: The common areas for the subdivision include Tract A and B for a stormwater retention pond and water quality system. An access easement is also depicted on the map for Lots 21-23. With the common areas depicted on the preliminary plat, this criteria has been met.

5. Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.

RECOMMENDED FINDING: There are no mapped special management areas on the subject property; therefore, the criterion is not applicable.

6. Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

RECOMMENDED FINDING: all property dedications associated with the necessary road improvements have been depicted on the preliminary plat. All required road and utility improvements have been depicted on the preliminary plat and conditions have been incorporated to ensure all required improvements are included as part of the final plat. As such, this criteria has been met.

7. If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

RECOMMENDED FINDING: The subject site is located in the conical surface area of the Airport Overlay Zone. At the time of building permit approval, the height of the future development will be reviewed for conformance with height limitations of the conical surface area. There are no areas of steep slopes on the subject property. The applicable Flood Insurance Rate Map for the subject site is 41043C0568G, dated September 29, 2010. Based on this FIRM, the entirety of the subject property is located outside of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. The subject property is greater than 75 feet from the top of the bank of the South Santiam River, Oak Creek or Cheadle Lake waterbodies. The subject property is also located outside of the designated boundaries of the special transportation area. A wetland delineation has been provided for the subject site and conditions have been incorporated to require approval of all necessary permits through the Department of State Lands, the Department of Environmental Quality and the Army Corps of Engineers for the preservation or mitigation of the wetlands prior to issuance of building and engineering permits.

The site is located in the conical surface area of the Airport Overlay Zone, but the proposed subdivision does not include development that exceeds the height limit or cause interference with the aircraft using the airport. The subject property is located outside all other overlay zones or special districts. As such, the criterion is met.

8. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use zone (Chapters 16.05 – 16.10), and the standards of Chapter 16.12 (Subsection 16.12.030.K, Street Connectivity and Formation of Blocks).

RECOMMENDED FINDING: Within the RM zone, the minimum lot size and lot width is 5,000 square feet and 50-feet for a single-family detached dwelling and duplexes. As shown on the preliminary plat, the lot sizes range from 7,036 square feet to 18,068 square feet with all lot widths exceeding 50 feet. Therefore, the lots comply with the dimension requirements of the RM zone. Setbacks and other development specific standards found in Article Two and Three would be evaluated upon development proposal.

The block layout provisions in Chapter 16.12.030(K) state that blocks with pedestrian and bicycle connections through the block cannot exceed 800 feet in block length and 2,000 feet in block perimeter. The subdivision block length of 852 feet and block perimeter of 1,892 feet largely conform with the standards which is permissible as the existing development pattern precludes meeting the established standards. The exceedance of the

800-foot standard is permissible to appropriately align the street grid system as authorized in Section 16.12.030.K.3.c.

The proposal meets the standards for the underlying zoning district, and the proposed street system and new local road complies with the design requirements for the LDC and Engineering Standards. As such, the criterion is met.

9. Setbacks shall be as required by the applicable land use zone (Chapter 16.05 – 16.10).

RECOMMENDED FINDING: As discussed in the Findings 1-6 above, and incorporated here by reference, the proposed parcels are in compliance with the minimum requirements of the underlying zone. The size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for the lots within the proposed subdivision. Minimum setback standards will be reviewed for conformance with applicable standards for the Z-RM zone upon development. Therefore, this criterion is met.

10. Each lot shall conform to the standards of Chapter 16.12 (Access and Circulation).

RECOMMENDED FINDING: Findings related to access and circulation are provided in Finding Nos. 3 and 8 above and incorporated here by reference.

11. Landscape or other screening may be required to maintain privacy for abutting uses. See Chapters 16.05 – 16.10 (Land Use Zones), and Chapter 16.15 (Landscaping, Street Trees, etc.).

RECOMMENDED FINDING: The residential landscape improvement standards will be applied upon development proposal. For screening, conditions of development have been included to require all fencing to meet the vision clearance requirements, and certain lots at intersections of streets shall meet the sight distance triangle evaluation. Fencing has also been conditioned for Lots 1-10 along the easement line for the drainage ditch on the south side of the properties to delineate private versus public use. With the condition, this criteria has been met.

12. In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public or private road or approved access drive. See Chapter 16.12 (Access and Circulation).

RECOMMENDED FINDING: Based on the layout and probable building locations, all dwellings will be less than 150-feet from a public street upon the completion of proposed street improvements. A fire hydrant is to be provided at the intersection of Kingdom Drive and the new public street. The cul de sac is designed to meet the turning radius for a fire truck. With the turnaround, placement of fire hydrants, and appropriate access, this criteria has been met.

13. Where a common drive is to be provided to serve more than one lot, a reciprocating access easement and maintenance agreement shall be recorded with the approved subdivision or partition plat.

RECOMMENDED FINDING: An access easement and common drive is provided between Lots 21-23 as shown on the preliminary plat, and a reciprocal access and maintenance agreement shall be filed as part of the final plat process.

14. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

RECOMMENDED FINDING: Findings related to access and circulation are provided in Finding Nos. 3 and 8 above and incorporated here by reference. City utility maps show a 10-inch public sewer main and 8-inch water main in Joy Street. There is also a 16-inch water main in S 5th Street, and the City is currently constructing the Westside Interceptor sewer main in S 5th Street along the property frontage which would be the main sewer connection. An extension of both mains is proposed within this application through the length of the new public street. Each separate lot must have its own distinct sewer and water service. Upon development, each lot will be required to install a new sewer and water lateral connection to the public main. A public storm drainage ditch is available in on the southern portion of the subdivision site with a 30-foot easement over the site. The required stormwater detention facility is provided as Tract A and B in the subdivision.

As shown on the preliminary plan, a 10-foot-wide private utility and franchise utility easement is proposed along the frontage of all lots. This easement will be recorded on the final plat. There is also a 30-foot storm drainage easement over the southern portion of the subdivision, and an access easement proposed between Lots 21-23. No other easements are proposed within this subdivision. With the access, utility extensions and easements identified, this criteria has been met.

IV. PUBLIC NOTIFICATION AND COMMENTS

A public notification for this project was issued on October 27, 2022. No comments were received from members of the public at time of publishing the Planning Commission agenda. Comments were received by the Fire District, Engineering Department, and Building Department and have been incorporated as conditions of development for the application.

Any public comments received prior to the hearing will be distributed to the Planning Commission and the Applicant and posted to the City's website as indicated in the Public Notice.

V. CONCLUSION AND RECOMMENDED CONDITIONS FOR DEVELOPMENT

Staff finds the proposal complies with the decision criteria for a Subdivision, and recommends approval of the application subject to the adoption of the following Conditions of Development:

1. The Planning Department conditions include, but may not be limited to:

- a. A final partition plat, complying with provisions in ORS Chapter 92, shall be completed by a registered professional land surveyor and submitted to the City for approval.
 - b. The final plat shall substantially conform to the proposal, comply with applicable requirements in the Lebanon Development Code and recorded within three years of the final date of approval.
 - c. Fencing shall be installed by the developer along the easement line for the drainage ditch for Lots 1-10.
 - d. Any proposed fencing shall be installed in compliance with Chapter 16.15 and of Section 16.12.030.F the Development Code. Lots 3, 10 and 11 as identified on the preliminary plat shall comply with the sight distance triangle as designated by the Engineering Department.
 - e. All necessary permits through the Department of State Lands, Department of Environmental Quality and the Army Corps of Engineers shall be obtained for any wetland mitigation necessary for development and the detention pond prior to issuance of city permits for construction.
 - f. A reciprocal access and maintenance agreement shall be recorded between Lots 21-23 as part of the final plat recording.
 - g. A maintenance agreement or homeowners association shall be established to maintain ownership and property taxes associated with the two tracts and to maintain the storm detention systems. The agreements or association shall be filed and recorded prior to issuance of certificates of occupancy.
2. All requirements of the Lebanon Fire District shall be met, including but not limited to:
- a. Plans shall be submitted for review and approval by the Lebanon Fire Marshal that demonstrates full compliance with the Oregon Fire Code and local amendments. Lebanon Fire Marshal approval shall be obtained prior to issuance of building permits.
3. The Engineering Department conditions include, but may not be limited to:
- a. All public improvements shall:
 - i. conform to the latest "City of Lebanon Standards for Public Improvements."
 - ii. require completion of a Drawing Review Application and a Public Improvements Permit prior to beginning construction.
 - iii. be designed by a professional engineer registered in the State of Oregon.
 - iv. Prior to final plat approval, a bond or other approved form of assurance is required for all incomplete public improvements.
 - b. All elevations shown on plans submitted to the City must be on the NAVD 88 vertical datum to provide compatibility with the City computer aided mapping system.

- c. All private, onsite utilities must be reviewed and approved by the City Building Official.

Transportation

- d. Provide a Geotech report including minimum street section for wet and dry weather construction conditions.
- e. Construct City standard full depth half street improvements along Fifth Street the length of the lot frontage. Including handrail for Burkart Creek pedestrian crossing.
- f. The 1991 TSP identified S Fifth St as a 60' collector. The current TSP identifies S Fifth as a 70' collector. The existing 60' right of way and street alignment is consistent with the newly constructed subdivision to the south Heather Estates Phase 2. Considering the constrained roadway and the existing home locations that make it extremely difficult to meet the standards a variance to the standard is approved by the Engineering Service Director.
- g. Construct a modified full depth half street along improvement along Joy Street with 28' asphalt width and extend gravel shoulder for maintenance access to the storm easement. No curb and gutter will be required.
- h. Due to the existing storm drainage and easement located along the south property line on Joy Street, a variance to not require a landscape strip for new public street will be warranted. This exception provides adequate buildable area and allows for parking on both side of street.
- i. Provide City standard street trees in compliance with the City of Lebanon street tree policy along Fifth Street and public street connection to Joy Street.
- j. No driveway access will be allowed to Fifth Street.
- k. Fence locations for lots 3, 10, 11 and tract A will require intersection sight distance & clear vision design submitted for review and approval from the City Engineer.
- l. Sidewalks, paths and driveway approaches must comply with ADA requirements.
- m. Sidewalk adjacent to the detention pond shall be constructed with public improvements.
- n. Provide City standard streetlights and show layout on public improvement plans.
- o. Postmaster must approve cluster mailbox locations.
- p. Provide verification of Republic Services approval of location and turn around access to garbage and recycling containers.
- q. Provide verification from emergency services & Linn County surveyor for new street name.

Water

- r. Identify any on-site wells on the engineered drawings. Wells must be capped and abandoned according to state and county regulations prior to connection to the public water system.
- s. The number and location of fire hydrants shall be approved by the Lebanon Fire Marshal. All new hydrants must be operational and accepted by the City prior to storage of

combustible materials on site.

- t. Water system improvements shall be extended through the development site. Water main shall be constructed as a loop system from Fifth to Joy Streets.

Storm Drainage

- u. The drainage system and grading plan shall be designed so as not to adversely impact drainage to or from adjacent properties. Storm drainage facilities must be designed and constructed to ensure historical rates of site discharge are not exceeded. Storm drain capacity shall be determined by the Rational Method for a 10-year event with a 15-minute minimum durations time using the curve (fig 5.3) in the master plan. A detailed design including engineering calculations shall be submitted as part of site plan review.
- v. With the engineering drawings, provide a grading plan for the sites that indicates existing and proposed elevations. Drainage improvements (ditches and or piping) may be required at the site boundaries to prevent adverse impacts. The engineering drawings must provide a detailed design (including calculations) of the drainage improvements and mitigation of any impacts to adjacent properties.
- w. Storm drain improvements shall be extended through the development site to the edges of the property line so that future extensions can continue.
- x. Provide verification of Oregon DEQ NPDES permit issuance and all condition of permit issuance prior to construction
- y. Any wetlands identified as being impacted by public improvements shall be mitigated prior to the final acceptance of public improvements.
- z. Provide a construction erosion prevention plan.
- aa. Provide detail of detention pond fencing. Fence shall not be higher than 30", A unobscured fence can be up to 36" in height.

Sewer System

- bb. Identify any on-site septic systems on the engineering drawings. Septic systems must be abandoned according to the city and county regulations.
- cc. The sewer shall be extended through the development site to the edges of the property lines to serve lots 21-23.

Landscaping

- dd. Any landscaping proposed in the public right of way shall have a maximum mature height of no more than 24 inches above the street grade and at least 3 feet from any fire hydrant. All landscaping proposed in the yard setback areas adjacent to public streets shall have a maximum mature height of no more than 36 inches above the street grade.

VI. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:

1. Approve the proposed Subdivision application (S-22-06) for the 23-lot subdivision, adopting the written findings for the decision criteria contained in the staff report with the conditions of development; or
2. Approve the proposed Subdivision application (S-22-06) for the 23-lot subdivision, adopting modified findings for the decision criteria and conditions of development; or
3. Deny the proposed Subdivision application (S-22-06) for the 23-lot subdivision, 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 **November 16, 2022 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.:	S-22-06
Applicant:	Family Tree Real Estate, LLC c/o Mark Schneider
Location:	31707 SW 5 th St
Map & Tax Lot No.	12S02W22D 001001
Zoning:	Residential Mixed Density
Request:	Subdivision
Decision Criteria:	Lebanon Development Code Chapters: 16.05, 16.20 & 16.22

Request: The applicant is requesting approval of a tentative Subdivision Plat that includes 23-lots for residential use.

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 testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, November 15, 2022.** Written testimony may be emailed to khart@ci.lebanon.or.us or may be mailed to the City at 925 S. Main Street, Lebanon, OR 97355, or delivered to the City and dropped in the white mailbox in front of City Hall. Members of the public may also provide comments on the agenda item in person at the Santiam Travel Station during the meeting.



If you are unable to attend the meeting and wish to address the Commission under Public Comments or for a Public Hearing, click:

https://ci-lebanon-or-us.zoomgov.com/webinar/register/WN_O0T-1mScTjKabpIopJDHhQ

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 to watch the meeting virtually or participate with public comment.

Meeting Information: The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on November 16, 2022 through the Zoom Webinar:

https://ci-lebanon-or-us.zoomgov.com/webinar/register/WN_O0T-1mScTjKabpIopJDHhQ

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

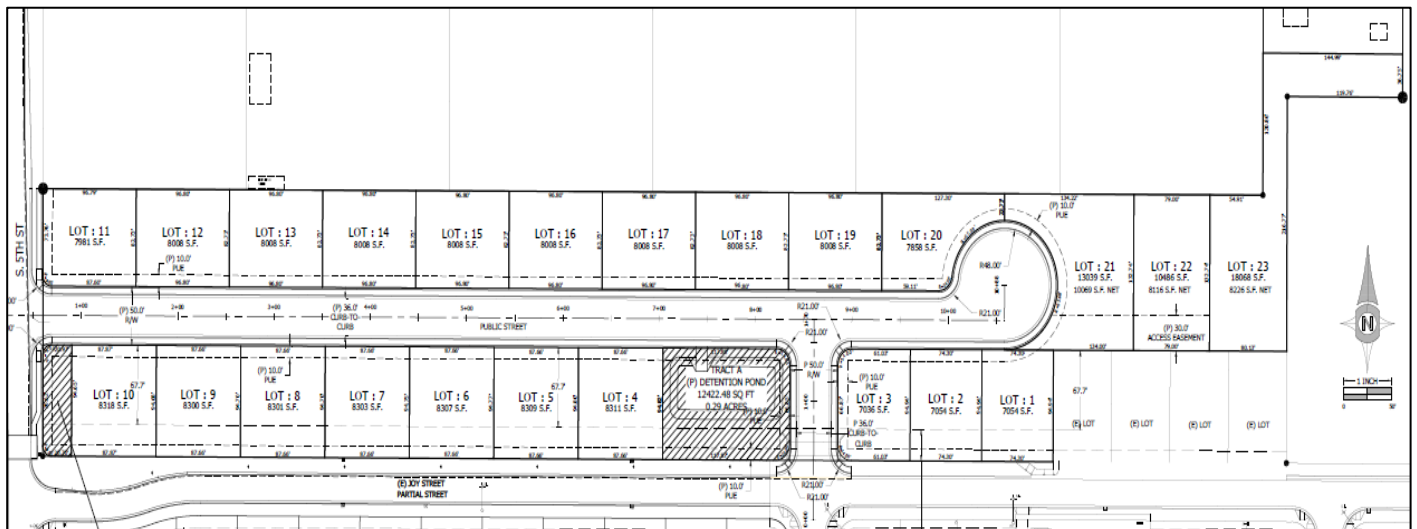
CITIZENS ARE INVITED TO PARTICIPATE in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are 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.

Appeals: Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Decisions of the Planning Commission may be appealed to the Lebanon City Council within 15 days following the date the Commission’s final written decision is mailed. Only the applicant, a party providing testimony, and/or a person who requests a copy of the decision has rights to appeal a land use decision. The appeal must be submitted on the appeals form as prescribed by City Council with appropriate fee paid and must set forth the criteria issues that were raised which the applicant or party deems itself aggrieved. Please contact our office should you have any questions about our appeals process.

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@ci.lebanon.or.us.

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.

PROPOSED PLAT



SUBDIVISION APPLICATION

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

Property Owner/Applicant: Family Tree Real Estate, LLC
Mark Schneider, Registered Agent
370 W. Joy Street
Lebanon, OR 97355
(541) 409-8774
huntbybows@yahoo.com

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

Contact: Laura LaRoque
Email: laural@udelleng.com
Phone: (541) 990-8661

Site Location: 31707 SW 5th Street, Lebanon, OR 97355

Linn County Assessor's Map No.: 12S-02W-22D Tax Lot 1001

Site Size: ±6.39-acres

Existing Land Use: Unimproved

Zone Designation: Residential Mixed Density (Z-RM)

Comprehensive Plan Designation: Residential Mixed Density (C-RM)

Surrounding Zoning: North: UGA-UGM-10 / Z-RL
South: Z-RM
East: Z-RM
West: UGA-UGM-10 / Z-PU (across SW 5th Street)

Surrounding Uses: North: Single-Family Residential
South: Single-Family Residential
East: Non-Profit/Education – Kidco Head Start
West: Single-Family Residential



22-139 Schneider
31707 SW 5th Street
Subdivision Application

October 17, 2022
Page 1 of 13

I. Executive Summary

The applicant requests approval of a proposed subdivision "Cedar River Estates" for a property located north of West Joy Street between SW 5th Street and South Main Street. The property has an assigned address of 31707 SW 5th Street and is identified as Linn County Tax Assessor Map No. 12S-02W-22D Tax Lot 1001. The property is approximately ±6.39-acres and unimproved.

The property is in a developed neighborhood. To the north of the subject property, are properties within the Lebanon Urban Growth Boundary (UGB) and portions of unincorporated Linn County that are continuous with city limits of Lebanon. These properties are improved with residential uses and have a county zoning designation of Urban Growth Area-Urban Growth Management 10 acre minimum (UGA-UGM-10) and city comprehensive plan designation of Residential Mixed Density (C-RM). To the south of the subject property, are properties within the Lebanon city limits that are zoned Residential Mixed Density (Z-RM). These properties are developed single-family residential dwellings. To the east of the subject property is a developed site that is occupied by Kids and Company of Linn County Board (i.e., Kidco Head Start).

The proposal includes a preliminary plan to subdivide the ±6.39-acre site into 23 residential lots and two tracts. As proposed, the subdivision would include 23 lots with the net lot area ranging in size from 7,036 square feet to 10,069 square feet. All lots would be eligible for development of a single-family detached or duplex dwelling with approval of a building permit and/or townhouse and zero lot line development with approval of an administrative review.

All proposed lots within the subdivision would be provided access from two new 50-foot-wide public streets with connectivity to SW 5th Street and W. Joy Street. SW 5th Street is classified as a collector street and not fully improved to City standards along the frontage of the subject site. Joy Street is classified as a local street and not fully improved to City standards along the frontage of the subject site.

Sanitary sewer, water, and storm mains are available within SW 5th Street right-of-way, at the west frontage of the subject property. An extension of public sanitary sewer, water, and storm mains within the new east/west roadway is proposed with this application. All lots within the proposed subdivision would be able to connect laterals to the new mains.

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

II. Analysis of Development Code Criteria

Below is an analysis of the review criteria (Chapter 16.22 of the LDC) and findings:

- A. Chapter 16.22 of the Lebanon Development Code (LDC) establishes the standards for reviewing partitions and subdivisions, with Sections 16.22.030 to 16.22.090 establishing specific requirements for submittal and review. The applicable provisions are outlined in the following Sections.



- B. LDC 16.22.030(A)(B) establishes the general requirements for subdivisions, which includes a two-step review process requiring review and approval of both a preliminary and final plat. In addition to the land division requirements in Chapter 16.22, the proposal must comply with regulations regarding public works improvements, official maps or development plans, Development Code provisions, Fire District requirements, and similar regulations.

FINDINGS: This quasi-judicial review process addresses the requirements for preliminary plat approval. Upon preliminary plat approval, a final plat that conforms to provisions in LDC 16.22.070(B) will be submitted for ministerial review and approval.

- C. LDC16.22.030(C) notes that subdividing a residential zone into large lots (i.e., greater than four times or 400 percent the minimum lot size allowed by the underlying land use zone), the City may require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. To meet this requirement a re-division plan must be submitted.

FINDINGS: As proposed, none of the lots are large enough to allow for an additional land division. Therefore, this standard is not applicable.

- D. LDC 16.22.030(D) establishes provisions for lot averaging, thereby allowing the creation of some lots below the minimum lot size. LDC 16.22.030(E) notes the proposal must comply with floodplain provisions.

FINDINGS: Lot averaging is not proposed with this application as all lots exceed the minimum lot size required for single-family residential use. Floodplain provisions are also not applicable as the development site is in Zone X, outside of identified special flood hazard areas as shown on FEMA's Flood Insurance Rate Map #41043C0568G, dated September 29, 2010.

- E. LDC 16.22.040 indicates the applicant may request a pre-application meeting, as well as subsequent individual meetings, to review a subdivision.

FINDINGS: A pre-application meeting was conducted mid-2022.

- F. LDC 16.22.050 contains special transportation provisions and associated decision criteria. LDC 16.22.050(A) requires notification of the Oregon Department of Transportation (ODOT). The application submittal process includes agency notification even though the development does not impact a state highway. LDC 16.22.050(B) requires plans to address specific access related decision criteria, which are noted as follows:

1. LDC 16.22.050.B.1 - Driveway Access Placement: Driveway access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

FINDINGS: According to LDC 16.12.020(B)(1)(2), a single parcel must abut a street for a minimum width of 14-feet including a minimum 12-foot-wide driveway. According to LDC 16.12.020(B)(2), two adjacent parcels must abut a street for a minimum of 24-feet with a

minimum of 12-feet for each parcel that may include a shared 12-foot-wide driveway serving both.

Per LDC 16.12.030(F)(2)(3), LDC 16.12.030.J.4, LDC 16.12.030(L)(1), single-family and duplex dwellings may be served by a minimum 24-foot-wide shared access easement with a minimum 12-foot-wide driveway provided a shared access easement and coordinated maintenance agreement is recorded.

Lots 1 – 20 will have frontage in excess of 14 feet and direct access to a public street. Lots 21-23 will gain access to the public right-of-way via a 30-foot-wide shared access easement.

All lots are within 150 feet of a public right-of-way per OFC D103.4, LDC 16.12.030.L.8 and LDC 16.12.030.M.

2. LDC 16.22.050(B)2 - Road/Street System and Building Access: The road/street system shall provide adequate access to the buildings for the appropriate users, such as residents, visitors, patrons, employees, service and delivery vehicles, and emergency vehicles.

FINDINGS: The criterion including the term “adequate access” is not a clear and objective approval criterion as required by Oregon Revised Statute (ORS) 197.307(4) for needed housing (i.e., attached single-family and multi-family housing for owner and renter occupancy) as defined under ORS 197.303. Therefore, this criterion is not applicable.

3. LDC 16.22.050(B)(3) - Pedestrian and Bicycle Facilities: An internal system of sidewalks and/or pathways for pedestrians and bicyclists shall provide connections to both motor vehicle and bicycle parking areas, and entrances to the development and its buildings, as well as open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides unless other configurations have been approved. Pedestrian and bicycle linkages shall connect to the peripheral street system.

FINDINGS: All lots will have frontage on, and/or direct access to, a public street with connectivity to SW 5th Street and W. Joy Street. Shared and direct access to public rights-of-way provide connectivity from each of the development sites to abutting public sidewalk and bicycle linkages.

4. LDC 16.22.050.B.4 - Consistency with Transportation System Plan: All access shall be consistent with the access management standards of this Code, the City’s Transportation System Plan, and the Lebanon/Linn County Urban Growth Management Agreement.

FINDINGS: According to LDC 16.12.030.F, when vehicle access is required for development, access must be provided by an alley, private street or shared driveway, or public street, and a minimum of 12 feet per lane is required.

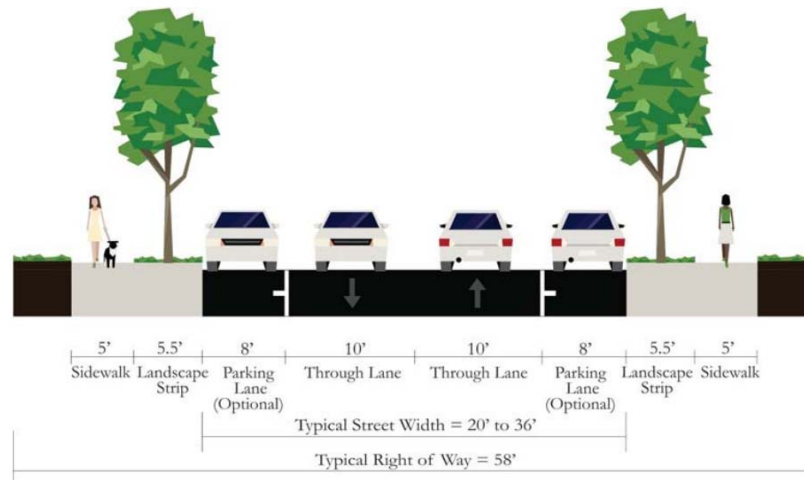
Access to proposed lots is via a public street with a 36-foot-wide curb-to-curb width with parking on both sides of the street.



Figure 13 of the TSP illustrates a standard cross-section for a local street in the City of Lebanon. As stated under the Typical Roadway Cross-Section Standards heading of the TSP, the provided cross-sections “are intended to be used as guidelines in the development of new roadways and the upgrade of existing roadways. Planning level right-of-way needs can be determined using these figures. Under some conditions a variance to the street standards may be requested from the Engineering Services Director to consider the constrained roadway design options or other adjustments. Typical conditions that may warrant consideration of a variance include:

- Infill sites
- Innovative designs (e.g., roundabouts)
- Severe constraints presented by topography, environmental, or other resources present
- Existing developments and/or buildings that make it extremely difficult or impossible to meet the standards”

Figure 13. Local Roadway



The south portions of Lots 1 – 10 are encumbered by a 27-foot-wide access and utility easement that was created to allow the city proper access to maintain an existing major drainage ditch (along the W. Joy Street property frontage). This easement reduces the buildable depth of these lots to 67.7 feet. Reducing the depth of these lots by eight additional feet to meet the typical right-of-way standard for local street would constrain future development upon these lots; especially once the required minimum building front setback of 10 to 15 feet and minimum vehicle entrance setback of 20-feet is applied.

Therefore, a variance to the standard local street width is requested to allow curbside sidewalks as opposed to curbside landscaping strips, thus reducing the right-of-way width from the standard of 58-feet to 50-feet, but still accommodating travel lanes in either direction and parking on both sides of the street.

LDC 16.12.030.I states that one street access for single-family and two-family is typical, but two access points may be permitted. All lots are proposed to be served by individual driveway connections to the abutting public street with the exception of Lots 21-23, which will share a 30-foot-wide access easement.

5. LDC 16.22.050.B.5 Conditions of Approval to Mitigate Significant Impacts or Effects on Transportation Facilities: In situations in which proposed land use actions may cause a significant negative impact or effect on a transportation facility, the Planning Commission may impose additional conditions for approval, such as:
 - a) A Traffic Impact Analysis (or other traffic studies), if the City Engineer finds that the proposed development will have a significant negative impact or effect on the surrounding transportation network. (See Chapter 16.12, Subsection 16.12.010.B).
 - b) The operator of the affected transportation facility shall receive notice of the proposed land use. Such operators may include, but are not limited to, the city, Linn County, the State (e.g., ODOT, Oregon Department of Aviation), and railroad companies. This notice shall include the applicant's full site plan submitted to the City and any traffic impact study or traffic counts, as well as the information noted in paragraph "a." immediately above.
 - c) The determination of transportation impacts or effects and the scope of any impact study shall be coordinated with the Planning Official, the City Engineer, and the operator of the affected transportation facility.
 - d) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed land use.
 - e) Transportation-related improvements where the existing transportation system may be burdened by the proposed land use.

FINDINGS: Based upon the Institute of Transportation Engineers (ITE) trip generation rates, single family homes generate 9.43 vehicle trips per day and 0.94 trips during the peak PM traffic hour. The development will create 23 new vacant lots, each of which could be developed with a single dwelling unit. Construction of 23 dwelling units would add about 217 new vehicle trips per day to the public street system. About 23 of those trips would occur during the peak p.m. traffic hour.

Based upon the 11th edition of the Institute of Transportation Engineers (ITE) trip generation rates, attached dwellings units (i.e., duplexes and townhomes) generate 7.20 vehicle trips per day and 0.57 trips during the peak PM traffic hour. The development will create 23 new vacant lots and has the potential to be developed with a maximum of 46 attached dwellings units. Construction of 46 dwelling units would add about 331 new vehicle trips per day to the public street system. About 26 of those trips would occur during the peak p.m. traffic hour.



According to LDC 16.20.110(B), the City or other road authority may require a Traffic Impact Study as part of an application for development when an increase in site traffic volume generation by 300 Average Daily Trips. A total of 217/331 daily trips are anticipated; therefore, a traffic analysis is not required to be submitted with this application.

No impacts to rails, aviation, or similar transportation facilities are anticipated with this development proposal.

- G. LDC 16.22.060 notes that after a pre-application meeting and/or consultation, the applicant submits a subdivision application on the prescribed form.

FINDINGS: The application submittal included the necessary material consistent with this LDC 16.22.060.

- H. LDC 16.22.070 establishes the procedural review process for subdivision applications. LDC 16.22.070(A)(2) requires preliminary subdivision applications to be processed as a quasi-judicial review with a hearing before the Planning Commission, while the final plat is reviewed by staff as a ministerial decision. Preliminary plat approval is valid for three years.

FINDINGS: As a subdivision, the quasi-judicial public hearing before the Planning Commission complies with provisions in this Section LDC 16.22.070(A)(2). All subsequent provisions apply to the administration, review, or modification of an approved preliminary plat.

- I. LDC 16.22.080 establishes the preliminary plat submittal requirements. The applicable provisions include:

1. LDC 16.22.080(A)(1)(2) requires submittal of public facilities and services study (including transportation facilities) and a traffic impact study.

FINDINGS: Water, sanitary sewer, and storm are available to serve the development. All improvements will comply with City design requirements, and for storm drainage, not increase the level of storm runoff on adjacent properties.

Findings regarding the requirements for a transportation impact study can be found under subsection 5, subsection e above and incorporated here by reference.

2. LDC 16.22.080(A)(3) lists additional information that will or may be required if applicable and warranted:

- a. LDC 16.22.080(A)(3)(a) - Correspondence from appropriate and applicable State and Federal Wetland regulatory agencies.

FINDINGS: Terra Science, Inc. completed a wetland and waters delineation report for the subject property and adjacent road right-of-way in April 2022. Wetlands on the subject property are denoted in this report and the existing condition plan sheet. As such, a Joint Permit Application will be submitted to the U.S. Army Corps of Engineers, Oregon Department of State Lands, and Oregon Department of Environmental Quality for review and approval.



LDC 16.22.080(A)(3)(b) - Correspondence from the County or ODOT if access is proposed to any facility under their jurisdiction.

FINDINGS: The adjacent streets are under the City's jurisdiction therefore the provisions in this Section do not apply.

- b. LDC 16.22.080(A)(3)(c) - Correspondence from Oregon Department of Aviation if the proposed development is within the approach or noise impact overlay zones of the Lebanon State Airport.

FINDINGS: According to Figures 16.11.020-1 to 16.11.020-3 the property is in the 594-foot conical surface area of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice must be provided to the Oregon Department of Aviation.

- c. LDC 16.22.080(A)(3)(d) - Documentation prepared by a licensed and qualified professional demonstrating that development proposed within a 100-year floodplain or floodway complies with appropriate FEMA, NFIP and City's Floodplain Regulations (see LDC 16.11.070 in Chapter 16.11 of this Code).

FINDINGS: Based on FEMA's Flood Insurance Rate Map, #41043C0568G, dated September 29, 2010, the property is located entirely outside of the special flood hazard area.

- d. LDC 16.22.080(A)(3)(e) - Documentation showing compliance with applicable Special Area Plans.

FINDINGS: The property is not located within a "Special Area Plan".

- e. LDC 16.22.080(A)(3)(f) - Documentation showing compliance with all applicable codes and requirements of the Lebanon Fire District.

FINDINGS: Access and provisions for hydrants have been identified on preliminary plat that comply with Fire District requirements. The Fire District has received a copy of the application materials for review and comment.

- f. LDC 16.22.080(A)(3)(g) - Documentation showing that the proposed land division will not violate any existing property restrictions of record, including easements.

FINDINGS: The existing conditions plan sheet denoting known recorded easements has been submitted with this application.

- g. LDC 16.22.080(A)(3)(h) - Documentation prepared by a licensed and qualified professional demonstrating that areas of soil cut, and fill will comply with erosion control and building code requirements.

FINDINGS: Erosion control and building code requirements will be reviewed and approved as part of the site improvement and/or building permit review process.

- h. LDC 16.22.080(A)(3)(i) - Documentation prepared by a licensed and qualified professional demonstrating that areas of geologic and/or of soils instability can be developed according to applicable City, State, and Federal Environmental Standards.

FINDINGS: The site is relatively flat and is not subject to the requirements of the Steep Slope Development Overlay Zone which are applicable to development in areas with steep slopes equal to or greater than 15 percent.

- i. LDC 16.22.080(A)(3)(j) - Other information determined by the Planning Official and/or City Engineer. Upon the receipt or presentation of credible evidence, the City may require studies or exhibits prepared by qualified and/or licensed professionals to address specific site features or project impacts (e.g., noise, natural resources, environmental features, natural hazards, cultural/archeological, site stability, wetlands, hazmat assessments, etc.), in conformance with this Code, other State and/or Federal regulatory requirements.

FINDINGS: No additional studies or exhibits were deemed necessary by City staff based on the development proposal.

- j. LDC 16.22.080(B)(1)(2)(3) - Establish submittal requirements.

FINDINGS: All necessary material for staff to proceed with the application has been submitted.

III. Review Criteria

The City may approve, approve with conditions, or deny a preliminary plat based on the criteria contained in LDC 16.22.090(A)(B)(C). Provisions in LDC 16.22.090(A) include the following:

- 1. LDC 16.22.090(A)(1) - The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant Sections of Chapter 16.29.

FINDINGS: Within the RM zone, the minimum lot size and lot width is 2,500 square feet and 20-feet for townhouse/rowhouses; 3,500 square feet and 40-feet for zero lot line housing; 5,000 square feet and 50-feet for a single-family detached and duplex dwelling; and 9,000 square feet and 60-feet for a multiple-family, triplex, or cottage cluster dwelling.

As shown on the preliminary plat, the net lot sizes of Lots 1 – 23 range 7,036 square feet to 10,069 square feet with widths exceeding 60-feet. Therefore, the lots comply with the dimension requirements of the RM zone for townhouse, zero lot line, single-family detached, or duplex uses found in Article Two. Setbacks and other development specific standards found in Article Two and Three would be evaluated upon development proposal.



The subject property has frontage along SW 5th Street and W. Joy Street. Both rights-of-way are not fully improved to city standards. SW 5th Street is classified as a collector street with an existing right-of-way width of 60-feet with turnpike style design with a travel lane in each direction and drainage ditches on each side. Joy Street is classified as a local street with an existing right-of-way width of 50-feet with partial street improvements along the south side and drainage ditch along the north side. Therefore, partial street improvements will be required along SW 5th Street and W. Joy Street. Partial street improvements are depicted on the preliminary lot layout plan sheet.

In addition, two new public streets are proposed to serve the subject property. Both streets are proposed to have a 50-foot right-of-way width, 36-foot curb-to-curb width, and curbside 5-foot-wide sidewalks. The proposed public streets will be built to full city standard as specified in Chapter 16.13 and in conformance with Engineering Standards. Site access for each lot would be designed upon development to meet the driveway spacing and vision clearance requirements for compliance of Chapter 16.12, as such, the proposal conforms with Articles Two and Three.

2. LDC 16.22.090(A)(2) - The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92 and the County Surveyor.

FINDINGS: Cedar River Estates has been reserved for this site by the Linn County Surveyor.

3. LDC 16.22.090(A)(3) - The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water facilities are laid out to conform or transition to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

FINDINGS: All proposed public improvements and dedications are depicted in the provided plan set, Sheets C2.0-C4.0.

4. LDC 16.22.090(A)(4) - All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

FINDINGS: All proposed improvements are depicted in the provided plan set, Sheets C2.0-C4.0.

5. LDC 16.22.090(A)(5) - Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.

FINDINGS: As noted, no special management areas were found in association to the subject site (see Existing Conditions, Sheet C101).

6. LDC 16.22.090(A)(6) - Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.



FINDINGS: All public improvements will be located within the city or private rights-of-way and subject to City public works design and construction standards.

7. LDC 16.22.090(A)(7) - If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

FINDINGS: As noted above, the property is in the 594-foot conical surface of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice must be provided to the Oregon Department of Aviation.

- J. LDC 16.22.090(B) establishes the criteria for the layout of the subdivision and includes the following:

1. LDC 16.22.090(B)(1) - All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use zone (Chapters 16.05 – 16.10), and the standards of Chapter 16.12 (Subsection 16.12.030(K), Street Connectivity and Formation of Blocks).

Findings: Within the RM zone, the minimum lot size and lot width is 2,500 square feet and 20 feet for townhouse/rowhouses; 3,500 square feet and 40 feet for zero lot line housing; 5,000 square feet and 50-feet for a single-family detached and duplex dwelling; and 9,000 square feet and 60 feet for a multiple-family, triplex, or cottage cluster dwelling.

As shown on the preliminary plat, the net lot sizes of Lots 1 – 23 range from 7,036 square feet to 10,069 square feet with widths exceeding 60 feet. Therefore, the lots comply with the dimension requirements of the RM zone for townhouse, zero lot line, single-family detached, or duplex uses found in Article Two. Setbacks and other development specific standards found in Article Two and Three would be evaluated upon development proposal.

The block layout provisions in Chapter 16.12.030(K)(1)(c) state that blocks without pedestrian and bicycle connections through the block cannot exceed 600-800 feet in block length and 1,600-2,000 feet in block perimeter with exceptions to block lengths under LDC 16.12.030(K)(3). A block length of 852 feet and block perimeter of 1,892 feet largely conform with the standards which is permissible as the existing development pattern precludes meeting the established standards.

2. LDC 16.22.090(B)(2) - Setbacks shall be as required by the applicable land use zone (Chapters 16.05 – 16.10).

FINDINGS: According to LDC Table 16.05-9: minimum setbacks in the RM zone are as follows: 10-foot front yard; 10/15-feet street side yard; 5-feet side (interior) yard and 10/20-feet to the rear yard. As shown on the preliminary plat, there is adequate area provided to accommodate future development conforming to the minimum setback requirements. Conformance will be reviewed upon development during building permit review.

3. LDC 16.22.090(B)(3) - Each lot shall conform to the standards of Chapter 16.12 (Access and Circulation).



22-139 Schneider
31707 SW 5th Street
Subdivision Application

FINDINGS: According to LDC 16.12.020(B)(1)(2), a single parcel must abut a street for a minimum width of 14-feet including a minimum 12-foot-wide driveway. According to LDC 16.12.020(B)(2), two adjacent parcels must abut a street for a minimum of 24-feet with a minimum of 12-feet for each parcel that may include a shared 12-foot-wide driveway serving both.

Per LDC 16.12.030(F)(2)(3), LDC 16.12.030.J.4, LDC 16.12.030(L)(1), single-family and duplex dwellings may be served by a minimum 24-foot-wide shared access easement with a minimum 12-foot-wide driveway, provided a shared access easement and coordinated maintenance agreement is recorded.

Lots 1 – 20 will have frontage in excess of 14 feet and direct access to a public street. Lots 21-23 will gain access to the public right-of-way via a 30-foot-wide shared access easement.

4. LDC 16.22.090(B)(4) - Landscape or other screening may be required to maintain privacy for abutting uses. See Chapters 16.05 – 16.10 (Land Use Zones), and Chapter 16.15 (Landscaping, Street Trees, etc.).

FINDINGS: Residential landscaping requirements for all lots will be reviewed upon development during building permit review.

5. LDC 16.22.090(B)(5) - In conformance with the Oregon Fire Code, a 20-foot-wide fire apparatus access road shall be provided to serve all portions of a building that are located more than 150 feet from a public or private road or approved access drive. See Chapter 16.12 (Access and Circulation).

FINDINGS: As shown on the preliminary plat, all lots will be accessible from a public street accordance with the Oregon Fire Code.

6. LDC 16.22.090(B)(6) - Where a common drive is to be provided to serve more than one lot, a reciprocating access easement and maintenance agreement shall be recorded with the approved subdivision or partition plat.

FINDINGS: As shown on the preliminary plat, lots 21 - 23 will benefit from a reciprocal access easement with coordinated maintenance agreement. It is acknowledged that the applicant and City staff must comply with these requirements prior to recordation of a final plat.

LDC 16.22.090(B)(7) - All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

FINDINGS: As shown in the preliminary utility plan, extensions of public facilities are proposed to serve the development. All plans will conform to City standards and be approved prior to platting the subdivision.

- K. LDC 16.22.090(C) allows the City to establish conditions to carry out Code provisions and other applicable ordinances.



FINDINGS: Conditions of approval are not required as the proposed development complies with all applicable code provisions.

- L. LDC 16.22.100 to 16.22.140 establish administrative procedures for recording plats, improvement agreements and bonding.

FINDINGS: It is acknowledged that the applicant and City staff must comply with these requirements prior to recordation of a final plat.

OVERALL CONCLUSION

As proposed, applications for preliminary subdivision plat satisfies all applicable review criteria as proposed and outlined above.

ATTACHMENTS

- A. Tentative Subdivision Plan Set
 - 1. Existing Conditions, Sheet C1.0
 - 2. Preliminary Lot Layout, Sheet C2.0
 - 3. Preliminary Utility Plan, Sheet C3.0
 - 4. Preliminary Grading and Drainage Plan, Sheet C4.0
- B. Subdivision Name Reservation Approval





LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es): 31707 SW 5th Street, Lebanon, OR 97355
Assessor's Map & Tax Lot No.(s): 12S02W22D001001
Comprehensive Plan Designation / Zoning Designation: C-RM / C-RM
Current Property Use: unimproved
Project Description:
23-lot residential subdivision

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant: Laura LaRoque, Udell Engineering and Land Surveying, LLC	Phone: (541) 990-8661
Address: 63 E. Ash Street	Email: laura@udelleng.com
City/State/Zip: Lebanon, OR 97355	
<i>I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.</i>	

APPLICANT SIGNATURE <i>Laura LaRoque</i>	Date: 10/7/22
--	---------------

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Family Tree Real Estate, LLC c/o Mark Schneider	Phone: (541) 409-8774
Address: 370 W. Joy Street	Email: huntbybows@yahoo.com
City/State/Zip: Lebanon, OR 97355	
OWNER SIGNATURE <i>Mark Schneider</i> <small>Mark Schneider (Oct 12, 2022 16:10 PDT)</small>	Date: Oct 12, 2022

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor: Brian Vandetta, Udell Engineering and Land Surveying, LLC	Phone: (541) 451-5125
Address: 63 E. Ash Street	Email: brian@udelleng.com
City/State/Zip: Lebanon, OR 97355	

Architect:	Phone:
Address:	Email:
City/State/Zip:	

Other:	Phone:
Address:	Email:
City/State/Zip:	

THE CITY THAT FRIENDLINESS BUILT

REQUIRED SUBMITTALS

- Application and Filing Fee
- Narrative Describing the Proposed Development and addressing the Decision Criteria
 - LDC Article Two Land Uses and Land Use Zones
 - LDC Article Three Development Standards
 - LDC Article Four Review & Decision Requirements
 - LDC Article Five Exceptions to Standards (eg Variance, Non-Conforming Uses)
- Site Plan(s) drawn to scale with dimensions, Include other drawings if applicable
- Copy of current Property Deed showing Ownership, Easements, Property Restrictions

FOR OFFICE USE

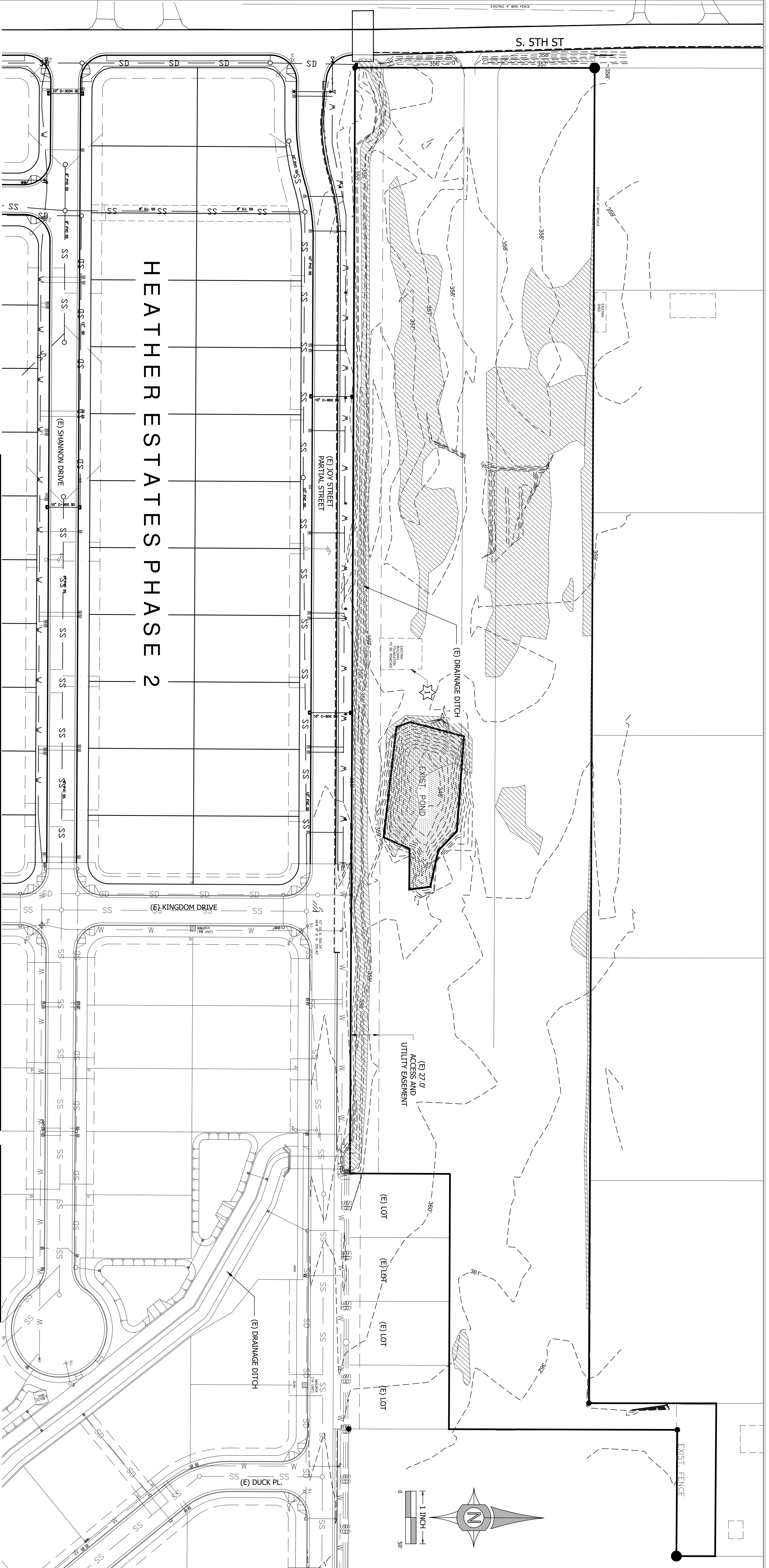
***If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

Land Use Review Process	Fee		Land Use Review Process	Fee
Administrative Review	\$750		Planned Development – Preliminary	\$2,500
Administrative Review (Planning Commission)	\$1,500		Planned Development – Final (Ministerial)	\$500
Annexation	\$2,500		Planned Development – Final (Administrative)	\$750
Code Interpretation	\$250		Planned Development – Final (Quasi-Judicial)	\$1,500
Comprehensive Plan Map/Text Amendment	\$2,500	X	Subdivision Tentative	\$1,500
Conditional Use	\$1,500		Subdivision Final	\$750
X Fire District Plan Review	\$100		Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
Historic Preservation Review or Register	Varies		UGB Amendment	Actual Cost
Land Partition	\$750		Variance (Class 1 – Minor Adjustment)	\$250
Ministerial Review	\$250		Variance (Class 2 – Adjustment)	\$750
Non-Conforming Use/Development	\$750		Variance (Class 3)	\$1,500
Property (Lot) Line Adjustment	\$250		Zoning Map Amendment	\$2,500

APPLICATION RECEIPT & PAYMENT

Date Received:	Date Complete:	Receipt No.:
Received By:	Total Fee:	File No.:

THE CITY THAT FRIENDLINESS BUILT



PROJECT VERTICAL DATUM -- NAVD 88

HEATHER ESTATES PHASE 2

THE LOCATION AND DESCRIPTIONS OF EXISTING UTILITIES SHOWN ON THE DRAWINGS ARE COMPILED FROM AVAILABLE RECORDS AND/OR FIELD SURVEYS. THE ENGINEER OR UTILITY COMPANIES DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF SUCH RECORDS. CONTRACTOR SHALL FIELD VERIFY LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER AT (503) 232-1987.

EXISTING SYMBOL LEGEND

- ▲ - EXISTING CONTROL POINT
- ⊗ - EXISTING GAS VALVE
- ⊗ - EXISTING WATER VALVE
- ⊗ - EXISTING WATER METER
- ⊗ - EXISTING FIRE HYDRANT
- ⊗ - EXISTING POWER POLE
- ⊗ - EXISTING 6" CYCLONE FENCE
- ⊗ - EXISTING 6" WOOD FENCE
- ⊗ - EXISTING SD LINE LOCATE
- ⊗ - EXISTING SS LINE LOCATE
- ⊗ - EXISTING WATER LINE LOCATE
- ⊗ - EXISTING PHONE LINE LOCATE
- ⊗ - EXISTING UNDERGROUND POWER LOCATE
- ⊗ - EXISTING OVERHEAD POWER
- ⊗ - EXISTING GAS LINE LOCATE
- ⊗ - EXISTING COMMUNICATION LINE LOCATE
- ⊗ - EXISTING CONTOUR ELEVATION

PROJECT LEGENDS

ABBREVIATIONS LEGEND

- SS - SANITARY SEWER
- SD - STORM DRAIN
- NH - MANHOLE
- CB - CATCH BASIN
- CO - CLEAN OUT
- PE - UTILITY POLE
- TE - INVERT ELEVATION (FLOW LINE)
- FE - FINISH FLOOR
- R.O.W. - RIGHT-OF-WAY
- FD - FOUND
- CS - COUNTY SURVEY
- IR - IRON ROD
- R - BLOWOFF
- BO - BACK OF WALK
- S.L. - STREET LIGHT
- TC - TOP FACE OF CURB
- TG - CENTERLINE
- BW - BACK OF WALK
- CL - CURB INLET
- CI - CURB INLET
- T.O.P. - TOP OF PIPE
- FL - FLOW LINE
- PU - PUBLIC UTILITY EASEMENT
- EXOR (E) - EXISTING
- (P) - PROPOSED
- PE - PLAIN END
- FLD OR FLG - FLANGED

DESIGN SYMBOL LEGEND

- ⊗ - DESIGN WATER METER
- ⊗ - DESIGN CURB INLET
- ⊗ - DESIGN CATCH BASIN
- ⊗ - DESIGN DITCH INLET
- ⊗ - DESIGN SS MANHOLE
- ⊗ - DESIGN SD MANHOLE
- ⊗ - DESIGN WATER VALVE
- ⊗ - DESIGN FIRE HYDRANT
- ⊗ - MECHANICAL JOINT
- ⊗ - DUCTILE IRON
- ⊗ - WATERLINE
- ⊗ - TOP OF WALL
- ⊗ - STORM DRAIN AREA DRAIN

PROPERTY

TAX MAP: 125-2W-23D
 TAX LOT: 1001
 SITE ADDRESS: 31707 SW 5th STREET
 LEBANON, OR 97355

APPLICANT

FAMILY TREE REAL ESTATE, LLC
 ATTN: MARK SCHNEIDER
 370 W. JOY STREET
 LEBANON, OR 97355
 (541) 409-8774
 huntbybows@yahoo.com

DEMOLITION NOTES

REMOVE EXISTING BUILDING FOUNDATION
 NOTE:
 ALL EXISTING TREES AND UNDERBRUSH OUTSIDE THE LIMITS OF THE EXISTING DITCH ARE TO BE REMOVED.

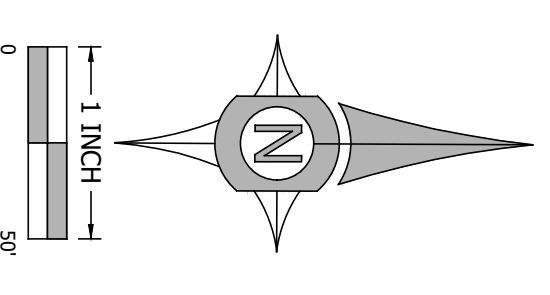
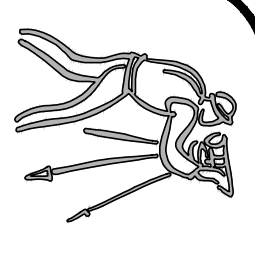
WETLAND LEGEND

EXISTING WETLAND,
 PER DELINEATION REPORT PREPARED BY
 TERRA SCIENCE INC.

EXISTING CONDITIONS
 CEDAR RIVER ESTATES
 SUBDIVISION
 LEBANON, OREGON

UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

CLIENT:
 FAMILY TREE REAL ESTATE, LLC
 ATTN: MARK SCHNEIDER
 370 W. JOY STREET
 LEBANON, OR 97355
 (541) 409-8774
 huntbybows@yahoo.com

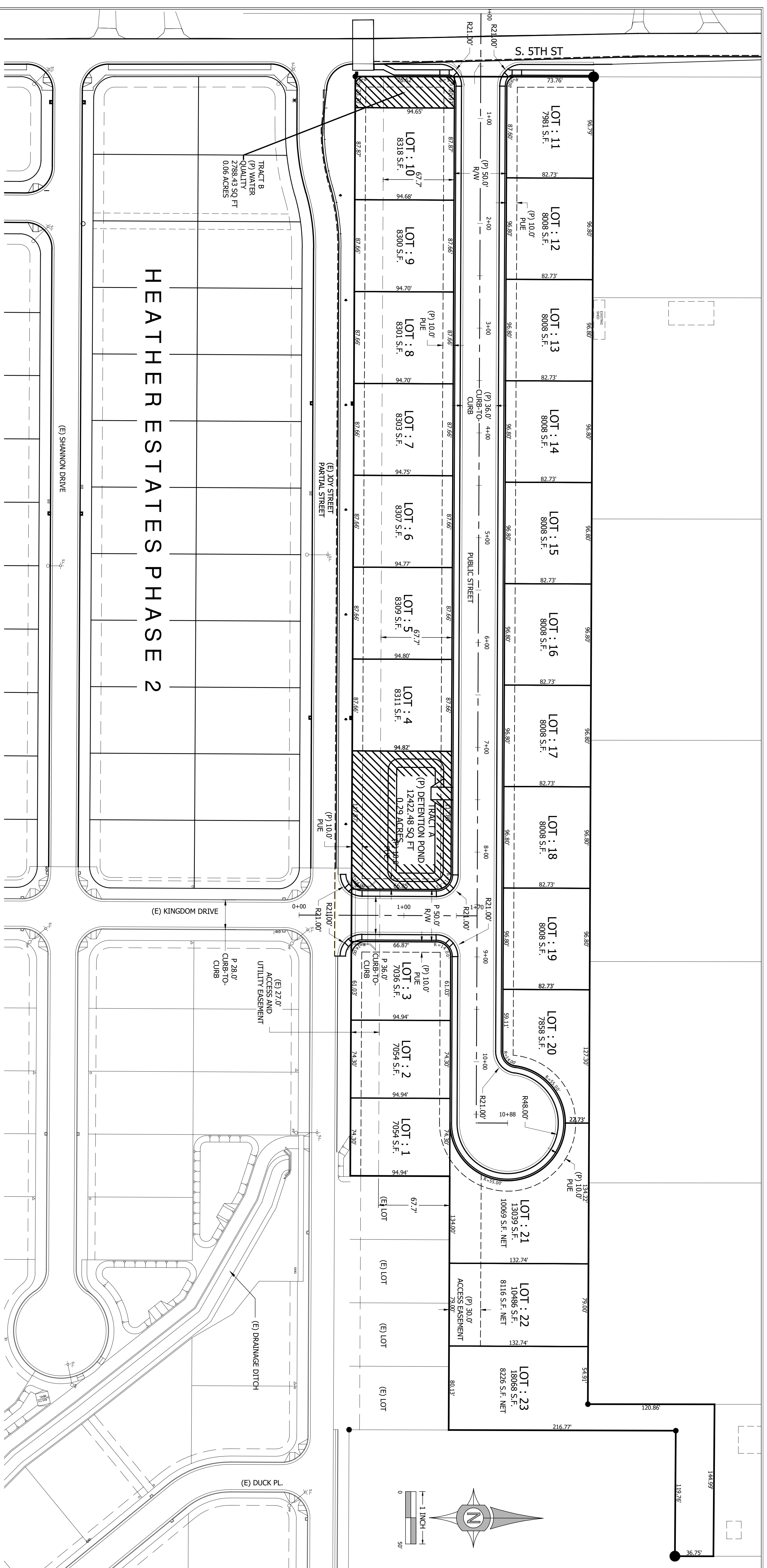


PLAN REVISIONS	DATE

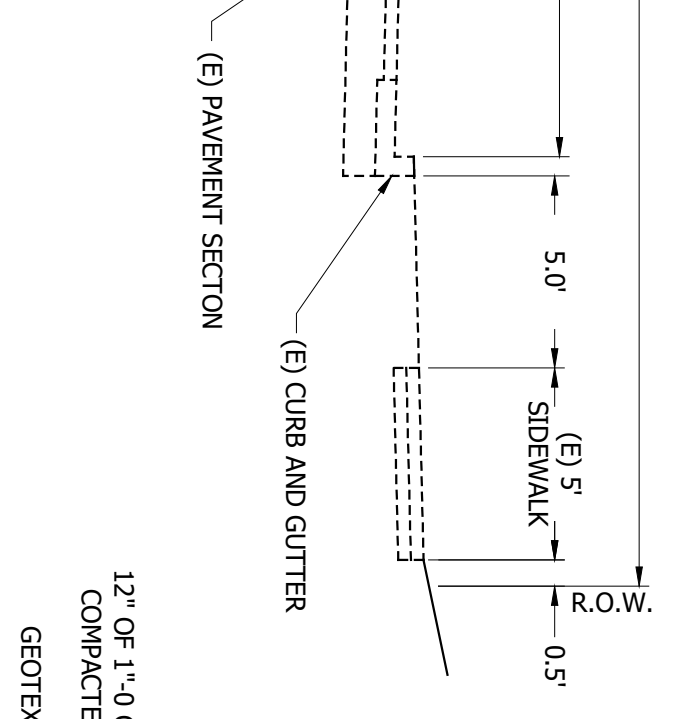
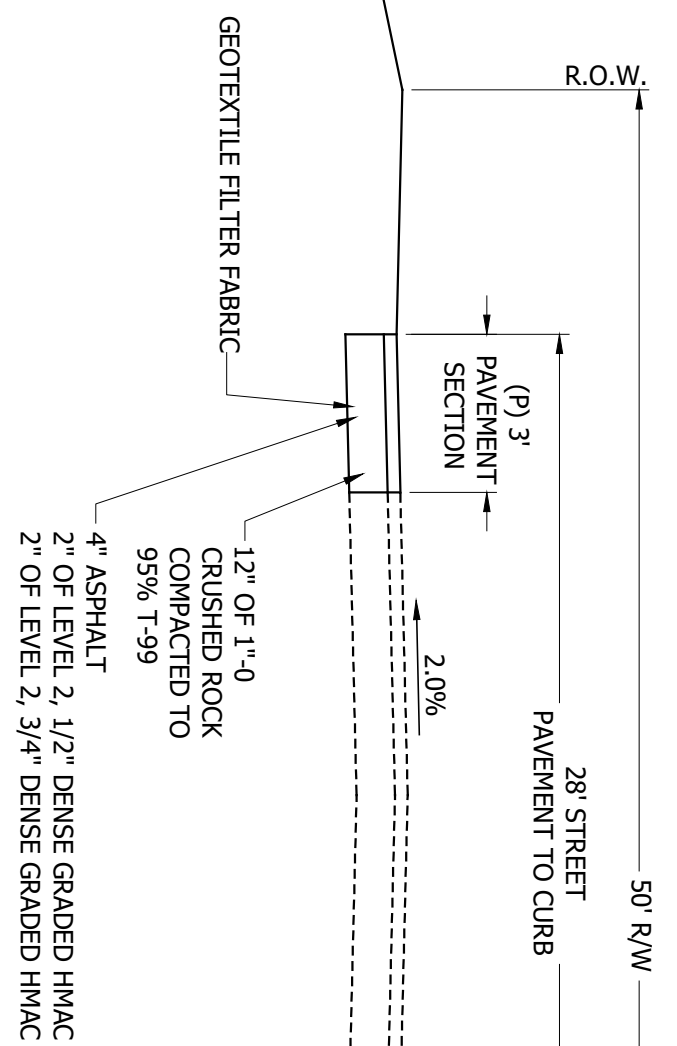
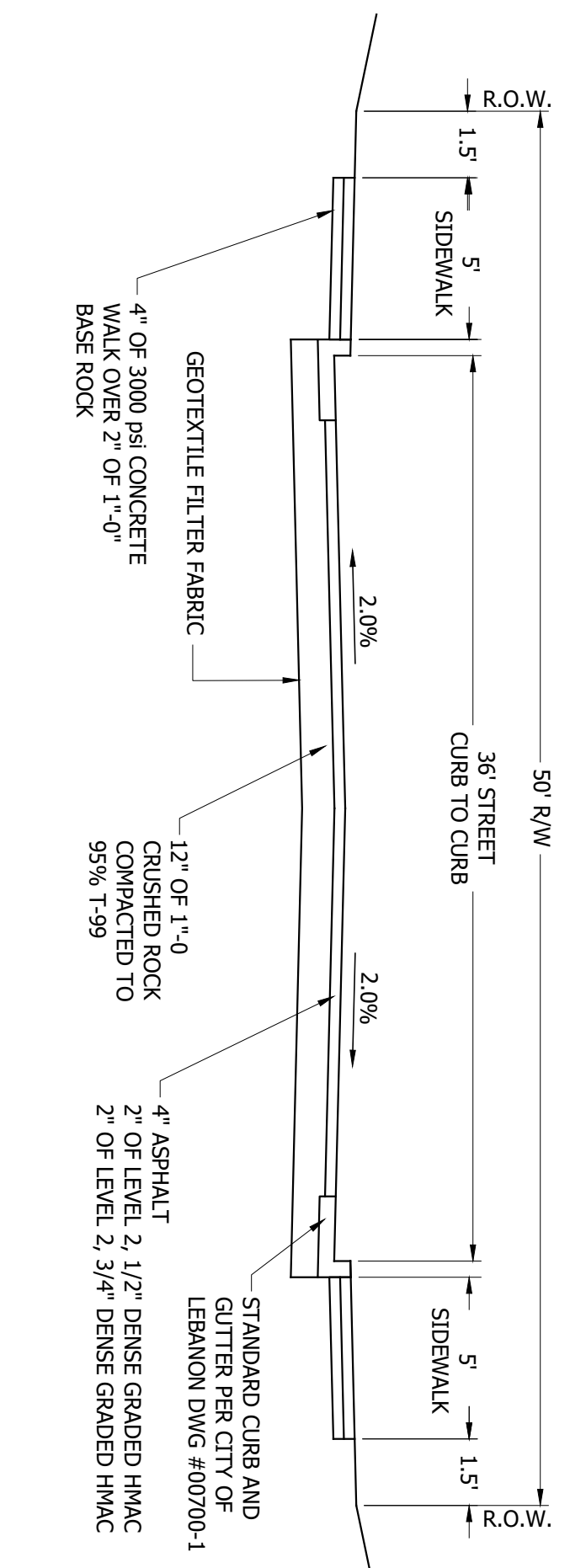
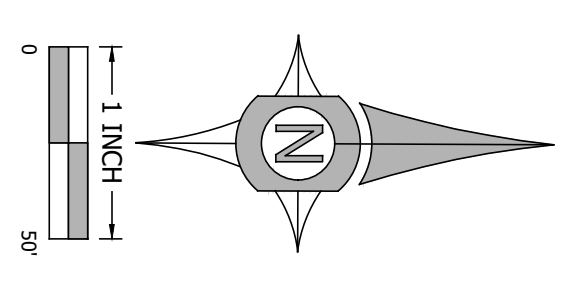
Sheet
C1.0
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THIS MAP WAS
 PREPARED FOR
 PLANNING
 PURPOSES ONLY

DATE:
 AUGUST 12, 2022
 PROJECT:
 22-139 SCHNEIDER JOY ST
 DRAWN BY:
 BSV, MLM
 CHECKED BY:
 BSV



HEATHER ESTATES PHASE 2



PROJECT AREA SUMMARY	
GROSS LAND AREA:	6.38 ACRES
TRACT 'A':	0.29 ACRES
TRACT 'B':	0.06 ACRES
PUBLIC STREET:	1.43 ACRES
NET LAND AREA:	4.60 ACRES

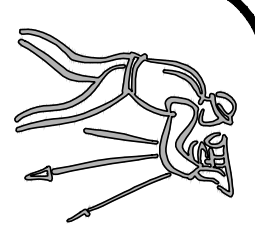
THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

DATE: AUGUST 12, 2022
 PROJECT: 22-139 SCHNEIDER JOY ST
 DRAWN BY: BSV, MLM
 CHECKED BY: BSV

TENTATIVE LOT LAYOUT
 CEDAR RIVER ESTATES
 SUBDIVISION
 LEBANON, OREGON

UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

CLIENT:
 FAMILY TREE REAL ESTATE, LLC
 ATTN: MARK SCHNEIDER
 370 W. JOY STREET
 LEBANON, OR 97355
 (541) 409-8774
 huntbybows@yahoo.com



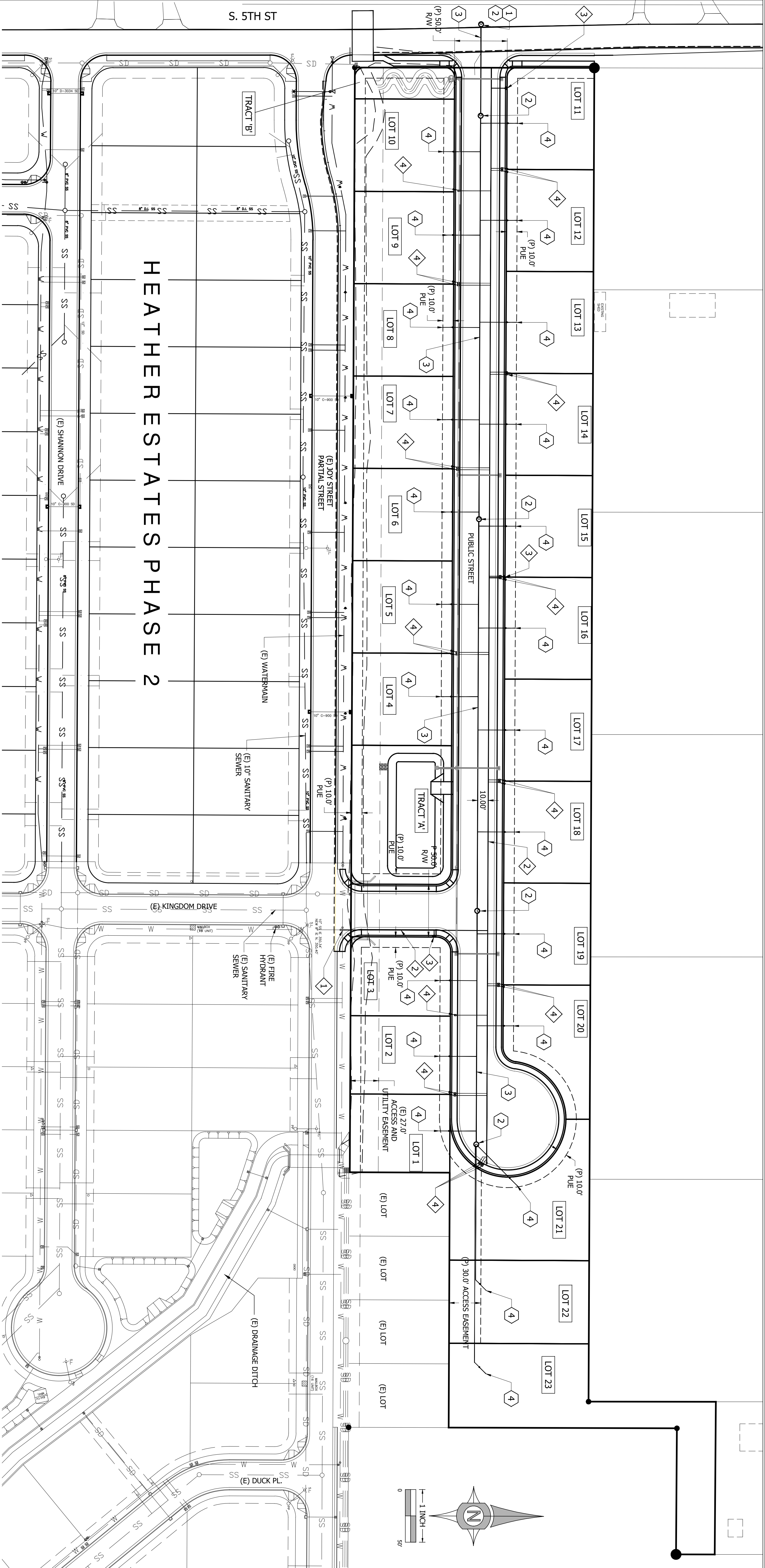
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2 JOY STREET SECTION
 C2.0 NO SCALE

3 5TH STREET SECTION
 C2.0 NO SCALE

PLAN REVISIONS	DATE

Sheet **C2.0**
 SCALE: SEE BARSCALE



HEATHER ESTATES PHASE 2

SEWER NOTES	
1	CONNECT TO EXISTING PUBLIC SANITARY SEWER
2	INSTALL PUBLIC SEWER MANHOLE
3	INSTALL PUBLIC 8" SANITARY SEWER
4	INSTALL PUBLIC 4" SANITARY SEWER SERVICE LATERAL

WATER NOTES	
1	CONNECT TO EXISTING PUBLIC WATERLINE
2	INSTALL PUBLIC 8-INCH WATERLINE
3	INSTALL PUBLIC FIRE HYDRANT
4	INSTALL PUBLIC 1" WATER SERVICE
5	INSTALL PUBLIC 8-INCH WATERLINE

FRANCHISED UTILITY NOTE

FRANCHISED UTILITIES WILL BE INSTALLED UNDERGROUND TO EACH LOT IN THE PROVIDED P.U.E. INCLUDING:

- * NW NATURAL GAS
- * COMMUNICATIONS
- * POWER

PLAN REVISIONS	DATE

Sheet **C3.0**

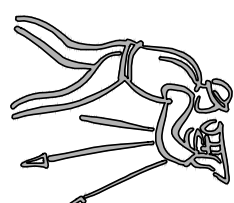
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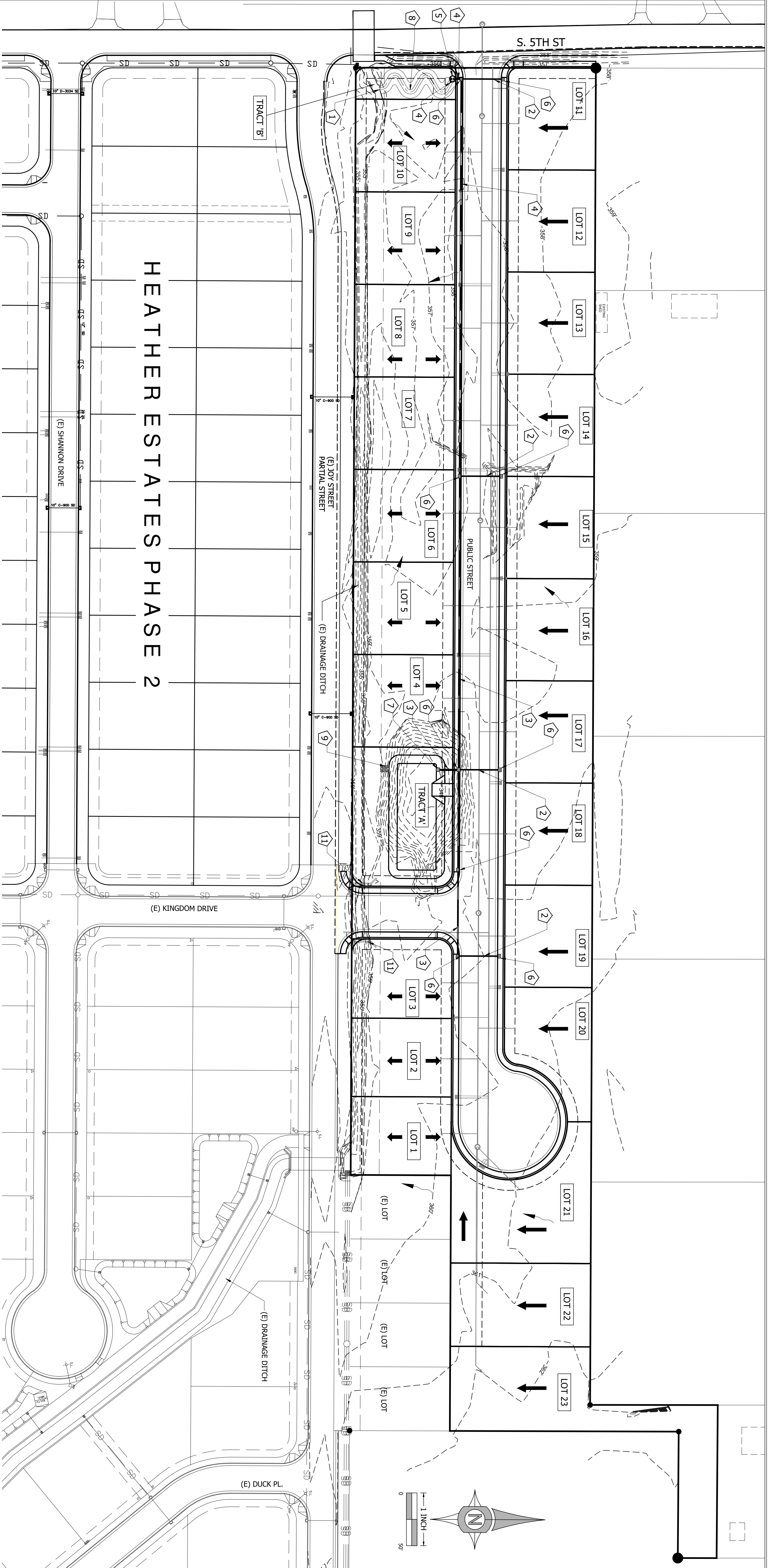
DATE: AUGUST 12, 2022
 PROJECT: 22-139 SCHNEIDER JOY ST
 DRAWN BY: BSV, MLM
 CHECKED BY: BSV

PRELIMINARY UTILITY PLAN
CEDAR RIVER ESTATES
SUBDIVISION
LEBANON, OREGON

UDELL ENGINEERING
AND
LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

CLIENT:
 FAMILY TREE REAL ESTATE, LLC
 ATTN: MARK SCHNEIDER
 370 W. JOY STREET
 LEBANON, OR 97355
 (541) 409-8774
 huntbybows@yahoo.com





HEATHER ESTATES PHASE 2

STORM DRAIN NOTES	
1	CONNECT TO EXISTING STORM DRAIN
2	INST FALL 10" STORM DRAIN PIPE
3	INST FALL 12" STORM DRAIN PIPE
4	INST FALL 15" STORM DRAIN PIPE
5	INSTALL 80' STORM DRAIN MANHOLE W/ FLOW CONTROL DEVICE
6	INSTALL STORM DRAIN CURB INLET
7	INSTALL STORM DRAIN DITCH INLET
8	CONSTRUCT WATER QUALITY SWALE
9	CONSTRUCT RIP-RAP OVERFLOW
10	CONSTRUCT DETENTIONS POND
11	INSTALL BOX CULVERT WITH WINGS WALLS

GRADING LEGEND	
	EXISTING SURFACE CONTOUR ELEVATION
	EXISTING SURFACE DRAIN DIRECTION
	DESIGN SURFACE DRAIN DIRECTION

PLAN REVISIONS	DATE

Sheet **C4.0**
SCALE: SEE BARSCALE

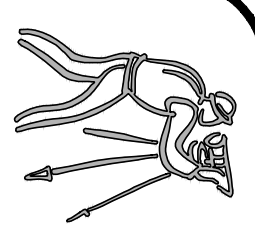
THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

DATE: AUGUST 12, 2022
PROJECT: 22-139 SCHNEIDER JOY ST
DRAWN BY: BSV, MLM
CHECKED BY: BSV

PRELIMINARY GRADING & DRAINAGE PLAN CEDAR RIVER ESTATES SUBDIVISION LEBANON, OREGON

UDELL ENGINEERING AND LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
(541) 451-1366 FAX

CLIENT:
FAMILY TREE REAL ESTATE, LLC
ATTN: MARK SCHNEIDER
370 W. JOY STREET
LEBANON, OR 97355
(541) 409-8774
huntbybows@yahoo.com



AGENDA ITEM

5.b.





925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Kelly Hart, Community Development Director
Subject: Planning File No. VAR-22-05

Date: November 7, 2022

I. BACKGROUND

Under consideration is a proposed Class III Variance to authorize up to four dwelling units to utilize an access easement between two parcels recently approved through a Minor Land Partition for the property at 180 Hiatt Street. The property does not have an assigned address, the Linn County Tax Assessor Map number is 12S 02W 11BD, tax lot 4900.

The property is in a developed neighborhood. To the north, south and east are parcels developed with single-family residences in the Residential Low Density (Z-RL) zone. To the west are residential dwellings including single-family homes and townhomes in the Residential High Density (Z-RH) zone. The subject property, 180 Hiatt Street is in the RL zone.

II. CURRENT REPORT

Minor Land Partition MLP-22-08 was administratively approved on November 2, 2022. The partition authorized the division of a 0.48-acre property into three parcels, each with a minimum net lot area of 6,000 square feet. Two parcels front Hiatt Street (Parcel 1 on the north and Parcel 2 on the south), while the third parcel (Parcel 3) is located to the rear, between the two new parcels and an alley to the west. Access to the rear third parcel was required via an access easement to Hiatt Street as the alley is not improved for primary access. The access easement is proposed to be utilized for the benefit of both the rear parcel, and the parcel along Hiatt Street which the access easement traverses.

Section 16.12.020.B.4 identifies minimum frontage and access requirements for a parcel not abutting a public right-of-way. Specifically, it states, "A lot or parcel developed with a single-family dwelling or duplex may be partitioned creating a parcel with access by easement to a public right-of-way. A minimum 12-foot-wide easement, with ready access by emergency vehicles is required per lot or parcel." This section has been interpreted to mean that a maximum of two dwelling units may be granted access to the easement. Parcel 1 fronting Hiatt Street maintains an existing single-family dwelling, and the applicant wishes to add either an accessory dwelling unit or modify the existing structure to a duplex and utilize the same access easement provided to the rear parcel for parking and vehicle access. Parcel 3 is also proposed to be developed with a duplex, totaling up to four dwelling units accessing the same easement area. As such, the request is for a variance to authorize up to four dwelling units from the access easement. The access easement area as approved in the preliminary partition would be

14-feet wide with a 12-foot-wide improved driveway access. This meets the minimum access standards for an easement to provide access to up to two dwelling units when the parcel does not have street frontage. For another type of lot configuration, two flag lots, with a minimum frontage on a public street for 24-feet may share an access easement with an improved 12-foot driveway serving both parcels. Each parcel in that flag lot scenario would be able to build a duplex, with a total of four units accessing the 12-foot driveway. The same improvement standard would exist in this scenario with a 12-foot driveway, but the access easement width would not 14-feet instead of 24-feet.

The Engineering Department and Fire District have reviewed the partition and variance request and determined the access easement could serve the four dwelling units. The subject site maintains alley access; however, it has been determined that primary access shall not be granted from the alley and shall be granted via an easement to Hiatt Street, thereby creating the hardship for the variance.

This request, if it were an existing parcel, would be processed as a Class II Adjustment for vehicular access and processed administratively. However, Section 16.29.040 (Adjustments – Class II) states, “The adjustment procedure shall not be used to modify a standard for lots or parcels yet to be created through a partition or subdivision process; such requests shall utilize the Class III variance procedure.” As the parcels are not yet recorded through the final plat process, this variance request is considered using the Class III Variance process.

The following section provides a detailed analysis of how the proposal meets the decision criteria for the variance request.

III. REVIEW CRITERIA AND RECOMMENDED FINDINGS

The Applicant is requesting consideration of a Class III Variance to authorize up to 18 dwelling units with access from a private roadway. Below is an analysis of the review criteria (Section 16.29.050.D of the LDC) and recommended findings:

1. The proposed Variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, or to other properties in the same land use zone or vicinity.

RECOMMENDED FINDING: The requested variance is to the minimum street frontage requirements standard of LDC 16.12.020(B)(4) to allow up to 4 dwelling units to be served by a 14-foot-wide shared access easement with 12-foot-wide driveway whereas a 24-foot access easement with a 12-foot-wide driveway is required.

Parcel 1 is developed with a single-family dwelling and is therefore eligible per LDC 16.12.020(B)(4) to be divided to create a landlocked parcel (i.e., Parcel 3). Parcel 1 currently has frontage on and 10-foot-wide access to Hiatt Street. The existing driveway to Parcel 1 is proposed to be removed and replace with shared access with Parcel 3. Parcel 1 will maintain frontage on Hiatt Street and a lot width of 68.5-feet, which exceeds the 60-foot

minimum width requirement. Parcel 3 will maintain frontage on a public alley but have access to Hiatt Street by easement across Parcel 1. Parcels 1 and 3 are proposed to share a 14-foot-wide access easement with 12-foot-wide driveway. Parcel 2 would have frontage on and direct access to Hiatt Street and is not subject to this variance.

LDC 16.12.020(B)(2) allows two adjacent parcels to share a 12-foot-wide driveway with a 24-foot-wide access easement. Under this code provision, two adjacent parcels can each be developed with a duplex dwelling (i.e., total of 4 units). The difference between the driveway width and easement width is intended to allow for vehicle access, maintenance of the driveway, and utility easement(s). In this case, utilities serving Parcels 1 and 2 may be extended at any point along the parcel's frontage, which abuts a public street with improved public/private utility infrastructure. Only Parcel 3 will need to be served by utilities within the easement, and the provided 14-foot-wide easement is sufficient for extension of utility to serve development on Parcel 3. Therefore, an access/utility easement excess of 14-foot is not necessary in this case.

Furthermore, based upon the 11th edition of the Institute of Transportation Engineers (ITE) trip generation rates for Land Use Category 215, attached single-family dwellings or duplexes would each generate 7.20 vehicle trips per day and 0.57 trips during the peak PM traffic hour. One additional peak PM traffic hour trips will not be materially detrimental to the purposes of this code.

2. A hardship to development exists that is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity (e.g., the same Land Use Zone).

RECOMMENDED FINDING: The subject property is infill developed with existing parcel dimensions that make it impossible to provide a 24-foot-wide access easement while at the same time comply with the minimum lot area and width standards of the RL zoning district and maintaining the existing structure on-site. The subject property maintains frontage on both a public street and alley but is only able to have direct access to the street. Typically, if a property has access to an alley, direct access to a public street may not be required. However, in this case the existing alley is only 12-foot-wide whereas the required right-of-width for an alley is 16-feet to 20-feet. Therefore, the City has restricted direct access to the alley for the parcels primary access since it does not maintain an improved width equal to or greater than 14-feet. Finally, there are other development scenarios which authorize access for the requested number of units with the same improvement standard proposed. LDC 16.12.020(B)2 states that two adjacent parcels (that can each be developed with a duplex unit) can share a 12-foot-wide driveway but are required to have a 24-foot-wide access easement. As stated under the purpose section of LDC 16.12.020(B), the minimum frontage and access width standards "not only takes into account the space requirements for vehicular access, but also the space needed for multiple utility lines." However, in this case the additional easement width is not need as the proposed 14-foot-easement can be improved with both a 12-foot-wide driveway and utilities to serve proposed Parcels 1 and 3. As such, this criteria has been met.

3. The use proposed will be the same as permitted under this Code and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.

RECOMMENDED FINDING: The applicant proposes a 3-parcel partition with residential uses improvements permitted in accordance with Table 16.06-7. All city standards have been met except for up to four dwelling units are proposed to share access to a 14-foot-wide easement.

Parcels 1 and 3 are proposed to share a 14-foot-wide easement with 12-foot-wide driveway along the north portion of proposed Parcel 1. Parcel 1 will maintain frontage along Hiatt Street. Parcel 2 is proposed to have a direct access and frontage onto Hiatt Street. Parcel 3 will maintain frontage on a public alley. The partition of the property meets the development standards, and if access to the alley was not restricted, the development standards would be met. The variance requested provides the necessary access while meeting the city standards to the greatest extent possible while maintaining the existing structures on the site.

4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard.

RECOMMENDED FINDING: No existing or natural systems will be adversely affected any more than would occur if the development occurred as specified by the subject Code standards. The site is not located near any natural resources or parks, is not within a floodplain and does not contain wetlands. Any development to occur on the site shall meet Oregon drainage law, and one additional peak trip per day would be added to the easement which is not materially detrimental and would not create an adverse impact. As such, this criteria have been met.

5. The hardship is not self-imposed.

RECOMMENDED FINDING: The subject property has frontage on a public street and alley. Typically, if a property has access to an alley, direct access to a public street may not be required or necessary. However, in this case the existing alley is only 12-foot-wide whereas the required right-of-width for an alley is 16-feet to 20-feet. The existing alley also has several physical encroachments and is unimproved. Therefore, the only viable option for access to proposed Parcel 3 is via a shared access easement.

The location of the access easement is also limited due to the location of existing development (i.e., single dwelling unit on Parcel 1) and minimum parcel dimensional standards.

6. The Variance requested is the minimum Variance that would alleviate the hardship.

RECOMMENDED FINDING: The variance requested is the only variance necessary in association with this application.

V. PUBLIC NOTIFICATION AND COMMENTS

A public notification for this project was issued on October 27, 2022. No comments were received from members of the public at time of publishing the Planning Commission agenda. Comments were received by the Fire District, Engineering Department, and Building Department and have been incorporated as conditions of development for the application.

Any public comments received prior to the hearing will be distributed to the Planning Commission and the Applicant and posted to the City's website as indicated in the Public Notice.

VI. CONCLUSION AND RECOMMENDED CONDITIONS FOR DEVELOPMENT

Staff finds the proposal complies with the decision criteria for a Variance, and recommends approval of the application subject to the adoption of the following Conditions of Development:

1. The Planning Department conditions include, but may not be limited to:
 - a. A maximum of four dwelling units may utilize the access easement for vehicular access between Parcel 1 and 3 as established in MLP-22-08.
 - b. All conditions established in MLP-22-08 shall apply to this application.
2. All requirements of the Lebanon Fire District shall be met.
3. All requirements of the Engineering Department shall be met.

VII. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
 1. Approve the proposed Variance (VAR-22-05) to allow four dwelling units to be accessed from an access easement, adopting the written findings for the decision criteria contained in the staff report with the conditions of development; or
 2. Approve the proposed Variance (VAR-22-05) to allow four dwelling units to be accessed from an access easement, adopting modified findings for the decision criteria and conditions of development; or
 3. Approve the proposed Variance (VAR-22-05) to allow four dwelling units to be accessed from an access easement, specifying reasons why the proposal fails to comply with the decision criteria; or
 4. Deny the proposed Variance (VAR-22-05) to allow four dwelling units to be accessed from an access easement, specifying reasons why the proposal fails to comply with the decision criteria; and

5. 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 **November 16, 2022 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.:	VAR-22-05
Applicant:	Western Sky Holding, LLC
Location:	180 Hiatt Street
Map & Tax Lot No.	12S02W11BD04900
Zoning:	Residential Low Density (Z-RL)
Request:	Class III Variance
Decision Criteria:	Lebanon Development Code Chapters: 16.05, 16.20 & 16.29

Request: The applicant is requesting a Variance to allow more than two dwellings on an easement for a parcel not abutting a public right-of-way.

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 testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, November 15, 2022.** Written testimony may be emailed to khart@ci.lebanon.or.us or may be mailed to the City at 925 S. Main Street, Lebanon, OR 97355, or delivered to the City and dropped in the white mailbox in front of City Hall. Members of the public may also provide comments on the agenda item in person at the Santiam Travel Station during the meeting.



If you are unable to attend the meeting and wish to address the Commission under Public Comments or for a Public Hearing, click:

https://ci-lebanon-or-us.zoomgov.com/webinar/register/WN_O0T-1mScTjKabplOpJDHhQ 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 to watch the meeting virtually or participate with public comment.

Meeting Information: The public is invited to either participate in person at the Santiam Travel Station or watch the meeting virtually on **November 16, 2022** through the Zoom Webinar: https://ci-lebanon-or-us.zoomgov.com/webinar/register/WN_O0T-1mScTjKabplOpJDHhQ.

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

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.

Appeals: Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Decisions of the Planning Commission may be appealed to the Lebanon City Council within 15 days following the date the Commission's final written decision is mailed. Only the applicant, a party providing testimony, and/or a person who requests a copy of the decision has rights to appeal a land use decision. The appeal must be submitted on the appeals form as prescribed by City Council with appropriate fee paid and must set forth the criteria issues that were raised which the applicant or party deems itself aggrieved. Please contact our office should you have any questions about our appeals process.

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@ci.lebanon.or.us.

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.

PARTITION APPLICATION

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

Applicants/Property Owners: Western Sky Holdings LLC
Michael Kosmicki
P.O. Box 381
Albany, Oregon 97231
michael@pacificskynorthwest.com

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

Contact: Laura LaRoque
Email: laura@udelleng.com
Phone: (541) 990-8661

Site Location: 180 Hiatt Street, Lebanon, OR 97355

Linn County Assessor's Map No.: 12S-02W-11BD Tax Lot 4900

Site Size: 0.48-acres

Existing Land Use: Single-Family Residential

Zone Designation: Residential Low Density (Z-RL)

Overlay Zone Designation: Airport Safety Zone (AS-OZ)

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

Surrounding Zoning: North: RL
South: RL
East: RL
West: RH

Surrounding Uses: North: Single-Family Residential
East: Single-Family Residential
South: Single-Family Residential
West: Single-Family Residential



I. Executive Summary

The applicant requests approval of a three-parcel partition with concurrent variance to allow more than two dwellings on the easement for a parcel not abutting a public right-of-way. The subject property is generally located on west side of Hiatt Street, south of E Dodge Street. The site address is 180 Hiatt Street. The County Assessors map identification is within Township 12 South, Range 2 West, Section 11BD, Tax Lot 4900.

The property is in a developed neighborhood. To the north, east, and south are single-family dwellings located in the Residential Low Density (Z-RL) zone. To the west, are single-family dwellings located in the Residential High Density (Z-RH) zone.

The proposal includes a preliminary plan to subdivide the 0.48-acre site into three residential parcels. As proposed, the subject property would be subdivided into three parcels ranging in size from 6,000 to 7,471 square feet. All parcels would be eligible development of a zero-lot line, detached single-family, or duplex dwelling.

Parcels 1 and 3 would have a shared 14-foot-wide access, utility, and drainage easement (along the north property line of Parcel 1) to Hiatt Street. Parcel 3 would also have frontage on the public alley. Parcel 2 would have frontage on and direct access to Hiatt Street. Hiatt Street is classified as a local street and improved to City standards.

Public utilities such as, sanitary sewer and water mains are within Hiatt Street right-of-way along the frontage of the subject property. Upon extension of the mains, the new parcels would be able to connect laterals to the mains for utility service.

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

II. Analysis of Development Code Criteria

Below is an analysis of the review criteria (Chapter 16.22 of the LDC) and findings:

- A. Chapter 16.22 of the Lebanon Development Code (LDC) establishes the standards for reviewing partitions and subdivisions. Section 16.22.010 and 16.22.020 establish the introductory provisions and purpose of the Chapter.

Findings: Consistent with the provision in these Sections, the applicant is requesting a partition to divide the property into three parcels.

- B. LDC 16.22.030 establishes general provision for partitions. This section notes this is a two-step process requiring a review of the proposal (preliminary plat), and if approved, submittal of a final plat (16.22.030.A). The Section also requires compliance with other applicable regulations (16.22.030.B).

FINDINGS: The application conforms to the two-step process in 16.22.030.A. This application narrative addresses compliance with to the applicable regulations (16.22.030.B).



- C. LDC16.22.030(C) notes that subdividing a residential zone into large lots (i.e., greater than four times or 400 percent the minimum lot size allowed by the underlying land use zone), the City may require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. To meet this requirement a re-division plan must be submitted.

FINDINGS: As proposed, none of the parcels are large enough to allow for an additional land division. Therefore, this standard is not applicable.

- D. LDC 16.22.030(D) establishes provisions for lot averaging, thereby allowing the creation of some lots below the minimum lot size. LDC 16.22.030(E) notes the proposal must comply with floodplain provisions.

FINDINGS: Lot averaging is not applicable as the proposal is for the creation of less than 10 lots. Floodplain provisions are also not applicable as the site is in Zone X, outside of identified special flood hazard areas as shown on FEMA's Flood Insurance Rate Map #41043C0567G, dated September 29, 2010.

- E. LDC 16.22.040 indicates the applicant may request a pre-application meeting, as well as subsequent individual meetings, to review a partition proposal.

FINDINGS: Although not required, City staff has reviewed this proposal in advance of the application submittal.

- F. LDC 16.22.050 contains special transportation provisions and associated decision criteria. LDC 16.22.050(A) requires notification of the Oregon Department of Transportation (ODOT). The application submittal process includes agency notification even though the development does not impact a State highway. LDC 16.22.050(B) requires plans to address specific access related decision criteria, which are noted as follows:

1. LDC 16.22.050.B.1 - Driveway Access Placement: Driveway access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

FINDINGS: According to LDC 16.12.020(B)(1-2), LDC 16.12.030(F)(2-3), LDC 16.12.030.J.4, LDC 16.12.030.L.1, a single parcel must abut a street for a minimum width of 14 feet including a minimum 12-foot-wide driveway and a lot or parcel developed with a single-family dwelling or duplex may be partitioned creating a parcel with access by easement to a public street. a minimum 12-foot-wide easement, with ready access by emergency vehicles is required per lot or parcel.

Parcel 1 is developed with a single-family dwelling that is eligible to be divided to create a landlocked parcel (i.e., Parcel 3). Parcel 1 will retain landownership of the driveway/accessway area, and therefore, cannot have an access easement granted (i.e., doctrine of merger). Parcel 3 will have access by easement. Parcel 2 would have frontage on and direct access to Hiatt Street. Hiatt Street is classified as a local street and improved to City standards.



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Additionally, all parcels and potential development will be accessible via Hiatt Street and alleyway in accordance with 16.12.030.L.8 and LDC 16.12.030.M.

2. LDC 16.22.050(B)2 - Road/Street System and Building Access: The road/street system shall provide adequate access to the buildings for the appropriate users, such as residents, visitors, patrons, employees, service and delivery vehicles, and emergency vehicles.

FINDINGS: The criterion including the term “adequate access” is not a clear and objective approval criterion as required by Oregon Revised Statute (ORS) 197.307(4) for needed housing (i.e., attached single-family and multi-family housing for owner and renter occupancy) as defined under ORS 197.303. Therefore, this criterion is not applicable.

3. LDC 16.22.050(B)(3) - Pedestrian and Bicycle Facilities: An internal system of sidewalks and/or pathways for pedestrians and bicyclists shall provide connections to both motor vehicle and bicycle parking areas, and entrances to the development and its buildings, as well as open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides unless other configurations have been approved. Pedestrian and bicycle linkages shall connect to the peripheral street system.

FINDINGS: All parcels will have either frontage on, and/or access to, Hiatt Street. The shared accessway will provide connectivity from each of the development sites to abutting public sidewalk and bicycle linkages.

4. LDC 16.22.050.B.4 - Consistency with Transportation System Plan: All access shall be consistent with the access management standards of this Code, the City’s Transportation System Plan, and the Lebanon/Linn County Urban Growth Management Agreement.

FINDINGS: According to LDC 16.12.030.F, when vehicle access is required for development access must be provided by an alley, private street or shared driveway, or public street, and a minimum of 12 feet per lane is required.

Parcels 1 and 3 would share 14-foot-wide access, utility, and drainage easement along the north property line of Parcel 1. Parcel 2 would have frontage on and direct access to Hiatt Street. Hiatt Street is classified as a local street and improved to City standards.

LDC 16.12.030.I states that one street access for single-family and two-family is typical but two access points may be permitted. Each parcel is proposed to be served by individual direct access point to Hiatt Street.

5. LDC 16.22.050.B.5 Conditions of Approval to Mitigate Significant Impacts or Effects on Transportation Facilities: In situations in which proposed land use actions may cause a significant negative impact or effect on a transportation facility, the Planning Commission may impose additional conditions for approval, such as:
 - a) A Traffic Impact Analysis (or other traffic studies), if the City Engineer finds that the proposed development will have a significant negative impact or effect on the surrounding transportation network. (See Chapter 16.12, Subsection 16.12.010.B).



- b) The operator of the affected transportation facility shall receive notice of the proposed land use. Such operators may include, but are not limited to, the City, Linn County, the State (e.g., ODOT, Oregon Department of Aviation), and railroad companies. This notice shall include the applicant's full site plan submitted to the City and any traffic impact study or traffic counts, as well as the information noted in paragraph "a." immediately above.
- c) The determination of transportation impacts or effects and the scope of any impact study shall be coordinated with the Planning Official, the City Engineer, and the operator of the affected transportation facility.
- d) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed land use.
- e) Transportation-related improvements where the existing transportation system may be burdened by the proposed land use.

FINDINGS: Based upon the Institute of Transportation Engineers (ITE) trip generation rates, single family homes generate 9.44 vehicle trips per day and 0.99 trips during the peak PM traffic hour. The development will create two new vacant parcels, each of which could be developed with a duplex dwelling. Construction of 4 dwellings would add about 38 new vehicle trips per day to the public street system. About 4 of those trips would occur during the peak p.m. traffic hour.

According to LDC 16.20.110(B), the City or other road authority may require a Traffic Impact Study as part of an application for development when an increase in site traffic volume generation by 300 Average Daily Trips. A total of 38 daily trips are anticipated, therefore a traffic analysis is not required to be submitted with this application.

No impacts rails, aviation, or similar transportation facilities are anticipated with this development proposal.

- G. LDC 16.22.060 notes that after a pre-application meeting and/or consultation, the applicant prepares an application and a tentative plan with other supplementary data required to describe the general program and objectives of the proposed land division.

FINDINGS: The application submittal included the necessary material consistent with LDC 16.22.060.

- H. LDC 16.22.070 establishes the procedural review process for subdivision applications. LDC 16.22.070(A)(1) requires preliminary partition plat application to be processed as an administrative review with mailed notice of the application to property owners within 100-feet of the subject site and a decision by the Planning Official following a 14-day comment period. Preliminary plat approval is valid for three years.

FINDINGS: As a partition, the administrative review process complies with provisions in LDC 16.22.070(A)(1).



I. LDC 16.22.080 establishes the preliminary plat submittal requirements. The applicable provisions include:

1. LDC 16.22.080(A)(1)(2) requires submittal of public facilities and services study (including transportation facilities) and a traffic impact study.

FINDINGS: Water and sanitary sewer are available to serve the development. All improvements will comply with City design requirements.

Findings regarding the requirements for a transportation impact study can be found under Finding 5 subsection (e) above and incorporated here by reference.

2. LDC 16.22.080(A)(3) lists additional information that will or may be required if applicable and warranted:

- a. LDC 16.22.080(A)(3)(a) - Correspondence from appropriate and applicable State and Federal Wetland regulatory agencies.

FINDINGS: The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map does not show wetlands on the property. Therefore, correspondence from State and Wetland regulatory agencies are not anticipated.

LDC 16.22.080(A)(3)(b) - Correspondence from the County or ODOT if access is proposed to any facility under their jurisdiction.

FINDINGS: As the adjacent streets are under the City's jurisdiction and the access will be a local public street, provisions in this Section do not apply.

- b. LDC 16.22.080(A)(3)(c) - Correspondence from Oregon Department of Aviation if the proposed development is within the approach or noise impact overlay zones of the Lebanon State Airport.

FINDINGS: According to Figures 16.11.020-1 to 16.11.020-3 the property is in the 644-foot conical surface area of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice must be provided to the Oregon Department of Aviation.

- c. LDC 16.22.080(A)(3)(d) - Documentation prepared by a licensed and qualified professional demonstrating that development proposed within a 100-year floodplain or floodway complies with appropriate FEMA, NFIP and City's Floodplain Regulations (see LDC 16.11.070 in Chapter 16.11 of this Code).

FINDINGS: Based on FEMA's Flood Insurance Rate Map, #41043C0567G, dated September 29, 2010, the property is located entirely outside of the special flood hazard area.

- d. LDC 16.22.080(A)(3)(e) - Documentation showing compliance with applicable Special Area Plans.

FINDINGS: The property is not located within a "Special Area Plan".



- e. LDC 16.22.080(A)(3)(f)- Documentation showing compliance with all applicable codes and requirements of the Lebanon Fire District.

FINDINGS: Access and provisions for hydrants have been identified on preliminary plat that comply with Fire District requirements. The Fire District has received a copy of the application materials for review and comment.

- f. LDC 16.22.080(A)(3)(g) - Documentation showing that the proposed land division will not violate any existing property restrictions of record including easements.

FINDINGS: There are no known recorded easements incumbering the subject property.

- g. LDC 16.22.080(A)(3)(h) - Documentation prepared by a licensed and qualified professional demonstrating that areas of soil cut, and fill will comply with erosion control and building code requirements.

FINDINGS: Erosion control and building code requirements will be reviewed and approved as part of the site improvement and/or building permit review process.

- h. LDC 16.22.080(A)(3)(i) - Documentation prepared by a licensed and qualified professional demonstrating that areas of geologic and/or of soils instability can be developed according to applicable City, State and Federal Environmental Standards.

FINDINGS: The site is relatively flat and is not subject to the requirements of the Steep Slope Development Overlay Zone.

- i. LDC 16.22.080(A)(3)(j) - Other information determined by the Planning Official and/or City Engineer. Upon the receipt or presentation of credible evidence, the City may require studies or exhibits prepared by qualified and/or licensed professionals to address specific site features or project impacts (e.g., noise, natural resources, environmental features, natural hazards, cultural/archeological, site stability, wetlands, hazmat assessments, etc.), in conformance with this Code, other State and/or Federal regulatory requirements.

FINDINGS: No additional studies or exhibits were deemed necessary by City staff based on the development proposal.

- j. LDC 16.22.080(B)(1)(2)(3) - Establish submittal requirements.

FINDINGS: All necessary material for staff to proceed with the application has been submitted.

- k. LDC 16.29.040(B)2 – Adjustments (Class 2)

FINDINGS: A class 3 variance is required to modify a standard for lots or parcels yet to be created through a partition or subdivision process.

- l. LDC 16.29.050(C) – Decision Process

FINDINGS: Variances are processed using a Quasi-Judicial procedure, as governed by applicable provisions of Chapter 16.20, using the Decision criteria listed in the section below.

III. Partition Review Criteria

The City may approve, approve with conditions, or deny a preliminary plat based on the criteria contained in LDC 16.22.090(A)(B)(C). Provisions in LDC 16.22.090(A) include the following:

1. LDC 16.22.090(A)(1) - The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant Sections of Chapter 16.29.

FINDINGS: Within the RL zone, the minimum lot size and lot width is 6,000 square feet and 60 feet for a single-family detached and duplex dwelling types; 5,000 square feet and 50-feet for a zero-lot line dwelling type. Maximum lot coverage is based on dwelling type. Single-family detached dwellings have maximum lot coverage of 40 percent whereas duplex and zero lot line dwellings have a maximum lot coverage of 60 percent. The maximum building height is 25 feet. The minimum setback requirements are as follows: 15-foot front setback; 5-foot side setbacks and 15-feet for both side setbacks combined; and 20- feet rear setbacks.

As shown on the preliminary plat, there is an existing single-family home on the Parcel 1 that will be retained, and Parcels 2 and 3 would be unimproved as part of this proposal, with the possibility for the development of a single-family home or duplex in the future.

As shown on the preliminary plat, Parcels 1 – 3 have a net area of 5,945 square feet, 6,000 square feet, and 6,964 square feet respectively. Parcels 1 and 2 have a parcel width equal to or greater than 60 feet. Parcel 3 has an average lot width of 94-feet. Therefore, the parcels comply with the dimension requirements of the RL zone for the intended respective use found in Article Two. Setbacks and other development specific standards found in Article Two and Three would be evaluated upon development proposal.

All parcels will have frontage on or access to Hiatt Street. Hiatt Street is fully improved city standard as specified in Chapter 16.13 and in conformance with Engineering Standards. Site access for each lot would be designed upon development to meet the driveway spacing and vision clearance requirements for compliance of Chapter 16.12, as such, the proposal conforms with Articles Two and Three.

2. LDC 16.22.090(A)(2) - The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92 and the County Surveyor.

FINDINGS: This Section does not apply as a plat name is not required by the County Surveyor.



3. LDC 16.22.090(A)(3) - The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water facilities are laid out to conform or transition to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

FINDINGS: An eight-inch sanitary sewer main, and 10-inch water main are available in Hiatt Street and would be accessible to each parcel. As such, there is sufficient utility infrastructure to service the site. As a condition of approval may include that water and sewer lateral connections and meters would be required to be provided for each parcel.

4. LDC 16.22.090(A)(4) - All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

FINDINGS: There are no proposed common areas or improvements required or identified in the preliminary plat.

5. LDC 16.22.090(A)(5) - Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.

FINDINGS: As noted in the section above, no special management areas were found in association to the subject site.

6. LDC 16.22.090(A)(6) - Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

FINDINGS: All public improvements will be located within the city right-of-way and subject to City public works design and construction standards.

7. LDC 16.22.090(A)(7) - If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

FINDINGS: As noted in the section above, the property is in the 644-foot conical surface of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice must be provided to the Oregon Department of Aviation.

- J. LDC 16.22.090(B)(1-7) establishes the criteria for the layout of the subdivision. Therefore, these standards are not applicable to this request.

- K. LDC 16.22.090(C) allows the City to establish conditions to carry out Code provisions and other applicable ordinances.

FINDINGS: Conditions of approval are not required as the proposed development complies with all applicable code provisions.



- L. LDC 16.22.100 to 16.22.140 establish administrative procedures for recording plats, improvement agreements and bonding.

FINDINGS: It is acknowledged that the applicant and City staff must comply with these requirements prior to recordation of a final plat.

IV. Variance Review Criteria

The City may approve, approve with conditions, or deny a class 3 Variance based on the criteria contained in LDC 16.29.050(D). Provisions in LDC 16.22.090(A) include the following:

- A. The proposed Variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, or to other properties in the same land use zone or vicinity.

FINDINGS: The applicant requests approval of a variance to the minimum street frontage requirements standard of LDC 16.12.020(B)(4) to allow up to 4 dwelling units to be served by a 14-foot-wide shared access easement with 12-foot-wide driveway whereas a 24-foot access easement 12-foot-wide driveway is required.

Parcel 1 is developed with a single-family dwelling and is therefore eligible per LDC 16.12.020(B)(4) to be divided to create a landlocked parcel (i.e., Parcel 3). Parcel 1 currently has frontage on and 10-foot-wide access to Hiatt Street. The existing driveway encroachment to Parcel 1 is proposed to be removed and replaced with shared access with Parcel 3. Parcel 1 will maintain frontage on Hiatt Street and a lot width of 68.5-feet, which exceeds the 60-foot minimum width requirement. Parcel 3 will maintain frontage on a public alley but have access to Hiatt Street by easement across Parcel 1. Parcels 1 and 3 are proposed to share a 14-foot-wide access easement with 12-foot-wide driveway. Parcel 2 would have frontage on and direct access to Hiatt Street.

LDC 16.12.020(B)(2) allows two adjacent parcels to share a 12-foot-wide driveway with a 24-foot-wide access easement. Under this code provision, two adjacent parcels can each be developed with a duplex dwelling (i.e., total of 4 units). The difference between the driveway width and easement width is intended to allow for vehicle access, maintenance of the driveway, and utility easement(s). In this case, utilities serving Parcels 1 and 2 may be extended at any point along the parcel's frontage, which abuts a public street with improved public/private utility infrastructure. Only Parcel 3 will need to be served by utilities within the easement, and the provided 14-foot-wide easement is sufficient for extension of utility to serve development on Parcel 3. Therefore, an access/utility easement excess of 14-foot is not necessary in this case.

Furthermore, based upon the 11th edition of the Institute of Transportation Engineers (ITE) trip generation rates for Land Use Category 215, attached single-family dwellings or duplexes would each generate 7.20 vehicle trips per day and 0.57 trips during the peak PM traffic hour. One additional peak PM traffic hour trips will not be materially detrimental to the purposes of this code.

- B. A hardship to development exists that is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and that are



not applicable to other properties in the vicinity (e.g., the same Land Use Zone).

FINDINGS: It is contested that there are three conditions that warrant consideration of a variance to the minimum street frontage/access width standards of LDC 16.12.020(B). These conditions are as follows:

- 1) The subject property is infill developed with existing parcel dimensions that make it impossible to provide a 24-foot-wide access easement while at the same time comply with the minimum lot area and width standards of the RL zoning district.
- 2) The subject property maintains frontage on both a public street and alley but is only able to have direct access to the street. Typically, if a property has access to an alley, direct access to a public street may not be required. However, in this case the existing alley is only 12-foot-wide whereas the required right-of-width for an alley is 16-feet to 20-feet. Therefore, direct access is not permitted to the alley since it does not maintain an improved width equal to or greater than 14-feet.
- 3) LDC 16.12.020(B)2 states that two adjacent parcels (that can each be developed with a duplex unit) can share a 12-foot-wide driveway but are required to have a 24-foot-wide access easement.

As stated under the purpose section of LDC 16.12.020(B), the minimum frontage and access width standards “*not only takes into account the space requirements for vehicular access, but also the space needed for multiple utility lines.*” However, in this case the additional easement width is not need as the proposed 14-foot-easement can be improved with both a 12-foot-wide driveway and utilities to serve proposed Parcels 1 and 3.

- C. The use proposed will be the same as permitted under this Code and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land.

FINDINGS: The applicant proposes a 3-parcel partition with residential uses improvements permitted in accordance with Table 16.06-7. All city standards will be met except for up to four dwelling units are proposed to share access to a 14-foot-wide easement.

Parcels 1 and 3 are proposed to share a 14-foot-wide easement with 12-foot-wide driveway along the north portion of proposed Parcel 1. Parcel 1 will maintain frontage along Hiatt Street. Parcel 2 is proposed to have a direct access and frontage onto Hiatt Street. Parcel 3 will maintain frontage on a public alley. This lot layout and access design allows for an efficient and economical use of the land while at the same time meets city code standards.

- D. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard.

FINDINGS: No existing or natural systems will be adversely affected any more than would occur if the development occurred as specified by the subject Code standards. Findings to this regard are



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180 Hiatt Street
Partition Application

October 19, 2022

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found under Section A, above and incorporated herein by reference.

- E. The hardship is not self-imposed.

FINDINGS: The subject property has frontage on a public street and alley. Typically, if a property has access to an alley, direct access to a public street may not be required or necessary. However, in this case the existing alley is only 12-foot-wide whereas the required right-of-width for an alley is 16-feet to 20-feet. The existing alley also has several physical encroachments and is unimproved. Therefore, the only viable option for access to proposed Parcel 3 is via a shared access easement.

The location of the access easement is also limited due to the location of existing development (i.e., single dwelling unit on Parcel 1) and minimum parcel dimensional standards.

- F. The Variance requested is the minimum Variance that would alleviate the hardship.

FINDINGS: The variance requested is the only variance necessary in association with this application.

V. Conclusion

As proposed, application for preliminary partition plat with concurrent variance satisfies all applicable review criteria as proposed and outlined above.

VI. Exhibits

- A. Tentative Partition Plat



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180 Hiatt Street
Partition Application

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LAND USE APPLICATION

PROPERTY INFORMATION

Site Address(es):	Western Sky Holdings, LLC
Assessor's Map & Tax Lot No.(s):	12S-02W-11BD Tax Lot 4900
Comprehensive Plan Designation / Zoning Designation:	C-RL / Z-RL
Current Property Use:	Residential Single-Family
Project Description:	Three parcel partition

APPLICANT / PRIMARY CONTACT INFORMATION

Applicant:	Laura LaRoque, Udell Engineering and Land Surveying, LLC	Phone:	(541) 990-8661
Address:	63 E. Ash Street	Email:	laura@udelleng.com
City/State/Zip:	Lebanon, OR 97355		
<i>I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true; that the proposed land use activity does not violate State and/or Federal Law, or any covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.</i>			
APPLICANT SIGNATURE	<i>Laura LaRoque</i>	Date:	10/4/22

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner:	Western Sky Holdings, LLC; Michael Kosmicki, Mgr. Member	Phone:	(541) 990-8201
Address:	P.O. Box 381	Email:	michael@pacificskynorthwest.com
City/State/Zip:	Albany, OR 97321		
OWNER SIGNATURE	<i>Michael Kosmicki</i> <small>Michael Kosmicki (Oct 4, 2022 11:49 PDT)</small>	Date:	Oct 4, 2022

ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor:	Kyle Latimer, Udell Engineering and Land Surveying, LLC	Phone:	(541)451-5125
Address:	63 E. Ash Street	Email:	kyle@udelleng.com
City/State/Zip:	Lebanon, OR 97355		

Architect:	N/A	Phone:	
Address:		Email:	
City/State/Zip:			

Other:	N/A	Phone:	
Address:		Email:	
City/State/Zip:			

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REQUIRED SUBMITTALS

- Application and Filing Fee
- Narrative Describing the Proposed Development and addressing the Decision Criteria
 - LDC Article Two Land Uses and Land Use Zones
 - LDC Article Three Development Standards
 - LDC Article Four Review & Decision Requirements
 - LDC Article Five Exceptions to Standards (eg Variance, Non-Conforming Uses)
- Site Plan(s) drawn to scale with dimensions, Include other drawings if applicable
- Copy of current Property Deed showing Ownership, Easements, Property Restrictions

FOR OFFICE USE

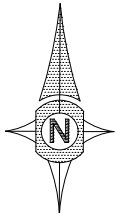
***If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.**

Land Use Review Process	Fee	Land Use Review Process	Fee
Administrative Review	\$750	Planned Development – Preliminary	\$2,500
Administrative Review (Planning Commission)	\$1,500	Planned Development – Final (Ministerial)	\$500
Annexation	\$2,500	Planned Development – Final (Administrative)	\$750
Code Interpretation	\$250	Planned Development – Final (Quasi-Judicial)	\$1,500
Comprehensive Plan Map/Text Amendment	\$2,500	Subdivision Tentative	\$1,500
Conditional Use	\$1,500	Subdivision Final	\$750
<input checked="" type="checkbox"/> Fire District Plan Review	\$100	Tree Felling Permit (Steep Slopes only)	\$150 + \$5/tree
Historic Preservation Review or Register	Varies	UGB Amendment	Actual Cost
<input checked="" type="checkbox"/> Land Partition	\$750	Variance (Class 1 – Minor Adjustment)	\$250
Ministerial Review	\$250	Variance (Class 2 – Adjustment)	\$750
Non-Conforming Use/Development	\$750	Variance (Class 3)	\$1,500
Property (Lot) Line Adjustment	\$250	Zoning Map Amendment	\$2,500

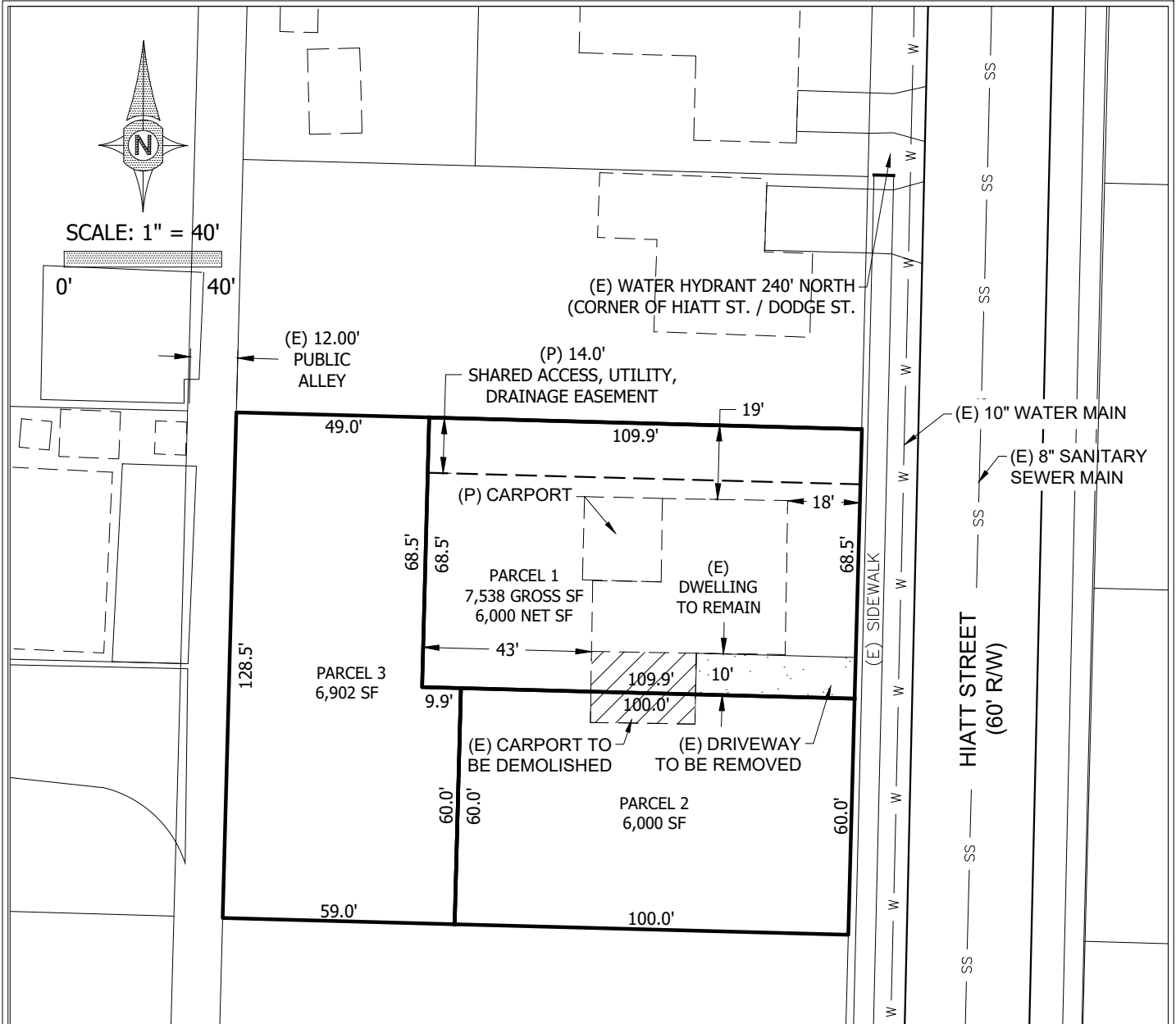
APPLICATION RECEIPT & PAYMENT

Date Received:	Date Complete:	Receipt No.:
Received By:	Total Fee:	File No.:

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SCALE: 1" = 40'



LEGEND

PROPERTY INFORMATION

LAND USE: RESIDENTIAL LOW DENSITY (Z-RL)
 OWNER: WESTERN SKY HOLDINGS, LLC
 ASSESSORS MAP: 12S-02W-11BD
 TAX LOT: 4900

- GRAVEL HATCH
- PAVEMENT HATCH
- BOUNDARY
- LOT LINE
- EASEMENT LINE
- BUILDING OUTLINE
- OVERHEAD POWER LINE
- GAS LINE
- SEWER LINE
- WATER LINE
- STORM DRAIN LINE

- R/W RIGHT OF WAY
- AC ACRES
- BLDG BUILDING
- (E) EXISTING
- (P) PROPOSED
- SF SQUARE FEET
- TM TAX MAP

Date: 10/4/22
 Project: 22-265 PACIFIC SKY HIATT PP
 Drawn by: LL
 Checked by: BSV

TENTATIVE PARTITION PLAT

180 HIATT STREET
 LEBANON, OREGON

UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON, 97355
 541-451-5125



SHEET 01
 of 01
 SCALE: AS NOTED