



# LEBANON PLANNING COMMISSION MEETING AGENDA

September 18, 2024 at 6:00 PM

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

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## MISSION STATEMENT

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

### 6:00 PM – REGULAR SESSION

#### CALL TO ORDER / FLAG SALUTE

#### ROLL CALL

#### MINUTES

- [1.](#) 2024-06-26 Planning Commission Minutes - Draft

#### CITIZEN COMMENTS - *restricted to items not on the agenda*

#### COMMISSION REVIEW

- [2.](#) Public Hearing - Planning File AR-24-05

A proposed 28-unit, one-story apartment development at 377 Vaughan Lane in the Residential Mixed Density (RM) Zone (12S02W22D 00700)

- [3.](#) Public Hearing - Planning File S-24-04

A proposed 35-lot subdivision for the property at 31707 SW 5th Street in the Residential Mixed Density (RM) Zone (12S02W22D 01001)

- [4.](#) Public Hearing - Planning File A-24-01

A proposed annexation for the property located at 785 W B Street with the preliminary zoning designation of Residential Mixed Density (RM) (12S02W10CD02800)

#### COMMISSION BUSINESS AND COMMENTS

#### ADJOURNMENT

*Meetings are recorded and available on the City's YouTube page at:*

<https://www.youtube.com/user/CityofLebanonOR/videos>

*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 the City Recorder at 541.258.4905.*





# LEBANON PLANNING COMMISSION MEETING MINUTES

June 26, 2024 at 6:00 PM

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

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## MISSION STATEMENT

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

### 6:00 PM – REGULAR SESSION

#### CALL TO ORDER / FLAG SALUTE

#### ROLL CALL

##### PRESENT

Chair Don Robertson  
Vice-Chair Lory Gerig-Knurowski  
Karisten Baxter  
Kristina Breshears  
Dave McClain  
Alternate Don Fountain  
Alternate W. Marcellus Angellford

##### ABSENT

Alternates Shyla Malloy and Michael Miller

##### STAFF

Interim City Manager/Engineering Services Director Ron Whitlatch  
Community Development Director Kelly Hart  
City Attorney Tre Kennedy

#### MINUTES

1. None

#### CITIZEN COMMENTS – None

#### COMMISSION REVIEW

2. Public Hearing - Planning File S-24-03  
A proposed five-lot subdivision for the property at 810 Kees Street (12S02W15CD00500)

City Attorney Kennedy reviewed the public hearing process.

The public hearing was opened. There was no ex parte, conflict of interest, or bias declared by the Commissioners.

Community Development Director Hart presented the staff report. Regarding Commissioner Angellford's question about the timeline on the widening of Kees Street, CDD Hart explained that the project involves installing a sidewalk and expanding that side of the street, which will be widened to its full width as development occurs on the opposite side.

Chair Robertson inquired about the discrepancy in square footage between the staff report's background section and the applicant's narrative. CDD Hart clarified that the applicant's narrative included the storm drain easement area, which City code does not exclude from the net lot area.

Chair Robertson asked about the narrative's mention of the minimum lot size of 3500 square feet for the residential mixed density zone. CDD Hart said that this requirement applies to residential mixed density zero lot line developments. However, since a duplex is being proposed, the project must meet the requirements for a duplex-type development.

Applicant's Testimony: Josh Mitchell made himself available to answer questions. He confirmed for Chair Robertson that he plans to build duplexes.

Testimony in Favor: None

Testimony in Opposition: None

The public hearing was closed.

Motion to Approve by Commissioner Angellford. Seconded by Commissioner Fountain.

Voting Yea: Chair Robertson, Vice-Chair Gerig-Knurowski, Commissioners Baxter, Breshears, McClain, Fountain and Angellford

### 3. Public Hearing - Planning File AR-24-04

A proposed modification to an approved project (AR-23-04) to expand the footprint of the convenience store building approved for the property at 911 W Airport Road (12S02W15BD01000).

The public hearing was opened. There was no ex parte, conflict of interest, or bias declared by the Commissioners.

CDD Hart presented the staff report.

Applicant's Testimony: Brian Vandetta, Udel Engineering, the applicant's representative, said that this aligns with the prior approval. The applicant realized post-approval that there was potential to achieve a larger footprint.

Testimony in Favor: None

Testimony in Opposition: None

The public hearing was closed.

In response to Chair Robertson's question about why this request did not fall under administrative review, CDD Hart explained that according to the development code, project modifications must be reviewed by the original approving authority.

Motion to Approve by Commissioner Fountain. Seconded by Commissioner McClain.

Voting Yea: Chair Robertson, Vice-Chair Gerig-Knurowski, Commissioners Baxter, Breshears, McClain, Fountain and Angellford

## COMMISSION BUSINESS AND COMMENTS

There will not be a Planning Commission meeting in July.

Staff is working on Housing Production Strategy code amendment updates. The first project advisory committee meeting will be held in July. A joint Planning Commission/City Council meeting is set for August 14 at 5:00 p.m.

Chair Robertson requested an update on the Stoltz Hill/Airport Road signal. Engineering Services Director Whitlatch identified right-of-way purchased. A final review of the drawings is scheduled within the next two weeks. Signal poles are being ordered and the hope is to begin

construction in the fall or early winter. The closure of Airport Road is planned for next summer after school is out of session.

Chair Robertson asked for clarification on the fire department conditions for the first agenda item. CDD Hart explained that the new layout required installation of a fire hydrant. ESD Whitlatch explained the reasons behind the Fire Marshal having discretionary approval.

There was discussion about Lebanon Local's Dairy Queen article.

## **ADJOURNMENT**

The meeting adjourned at 6:28 PM.



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# MEMORANDUM

## *Community Development*

To: Charmain Robertson and Planning Commissioners Date: August 29, 2024  
From: Kelly Hart, Community Development Director  
Subject: Development proposal for a 28-unit apartment complex on the south side of Vaughan Lane, east of S 5<sup>th</sup> Street (AR-24-05)

### I. BACKGROUND

The subject property is on the south side of Vaughan Lane, east of S 5<sup>th</sup> Street (377 Vaughan Lane, 12S 02W 22D, tax lot 700). The Applicant, Ridgetop Real Estate Solutions, proposes developing the property with a 28-unit apartment complex. Under consideration is an application for an Administrative Review (AR-24-05) to develop the apartment complex and associated site improvements.

### II. CURRENT REPORT

**Project Location and Zoning Designation** – The subject parcel is 1.88 acres and is zoned Residential Mixed-Density (Z-RM). Surrounding the property to the north, south, east, and west are within city limits or the urban growth boundary and zoned or designated in the comprehensive plan as Residential Mixed Density (Z-RM). The properties to the north and east are improved with residential development. The property directly to the west is vacant, and the property to the south, although currently vacant, has been previously approved for a subdivision and is under consideration for a revision to the subdivision plan.

**Development Proposal**—The Applicant is proposing to develop a 28-unit apartment complex. As indicated on the site plan, three one-story buildings are proposed, two oriented north-south and one east-west, with the parking and driveway situated centrally between the buildings to provide access and parking. The open space is provided on the eastern portion of the property, largely avoiding areas encumbered by wetlands.

A wetland delineation map has been provided as part of the application submittal. Most wetlands are proposed to be preserved in the southern and eastern portions of the site, but a portion of the wetlands are proposed to be mitigated to accommodate the development. A separate Joint Application to the Oregon Department of State Lands and the United States Army Corps of Engineers will be submitted to obtain the appropriate mitigation and fill permits.

Per Section 16.05.090 of the Lebanon Development Code (LCD), the minimum observed setbacks shall be a 10-foot front setback, 5-foot side setbacks, and a 20-foot rear setback. As indicated on the site plan, the front setback would be 10 feet, the side setback would be 5 feet

on the eastern property line and 10 feet on the western property line, and the rear setback (southern property line) would be 79 feet, meeting or exceeding the minimum standards.

For maximum building coverage, Section 16.05.090 authorizes 60% of the property for building coverage. As proposed, the building coverage (16,016 square feet of a 1.47-acre development area) would be 25%, below the maximum authorized. The maximum height permitted in the Z-RM zone is 40 feet. Elevation plans have not been provided, but the applicant's narrative identifies one-story structures which can be constructed below the 40-foot maximum height threshold.

For Density, the minimum lot size for multifamily use in the RM zone is 9,000 square feet. At 1.88 acres, the subject property exceeds this standard. Section 16.05.160 of the LDC indicates the minimum site area per unit size:

Unit Type	Number of Units	Total Square Footage
One-Bedroom	28	1,550 sq. ft. required
<b>TOTAL</b>		<b>43,400 sq. ft. or 0.99 acres</b>

Open space requirements identified in Section 16.05.170 of the LDC include 25% of the project development area designated for open space/landscaping. Of this open space area, at least 50% shall be usable open space (i.e., not designated for storm drain facilities, etc.), and at least 25% of this usable open space shall be located in one area. In addition, a 500-square-foot children's play area shall be provided. The remainder of the open space area may be distributed throughout the site. As proposed, the development area is 55,337 square feet; 13,834 square feet of the development area must be open space, 6,917 square feet shall be usable open space, and 3,458 square feet should be in one location, including a 500 square foot children's play area. The project is primarily encumbered by wetlands on the eastern portion of the site, which restricts the area identified as a usable open space. However, the development code identifies when private open space is provided that is at least eighty square feet with a minimum dimension of eight feet, a 2:1 credit not to exceed 200 square feet per dwelling unit can be provided to the open space calculations. With the private open space credit, the provided site plan demonstrates the project exceeds the open space standards.

For fencing, the applicant identifies a proposed 6-foot partially sight obscuring fence along the western and eastern property lines, outside the front setback and vision clearance areas. A condition of development is included to codify the fencing proposal. No fencing is proposed along the southern property line. A separate development proposal for a subdivision has been previously approved for the adjoining property to the south, and the site is proposing a subdivision redesign. It is anticipated that fencing will be provided as part of the subdivision.

Regarding parking, Section 16.14.070 of the LDC requires 2.25 vehicle parking spaces and 0.5 bicycle parking spaces per unit. This would require 63 vehicle parking spaces and 14 bicycle parking spaces. In addition, Section 16.14.030 identifies an automatic earned parking reduction of up to 15% when additional covered and uncovered bicycle parking is provided. With a 15% earned reduction, the total parking requirement would be 54 vehicle parking spaces and a mixture of covered and uncovered bicycle parking spaces to meet the 15% earned parking reduction. The code states, "The amount of vehicle parking may be reduced by one space for



every eight bicycle parking spaces, not to exceed 10% of the required vehicle spaces. A three-space vehicle parking reduction is earned since 24 bicycle parking spaces are provided on-site. In addition, “The amount of vehicle parking may be reduced by one space for every four additional covered bicycle parking spaces provided over the minimum requirement, not to exceed 10% of required vehicle spaces.” Ten additional covered bicycle spaces are provided above the minimum required, equating to a 2.5 space earned reduction, rounded to three when fractions of 0.5 or greater. The combined bicycle parking reductions equate to less than the maximum 15% earned parking reduction.

**Project Access and Transportation**—The site would be accessed from one driveway on Vaughan Lane. The drive aisle would traverse the property north-south with parking on both sides. Approximately two-thirds south of the property intersection with the street, the drive aisle would turn to a T-shape east-west arm to provide additional access and parking for the remainder of the development. A hammerhead template has been provided on the plans to demonstrate the ability to meet the Fire District turnaround requirements for fire engines.

For Vaughan Lane, the adopted Transportation System Plan (TSP) classifies it as a Minor Arterial, which requires a minimum right-of-way width of 75 feet. The current width of Vaughan Lane is 65 feet. The Engineering Department has reviewed the proposed development, the existing development, and the road condition and determined it is unnecessary to expand the road width to achieve the minor arterial standards, utilizing a constrained road design option. As Vaughan Lane has a mixture of existing development and greenfield development, obtaining additional right-of-way for full-width improvement would be infeasible and unwarranted.

Regarding traffic considerations, Section 16.20.110 identifies the criteria for a project to automatically trigger the requirement of a traffic impact analysis (TIA). These criteria include triggering over 300 average daily trips per day; if the project is located near a major intersection on the highway and there are safety concerns; whether there is a change in zoning proposed; or if the driveways proposed do not meet the vision clearance requirements. Per the International Traffic Engineers manual, a mid-rise apartment complex would have a daily average of 7.32 trips per unit/day and 0.56 trips during the peak PM traffic hour. With 28 units, this would equate to 205 average daily trips, with 16 of those during peak PM traffic hour, below the threshold to require a TIA.

Regarding utilities, the westside interceptor sewer main is located at the intersection of Vaughan Lane and S 5<sup>th</sup> Street to the west of the property. As part of the development, the sewer main would be required to extend to and through the property to the eastern boundary and be sized to accommodate future growth in the area. The site could connect to the city’s sewer system with the public utility extended.

An existing 12-inch public water main along Vaughan Lane is available to service the site. Firewater and domestic water service connections could be made to the public utility to serve the proposed development. An existing fire hydrant is located on the north side of Vaughan Lane at S 5<sup>th</sup> Street. However, as Vaughan Lane is a minor arterial, the Fire District usually requires a hydrant to be installed on the same side of the street as the development; a hydrant must also be within 600 feet of all portions of the exterior of the buildings. As such, the Fire District will

require additional hydrants as part of the development. The number and placement of the hydrants will be determined as part of the technical review.

An existing drainage ditch is along the property's frontage on Vaughan Lane and the southern boundary line. The proposed project would drain its developed stormwaters to private catch basins and storm pipes to a flow control manhole, which will meter the discharge rate and provide detention. Leaving the flow control manhole, stormwater will flow through a vegetate water quality swale to its historic location, the existing swale running north-south through the property. The proposed private storm drainage system would include a flow control orifice and an on-site detention pond. These proposed private storm drainage features will limit the developed stormwater run-off rates to the calculated stormwater run-off rates for pre-development conditions during a 10-year storm event.

### III. REVIEW CRITERIA AND RECOMMENDED FINDINGS

The Applicant is requesting consideration of an Administrative Review for the development of a 28-unit apartment complex. Below is an analysis of the review criteria (Section 16.20.040.D of the LDC) and recommended findings:

1. The proposal shall conform to use, height limits, setbacks, and similar development requirements of the underlying zone.

**RECOMMENDED FINDING:** The subject property consists of one property with an assigned address of 377 Vaughan Lane and is identified by Linn County Tax Assessor's Map No. 12S-02W-22D Tax Lot 700. The minimum lot size and width for multi-family developments in the RM zoning district are 9,000 square feet and 60 feet, respectively. The subject site is approximately  $\pm 1.88$ -acres and 211 feet wide, exceeding the minimum lot size requirement of the RM zoning district.

Per Section 16.05.090 of the Lebanon Development Code (LCD), the minimum observed setbacks shall be a 10-foot front setback, 5-foot side setbacks, and a 20-foot rear setback. As indicated on the site plan, the front setback would be 10 feet, the side setback would be 5 feet on the eastern property line and 10 feet on the western property line, and the rear setback (southern property line) would be 79 feet, meeting or exceeding the minimum standards.

For maximum building coverage, Section 16.05.090 authorizes 60% of the property for building coverage. As proposed, the building coverage (16,016 square feet of a 1.47-acre development area) would be 25%, below the maximum authorized. The maximum height permitted in the Z-RM zone is 40 feet. Elevation plans have not been provided, but the applicant's narrative identifies one-story structures which can be constructed below the 40-foot maximum height threshold.

For Density, the minimum lot size for multifamily use in the RM zone is 9,000 square feet. At 1.88 acres, the subject property exceeds this standard. Section 16.05.160 of the LDC indicates the minimum site area per unit size:

Unit Type	Number of Units	Total Square Footage
One-Bedroom	28	1,550 sq. ft. required
<b>TOTAL</b>		<b>43,400 sq. ft. or 0.99 acres</b>

Open space requirements identified in Section 16.05.170 of the LDC include 25% of the project development area designated for open space/landscaping. Of this open space area, at least 50% shall be usable open space (i.e., not designated for storm drain facilities, etc.), and at least 25% of this usable open space shall be located in one area. In addition, a 500-square-foot children's play area shall be provided. The remainder of the open space area may be distributed throughout the site. As proposed, the development area is 55,337 square feet; 13,834 square feet of the development area must be open space, 6,917 square feet shall be usable open space, and 3,458 square feet should be in one location, including a 500 square foot children's play area. The project is primarily encumbered by wetlands on the eastern portion of the site, which restricts the area identified as a usable open space. However, the development code identifies when private open space is provided that is at least eighty square feet with a minimum dimension of eight feet, a 2:1 credit not to exceed 200 square feet per dwelling unit can be provided to the open space calculations. With the private open space credit, the provided site plan demonstrates the project exceeds the open space standards. As such, this criterion has been met.

2. The proposal shall comply with applicable access and street improvement requirements in Chapters 16.12 and 16.13, respectively.

**RECOMMENDED FINDING:** The site would be accessed from one 24-foot driveway on Vaughan Lane. The drive aisle would traverse the property north-south with parking on both sides. Approximately two-thirds south of the property intersection with the street, the drive aisle would turn to a T-shape east-west arm to provide additional access and parking for the remainder of the development. A hammerhead template has been provided on the plans to demonstrate the ability to meet the Fire District turnaround requirements for fire engines.

For Vaughan Lane, the adopted Transportation System Plan (TSP) classifies it as a Minor Arterial, which requires a minimum right-of-way width of 75 feet. The current width of Vaughan Lane is 65 feet. The Engineering Department has reviewed the proposed development, the existing development, and the road condition and determined it is unnecessary to expand the road width to achieve the minor arterial standards, utilizing a constrained road design option. As Vaughan Lane has a mixture of existing development and greenfield development, obtaining additional right-of-way for full-width improvement would be infeasible and unwarranted. The right-of-way is currently partially improved. Based on the current development conditions along the right-of-way, implementing public improvements as part of the development construction would result in disjointed public improvements. As such, a condition of development has been included to require payment for the anticipated costs of the development's fair share of street improvements.

Regarding traffic considerations, Section 16.20.110 identifies the criteria for a project to automatically trigger the requirement of a traffic impact analysis (TIA). These criteria include triggering over 300 average daily trips per day; if the project is located near a major intersection on the highway and there are safety concerns; whether there is a change in

zoning proposed; or if the driveways proposed do not meet the vision clearance requirements. Per the International Traffic Engineers manual, a mid-rise apartment complex would have a daily average of 7.32 trips per unit/day and 0.56 trips during the peak PM traffic hour. With 28 units, this would equate to 205 average daily trips, with 16 of those during peak PM traffic hour, below the threshold to require a TIA. As the project is not large enough to trigger a TIA, the project development traffic is anticipated to be able to be accommodated on the minor arterial and dispersed through the city's street network. With the conditions of development included, this criterion has been met.

3. The proposal shall comply with applicable parking requirements in Chapter 16.14.

**RECOMMENDED FINDING:** Section 16.14.070 of the LDC requires 2.25 vehicle parking spaces and 0.5 bicycle parking spaces per unit. This would require 63 vehicle parking spaces and 14 bicycle parking spaces. In addition, Section 16.14.030 identifies an automatic earned parking reduction of up to 15% when additional covered and uncovered bicycle parking is provided. With a 15% earned reduction, the total parking requirement would be 54 vehicle parking spaces and a mixture of covered and uncovered bicycle parking spaces to meet the 15% earned parking reduction. The code states, "The amount of vehicle parking may be reduced by one space for every eight bicycle parking spaces, not to exceed 10% of the required vehicle spaces. A three-space vehicle parking reduction is earned since 24 bicycle parking spaces are provided on-site. In addition, "The amount of vehicle parking may be reduced by one space for every four additional covered bicycle parking spaces provided over the minimum requirement, not to exceed 10% of required vehicle spaces." Ten additional covered bicycle spaces are provided above the minimum required, equating to a 2.5 space earned reduction, rounded to three when fractions of 0.5 or greater. The combined bicycle parking reductions equate to less than the maximum 15% earned parking reduction. This criterion has been met with added conditions to maintain the earned bicycle parking.

4. The proposal shall comply with applicable screening and landscaping provisions in Chapter 16.15.

**RECOMMENDED FINDING:** According to LDC 16.15.020(C)(2)(b)1, areas excluding building footprints and impervious surfaces shall be landscaped. A landscaping plan will be submitted before issuing a building permit following the standards of Chapter 16.15. Buffering and screening are also required for parking lots and service areas. A landscaping plan will be submitted before issuing a building permit following the standards of Chapter 16.15, including the low screen landscaping standard along the north property line and partially sight-obscuring fence along the south, east, and west property lines.

LDC 16.15.040 requires that all required landscape areas be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. An irrigation plan or certification from a nurseryman will be provided prior to the issuance of a building permit in accordance with applicable standards under LDC 16.15.040.

LDC 16.15.020.2.f.2 requires that refuse containers and disposal areas be screened from view by placing a sight-obscuring fence, wall, or hedge at least six feet tall. The refuse

containers will be screened in accordance with LDC 16.15.020.2.f.2 prior to the issuance of an occupancy permit. With the improvements noted and conditioned, this criterion has been met.

5. Any required public facility improvements shall comply with provisions in Chapter 16.16.

**RECOMMENDED FINDING:** Chapter 16.16 provides facility standards for water, sanitary sewer, and storm drainage to ensure these public facility improvements are completed according to the city's master plans.

As denoted in the Lebanon Transportation Plan (TSP), Vaughan Lane is classified as a minor arterial street requiring a minimum right-of-way width of 75 feet. The current width of Vaughan Lane is 65 feet. The Engineering Department has reviewed the proposed development, the existing development, and the road condition and determined it is unnecessary to expand the road width to achieve the minor arterial standards, utilizing a constrained road design option. As Vaughan Lane has a mixture of existing development and greenfield development, obtaining additional right-of-way for full-width improvement would be infeasible and unwarranted.

The westside interceptor sewer main is located at the intersection of Vaughan Lane and S 5<sup>th</sup> Street to the west of the property. As part of the development, the sewer main would be required to extend to and through the property to the eastern boundary and be sized to accommodate future growth in the area. The site could connect to the city's sewer system with the public utility extended.

An existing 12-inch public water main along Vaughan Lane is available to service the site. Firewater and domestic water service connections could be made to the public utility to serve the proposed development. An existing fire hydrant is located on the north side of Vaughan Lane at S 5<sup>th</sup> Street. However, as Vaughan Lane is a minor arterial, the Fire District usually requires a hydrant to be installed on the same side of the street as the development; a hydrant must also be within 600 feet of all portions of the exterior of the buildings. As such, the Fire District will require additional hydrants as part of the development. The number and placement of the hydrants will be determined as part of the technical review.

An existing drainage ditch is along the property's frontage on Vaughan Lane and the southern boundary line. The proposed project would drain its developed stormwaters to private catch basins and storm pipes to a flow control manhole, which will meter the discharge rate and provide detention. Leaving the flow control manhole, stormwater will flow through a vegetate water quality swale to its historic location, the existing swale running north-south through the property. The proposed private storm drainage system would include a flow control orifice and an on-site detention pond. These proposed private storm drainage features will limit the developed stormwater run-off rates to the calculated stormwater run-off rates for pre-development conditions during a 10-year storm event. As such, with the conditions included, this criterion has been met.

6. Where applicable, the proposal shall comply with development requirements within identified hazard areas and/or overlay zones.



**RECOMMENDED FINDING:** The subject property is located outside the steep slopes, riparian protection, and special transportation Area overlays. 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 #41043C0568G, dated September 29, 2010. A site-specific wetland delineation indicates wetlands on-site. Therefore, wetland permits will be required for the proposed development. According to Figures 16.11.020-1 to 16.11.020-3 the property is outside the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice is not required to be provided to the Oregon Department of Aviation. As such, the development proposal complies with this decision criteria.

7. The proposal shall comply with the supplementary zone regulations contained in Chapter 16.19 or elsewhere in the Development Code.

**RECOMMENDED FINDING:** All accessory structures, uses, and building projects fully comply with the minimum setback standards identified in Chapter 16.05 and Chapter 16.19. An illumination plan is required as a condition of development to ensure exterior lighting meets the requirements for Chapter 16.19. With the included conditions, this criterion has been met.

#### IV. PUBLIC NOTIFICATION AND COMMENTS

A public notification for this project was issued on August 26, 2024. Written comments were received prior to the publication of the agenda packet and have been included in the packet for review. Any additional written public comments received before the public hearing date will be provided to the Planning Commission prior to the meeting for review and discussed during the public hearing. Comments were received by the Fire District, Engineering Department, and the Building Department and have been incorporated as conditions of development for the application.

#### V. CONCLUSION AND RECOMMENDED CONDITIONS FOR DEVELOPMENT

Staff finds the proposal complies with the decision criteria for an Administrative Review 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 partially-site-obscuring fence, at minimum a chain link fence with privacy slats, shall be constructed along the eastern and western property lines.
  - b. A landscape plan shall be submitted and approved before the issuance of building permits unless the Community Development Department approves plan deferral. Low-screen landscape treatment shall be applied to the front setback, and no shrubs or trees shall be planted within the vision clearance or sight distance triangles.
  - c. Any playground equipment provided shall comply with the International Play Equipment Manufacturers Association standards. The children's play area shall be included for review as part of the landscape plan.

- d. A minimum of 54 vehicle parking spaces shall be maintained on-site at all times. A minimum of 24 covered bicycle spaces shall be permanently maintained. If the covered bicycle spaces are removed or reduced, additional vehicle parking spaces will be required proportional to the reduction of the earned parking reduction.
  - e. A permit through the Department of State Lands (DSL) shall be issued for any wetlands identified and proposed to be filled as part of the development proposal.
  - f. All exterior lighting provided on the property shall be oriented away from neighboring properties and meet the lighting standards identified in Chapter 16.19 of the development code.
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 to demonstrate full compliance with the Oregon Fire Code and local amendments. Lebanon Fire Marshal approval shall be obtained before issuance of building permits.
3. The Engineering Department conditions include, but may not be limited to:
- General
- a. This proposal includes installation of new public improvements. All public improvements shall:
    - (1) Conform to the latest "City of Lebanon Engineering Design Standards for Public Improvements."
    - (2) Completing a Drawing Review Application and a Public Improvements Permit is required before beginning construction.
    - (3) Be designed by a professional engineer registered in Oregon.
    - (4) All incomplete public improvements require a bond or other approved form of assurance before final plat approval.
  - b. An engineering site plan shall be submitted for review and approval for the site. The site plan must be submitted with an Application for Site Plan Review and associated fee. The site plan shall detail all site improvements necessary for the proposed development, together with a grading and drainage plan.
  - c. All elevations shown on plans submitted to the city must be on the NAVD 88 vertical datum to be compatible with the City's computer-aided mapping system.
  - d. All private, onsite utilities must be reviewed and approved by the City Building Official.
- Transportation
- a. Provide an engineered cost estimate for half-street improvements along the lot frontage of Vaughan Lane, including curb/gutter and sidewalks. The developer will be required to pay the city for deferring improvements.
  - b. With engineering drawings, indicate the location of street and path lights, mailboxes, utility pedestals, and signs. Include an illumination plan for review and approval.
  - c. Mailbox locations must also be reviewed and approved by the Postmaster.
  - d. Provide verification of Republic Services approval of location and access to garbage and

recycling containers shown on site plans prior to approval of detailed engineering site plans.

#### Water

- a. Identify any on-site wells on the engineered drawings. Backflow prevention devices will be required on any lot that is also served by the city water system.
- b. Fire suppression will be under the Fire Marshal's review and approval. The Lebanon Fire Marshal shall approve the number and location of fire hydrants. All new hydrants must be operational and accepted by the city prior to storage of combustible materials on site. Building permits will not be issued until fire hydrants are operational. An additional hydrant will be required to meet the 600-foot minimum distance from the closest hydrant.

#### Sewer System

- a. Identify any on-site septic systems on the engineering drawings.
- b. Extend the sanitary sewer system at S 5th Street and the Vaughan intersection. The pipe is to be sized for future development in the area.

#### Storm Drainage

- a. The drainage system and grading plan shall be designed 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 duration time using the curve (fig 5.3) in the master plan. A detailed design, including engineering calculations, shall be submitted as part of the site plan review.
- b. With the engineering drawings, provide a grading plan for the sites that indicate 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.
- c. Provide verification of Oregon DEQ NPDES 1200C permit issuance and all conditions of permit issuance prior to construction.
- d. Provide correspondence from the appropriate state and federal regulatory agencies regarding wetland identification and required fill-removal permits, if any. Any wetlands identified as being impacted by public improvements shall be mitigated before the final acceptance of public improvements.
- e. With engineering drawings, provide a construction erosion prevention plan.

#### Landscaping

- a. Provide a landscape and illumination plan for review and approval.
- b. 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.
- c. Vision clearance areas shall be provided at intersections of all streets and at intersections of driveways with streets to promote pedestrian, bicycle, and vehicular safety per

Subsection 16.12.030.H of the Lebanon Development Code. A clear vision area shall contain no plantings, fences, walls, structures, utility pedestals, or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb.

## V. RECOMMENDED ACTIONS

1. Evaluate the public testimony and the record established before the Planning Commission
2. Commission options:
  1. Approve the proposed Administrative Review (AR-24-05) for the development of a 28-unit apartment complex, adopting the written findings for the decision criteria contained in the staff report with the conditions of development; or
  2. Approve the proposed Administrative Review (AR-24-05) for the development of a 28-unit apartment complex, adopting modified findings for the decision criteria and conditions of development; or
  3. Deny the proposed Administrative Review (AR-24-05) for the development of a 28-unit apartment complex, specifying reasons why the proposal fails to comply with the decision criteria; and
  4. Direct staff to prepare an Order of Decision for the Chair or Vice Chair's signature incorporating the adopted findings as approved by the Planning Commission.





Tammy Dickey

**From:** paw320 <paw320@aol.com>  
**Sent:** Sunday, September 1, 2024 8:03 AM  
**To:** Kelly Hart  
**Subject:** Apartments on Vaughan.

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Caution! This message was sent from outside your organization.

It's so sad your even doing this. These homeowners have been here for 50+years.we all enjoy watching the horses,wildlife which you will destroy again. You will add to the destruction of our water aquafer,our sunset views, our local friendly neighbor atmosphere.

You will add : higher taxes,worse traffic, endangerment to headstart preschool, an so many other things. Drive slowly down Vaughan lane an watch the sunset off of Peter's butte. Not that you care but these people do, These old timers want their last memory's of beauty not some greedy developers apartments or housing. Bob Vaughan had this road named after him, he owned all this acerage as a rescue farm. I'm sure he's twisting in his grave.

Why can't you people build on some of the ugly buildings rotting in town, roller skate rink, or volleys why destroy what we enjoy here? Your not wanted here.

Sent from my Verizon, Samsung Galaxy smartphone



**From:** [hsm164](#)  
**To:** [kelly.hart@lebanonoregon.gov](mailto:kelly.hart@lebanonoregon.gov)  
**Subject:** AR-24-05  
**Date:** Saturday, August 31, 2024 8:27:30 AM

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I live on vaughan lane and am writing to oppose the approval of this apartment development. Most of the homes on vaughan lane are single family dwellings with some acreage and on wells.

My neighbors and I are concerned that building a 28 unit apartment building will drastically impact both the aquifer and our properties.

Not to mention the increased traffic on an already busy road.

Most of my neighbors have lived here for over 40 yrs (myself 10 years) and want to continue to enjoy the countryside as is. Part of living in lebanon is its small town atmosphere. The city council should realize that our town is not and should not resemble Albany or Corvallis.

Please deny this application and keep our town small.

Thank you.

Marlene flyer

Sent from my Verizon, Samsung Galaxy smartphone



Tammy Dickey

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**From:** Jane Cookson <j-cookson@comcast.net>  
**Sent:** Sunday, September 1, 2024 7:35 PM  
**To:** Kelly Hart

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Caution! This message was sent from outside your organization.

As a long stan-ding, almost lifetime citizen of Lebanon, Oregon, (I'm 77) I'm requesting that no more apartments be built in Lebanon. Yes, things change, but we know things are not being done properly. Our water system is old and we continue adding more people to it. Our water prices are unreal. Our streets, intersections, and highways are not being kept up to par with the amount of people coming to live here. Please HELP!!! We're sinking!  
Jane Cookson







## NOTICE OF PUBLIC HEARING LEBANON PLANNING COMMISSION

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

<b>Planning Case No.:</b>	AR-24-05
<b>Applicant:</b>	Ridgetop Real Estate Solutions / Braden Whaley
<b>Location:</b>	377 Vaughan Lane
<b>Map &amp; Tax Lot No.:</b>	12S02W22D 00700
<b>Request:</b>	Administrative Review – Multi-Family
<b>Decision Criteria:</b>	Lebanon Development Code Chapters: 16.05 & 16.20

**Request:** The applicant is requesting Administrative Review approval to construct a 28-unit single story apartment complex.

**Providing Comments:** The city will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, September 17, 2024.**

Written testimony may be emailed to [kelly.hart@lebanonoregon.gov](mailto:kelly.hart@lebanonoregon.gov) or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



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

If you wish to address the Commission under Public Comments or for a Public Hearing, click: [https://zoom.us/meeting/register/tJ0pfuqqrzMjEtVNTiffF22h\\_nOZcc1N-kuy-](https://zoom.us/meeting/register/tJ0pfuqqrzMjEtVNTiffF22h_nOZcc1N-kuy-) to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register ONLY if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: [https://youtube.com/live/U42L2C\\_XMnY?](https://youtube.com/live/U42L2C_XMnY?)

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

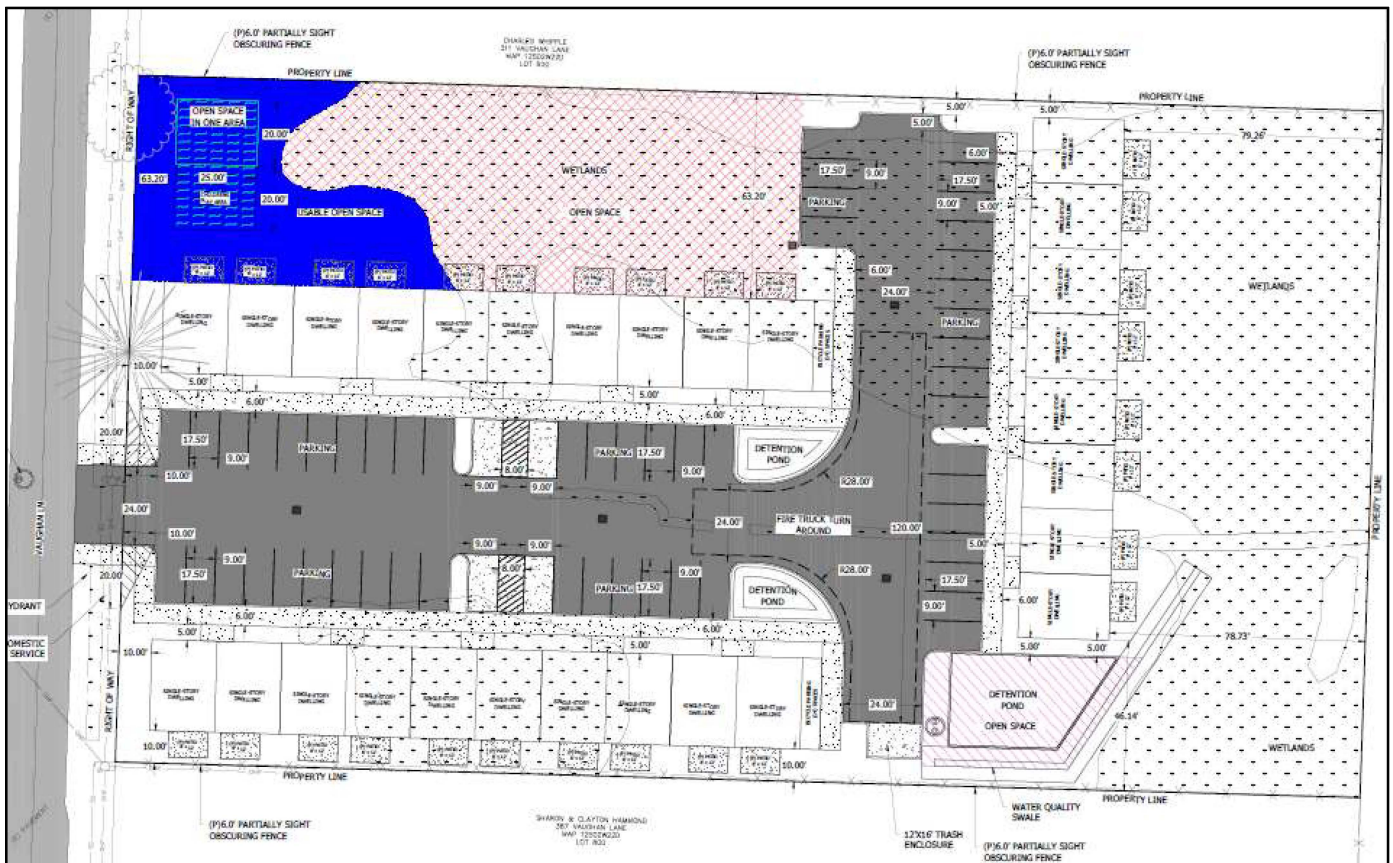
**CITIZENS ARE INVITED TO PARTICIPATE** in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence 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@lebanonoregon.gov](mailto:cdc@lebanonoregon.gov)

**The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.**

## PROPOSED SITE PLAN





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**ADMINISTRATIVE REVIEW (CLASS II) APPLICATION**

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

Applicants/Property Owners: Ridgetop Real Estate Solutions LLC  
3227 Weldon Road  
Lebanon, OR 97355

Contact: Braden Whaley  
Email: [braden.whaley@ridgetopwireless.com](mailto:braden.whaley@ridgetopwireless.com)  
Phone: (541) 401-8594

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

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

Site Location: 377 Vaughan Lane, Lebanon, OR 97355

Linn County Assessor's Map No.: 12S-02W-22D Tax Lot 700

Site Size: ±1.88-acres

Existing Land Use: Unimproved

Zone Designation: Residential Mixed Density (Z-RM)

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

Surrounding Zoning: North: Residential Low Density (RL)  
East: UGA-UGM-10  
South: RM  
West: UGA-UGM-10

Surrounding Uses: North: Residential  
East: Residential  
South: Unimproved  
West: Residential



## I. Executive Summary

Under consideration is an application for an Administrative Review for the development of a 28-unit single-story apartment complex with associated site and parking lot improvements. The subject parcel is  $\pm 1.88$ -acres and located southeast of the Vaughan Lane and SW Fifth Street intersection. The subject property is identified as 377 Vaughan Lane and Linn County Tax Assessor's Map No. 12S-02W-22D Tax Lot 700.

The property is infill development in a partially development residential neighborhood. The property is zoned Residential Mixed Density (Z-RM) and surrounded by properties in the Residential Low Density (RL), Urban Growth Area-Urban Growth management (UGA-UGM-10), and RM zoning districts.

**Access:** A single 24-foot-wide driveway access is proposed for site access. An irrevocable petition for street improvements is requested as opposed to construction of half-street improvements along the frontage of the subject property.

**Utilities:** There is currently a 12-inch water line available in Vaughan Lane right-of-way along the frontage of the subject property. An extension of a public sanitary sewer main is proposed from the SW 5<sup>th</sup> Street and Vaughan Lane intersection to the east property line of the subject property.

This written narrative and associated documentation included in the application materials establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the city to approve the application.

## II. ADMINISTRATIVE REVIEW

- A. The Administrative Review processes contained in LDC 16.20.040(A)-(C) identify the application requirements and procedures.

**FINIDING:** This application and process conform to requirements contained in these Subsections; sole purpose of the Administrative Review is to ensure the proposal complies with the specific development requirements.

- B. LDC 16.20.040(D)(1), requires a written decision addressing all relevant criteria, allowing the decision authority to approve, approve with conditions, or deny the application. LDC 16.20.040(D)(2) states Administrative Reviews involving the establishment of a new structure or facility, or the expansion of an existing structure or facility, shall be subject to the following specific criteria:

1. **LDC 16.20.040(D)(2)(a) - The proposal shall conform to use, height limits, setbacks, and similar development requirements of the underlying zone.**

**FINDING:** The applicant seeks approval for construction of a 28-unit single-story apartment complex with associated site and parking lot improvements within the RM zoning district.

The subject property consists of one property with an assigned address of 377 Vaughan Lane and is identified by Linn County Tax Assessor's Map No. 12S-02W-22D Tax Lot 700.

Use: According to LDC Chapter 16.05, Table 16.05-2, Multiple dwelling developments are permitted with Administrative Review in the MU zoning district. An administrative review application for the proposed 28-unit single-story apartment complex has been submitted.

According to Chapter 16.05, Table 16.05-7, the development standards for the MU zone are the same as Residential Mixed Density (Z-RM) requirements are as follows:

Lot Area and Dimensions: The minimum lot size and width for multi-family developments in the RM zoning district are 9,000 square feet and 60 feet, respectively. The subject site is approximately  $\pm 1.88$ -acres and 211 feet wide and, therefore, exceeds the minimum lot size requirement of the RM zoning district.

Minimum Site Area: The minimum site area per dwelling unit type is described in Table 16.05-13 for all multi-family dwellings.

Table 16.05-13: Site Area Per Dwelling Unit	
Unit Type	Minimum Standard
One Bedroom	1,550 square feet

The proposed development consists of 28-unit single-story units, which require a total land area of  $\pm 43,400$  square feet (i.e.,  $\pm 1.00$ -acre) based on unit type. The subject site is approximately  $\pm 1.88$ -acres, which exceeds the minimum site area requirement based on unit type.

Lot Coverage: Lot coverage is the area of the lot covered by a building or buildings expressed as a percentage of the total lot area. The site is  $\pm 1.88$ -acres and has 16,016 square feet of covered building area. Therefore, the total lot coverage is 20 percent, which is below the 60 percent maximum for the RM zoning districts.

Setbacks: Minimum setbacks per LDC Table 16.05-9 are as follows: 10-foot front setback for interior lots; 5-foot side yard setback; 10/15-foot street side yard setback; 10-foot (other) and 20-foot (dwelling) rear setback.

The proposed multi-family apartment buildings have a 10-foot front (north) setback from Vaughan Lane, 10-foot (west) setback, 63-foot (east) setback, and 79-foot rear (south) setback.

In accordance with LDC 16.14.040.A.2 and LDC 16.14.060.I, the proposed parking lot has a 5-foot setback and landscape buffer. Therefore, the site meets the required setbacks of the RM zoning districts and the location and buffer standards for parking lots.

Buffering and Other Yard Requirements: LDC 16.09.110.5 establishes buffering, landscaping, and pedestrian/bicycle access. Buffering and pedestrian/bicycle access through required buffers are only required, when necessary, through Site Design Review, Conditional Use, and/or Planned Development Review, which is not applicable to this request. Therefore, only the landscaping requirements are applicable.



Landscaping: According to LDC 16.15.020(C)(2)(b)1, areas excluding building footprints and impervious surfaces shall be landscaped. A landscaping plan will be submitted prior to the issuance of a building permit in accordance with the standards of Chapter 16.15.

Site Layout and Design. The proposed development abuts a public right-of-way to the north, UGA-UGM-10 zoning district to the east and west, and RM to the south. Therefore, no landscaping buffers, or other visual or sound barriers are necessary to ensure compatibility.

Height. There is a 40-foot maximum building height in the RM zone. Building height is the vertical distance from grade to the average height of the roof surface. Final building plans are not yet completed but building elevations of the proposed one-story buildings will have a height of approximately 20 feet from grade to average roof height.

Open space requirements identified in Section 16.05.170 of the LDC include 25 percent of the project development area to be designated for open space/landscaping. Of this open space area, at least 50 percent shall be usable open space (i.e., not designated for storm drain facilities, etc.), and at least 25 percent of this usable open space shall be in one area. In addition, a 500 square foot children's play area shall be provided. The remainder of the open space area may be distributed throughout the site.

As proposed, the development area is 55,337 square feet, which equates to 8,458 square feet after applying the 5,376-patio area credit, 4,229 square feet (50 percent) of the required open space shall be usable open space, and 1,057 square feet (25 percent) of the usable open space shall be a common open space in one area.

Child Play Area: LDC 16.05.170(F) requires multi-family developments with 8 or more units to provide at least one 500 square foot children's play area with no horizontal dimension last than 20 feet. According to LDC 16.05.170(D)(2) areas may include sand boxes, bark chip areas, areas containing play structures, hard surface courts, and wading pools.

The proposed development consists of twenty-eight (28) one-bedroom units and therefore will not be occupied by children. Alternatively, the applicant proposes 500 square feet of area improved with a recreational amenity that is at least 25 feet wide and 20 feet long, which meets the recreation area and dimensional requirements.

Private Open Space: LDC 16.05.170(G) requires either at-grade or above grade private open space for multi-family developments. The proposal consists of a one-story development with at-grade private open spaces meeting the size and dimensional standard of the code. The patios will be oriented to the east and south. They will be physical and visually separated by building offsets and landscaping.

Fencing: A six-foot-high partially sight-obscuring fence in accordance with LDC 16.15.030(F) is proposed along the property's east and west property lines.

**2. LDC 16.20.040(D)(2)(b) - The proposal shall comply with applicable access and street improvement requirements in Chapters 16.12 and 16.13, respectively.**

FINDINGS: According to LDC 16.12.020.A, LDC 16.12.030.F.4, LDC 16.12.030.J.4, LDC 16.12.030.L.2, multi-family residential uses may be served by a minimum 24-foot-wide access easement,

minimum 24-foot-wide two-way driveway. As proposed, the subject property will maintain frontage on Vaughan Lane. The subject property will have one new encroachment to Vaughan Lane via a 24-foot-wide accessway with a minimum 24-foot-wide two-way driveway.

According to 16.12.030(R) city standard street improvements are required with approval of a land use and development approvals. However, development abutting existing substandard public streets may temporarily defer some or all city street upgrade improvements.

As denoted in the Lebanon Transportation Plan (TSP), Vaughan Lane is classified as a minor arterial street. According to Figure 9 in the TSP, the typical improvements for a minor arterial street are as follows: 75-foot right-of-way; 50-foot pavement width; two six-foot-wide sidewalks; two 5.5-foot-wide landscaping strips; two 5-foot-wide bike lanes; two 2-foot-wide buffers; two 12-foot-wide through lanes; and one 12-foot-wide center turn lane/median.

An irrevocable petition for street improvements is requested as opposed to construction of half-street improvements along the frontage of the subject property.

As shown on the site plan, portions of the proposed development are greater than 150-feet of the abutting public rights-of-way; therefore, on-site fire apparatus access will be provided as denoted on the preliminary site plan. The provisions of the Oregon Fire Code are met.

**3. LDC 16.20.040(D)(2)(c) - The proposal shall comply with applicable parking requirements in Chapter 16.14.**

FINDINGS: LDC 16.14.020.D states that when a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provide in accordance with Section 16.14.070.

Vehicle Parking: According to LDC 16.14, Table 16.14.070-1, 2.25 vehicle parking spaces are required per dwelling unit, including one visitor vehicle parking space for every four units. The site is comprised of 28 one-bedroom multi-dwelling units. Therefore, 63 vehicle parking spaces are required.

A total of 57 vehicle parking spaces are proposed are proposed through an earned parking reduction (see below).

Bicycle Parking: According to LDC 16.14.070-1 subsection 6(c), multi-dwellings are required to provide 0.5 bicycle parking space per dwelling. The 28-unit multi-family development is required to provide 14 bicycle parking spaces. According to LDC 16.14.120(E)(1), all required bicycle parking must be covered, unless more than 8 spaces are required, in which case half of the total may be uncovered if a minimum of 8 spaces are covered.

LDC 16.14.030 includes the following earned parking reductions for bicycle and covered bicycle parking:

- LDC 16.14.030.A states, “the amount of vehicle parking may be reduced by one space for every 8 bicycle parking spaces, not to exceed 10 percent of required vehicle parking spaces.” A three-space vehicle parking reduction is permitted since 24 bicycle parking spaces are provided. Ten percent of the 63 required vehicle parking spaces are six parking spaces.

- LDC 16.14.030.B states, “The amount of vehicle parking may be reduced by one space for each 4 additional covered bicycle parking spaces provided over the minimum requirement, not to exceed 10 percent of required vehicle parking spaces. A three-space vehicle parking reduction is permitted since all bicycle parking spaces (i.e., 17 more than required) are proposed to be covered.
- LDC 16.14.030(C) states both above parking reductions may be used on a single development, provided the total reduction does not exceed 15 percent of required vehicle parking spaces. Fifteen percent of the 63 parking spaces are nine parking spaces.

The proposal includes a total of 24 bicycle parking spaces with all 24 spaces covered. Therefore, a parking reduction of six parking spaces (i.e., 10 percent) per is earned, thereby reducing the required vehicle parking from 63 spaces to 57 spaces.

**4. LDC 16.20.040(D)(2)(d) - The proposal shall comply with applicable screening and landscaping provisions in Chapter 16.15.**

**FINDINGS:** According to LDC 16.15.020(C)(2)(b)1, areas excluding building footprints and impervious surfaces shall be landscaped. A landscaping plan will be submitted prior to the issuance of a building permit in accordance with the standards of Chapter 16.15. Buffering and screening is also required for parking lots and service areas.

Landscaping Required. A landscaping plan will be submitted prior to the issuance of a building permit in accordance with the standards of Chapter 16.15 including the low screen landscaping standard along the north property line and partially sight-obscuring fence along the south, east, and west property lines.

Irrigation System. LDC 16.15.040 requires that all required landscape areas be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. An irrigation plan or certification from a nurseryman will be provide prior to the issuance of a building permit. An irrigation plan will be provided prior to the issuance of a building permit in accordance with applicable standards under LDC 16.15.040.

Screening of Refuse Containers. LDC 16.15.020.2.f.2 requires that refuse containers and disposal areas be screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. Prior to the issuance of an occupancy permit, the refuse containers will be screened in accordance with LDC 16.15.020.2.f.2.

**5. LDC 16.20.040(D)(2)(e) - Any required public facility improvements shall comply with provisions in Chapter 16.16.**

**FINDINGS:** Chapter 16.16 provides facility standards for water, sanitary sewer, and storm drainage to ensure these public facility improvements are completed per the city’s public facility master plans.

As denoted in the Lebanon Transportation Plan (TSP), Vaughan Lane is classified as a minor arterial street. According to Figure 9 in the TSP, the typical improvements for a minor arterial street are as follows: 75-foot right-of-way; 50-foot pavement width; two six-foot-wide sidewalks; two 5.5-foot-

wide landscaping strips; two 5-foot-wide bike lanes; two 2-foot-wide buffers; two 12-foot-wide through lanes; and one 12-foot-wide center turn lane/median.

An irrevocable petition for street improvements is requested as opposed to construction of half-street improvements along the frontage of the subject property.

The ITE trip generation manual breaks up multi-dwelling housing into three categories. Multi-dwelling housing containing one or two floors is classified as low-rise. Low-rise multi-dwelling development generates 7.32 vehicle trips per day and 0.56 trips during the peak PM traffic hour. The development will create 28 multi-dwelling units. Based on ITE trip generation rates, at full buildout the development could generate 205 vehicle trips per day, with 16 of those trips occurring during the peak PM 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 205 daily trips are anticipated therefore a traffic analysis is not required to be submitted with this application.

Lebanon's Transportation System Plan (TSP) does not identify any level of service or safety problems along either frontage of the site.

#### *Sanitary Sewer*

According to LCD 16.16.030 adequate sanitary sewer infrastructure and service must be made available to serve each new development, and such facilities and service must comply with the City's Sanitary Sewer Facility Plan, and applicable construction specifications.

City utility maps do not show a sanitary sewer main along the frontage of the subject property. An extension and connection to the public sanitary sewer in Vaughn Lane is proposed (see Preliminary Utility Plan).

#### *Water*

According to LCD 16.16.030 adequate water infrastructure and service must be made available to serve each new development, and such facilities and service must comply with the City's Water System Facility Plan, and applicable construction specifications.

City utility maps show a 12-inch water main in Vaughn Lane along the frontage of the subject property. A connection to the public water system in Vaughn Lane is proposed (see Preliminary Utility Plan).

#### *Storm Drainage*

According to LDC 16.16.040, the city may grant land use approval and issue a development permit when adequate provisions for storm water runoff are or will be made available in compliance with the City's Storm Drainage Master Plan and all applicable local, state, and federal standards.

All new site development must maintain pre-development peak historic storm water discharge rates as per City standards. The applicant for a development proposal shall demonstrate through calculations acceptable to the City Engineer that this standard will be met by the proposed development.

A storm drainage ditch currently exists to the north and south of Vaughn Lane. Storm drainage will all drain to private catch basins, storm pipes to a flow control manhole which will meter the discharge rate and provide detention. Leaving the flow control manhole stormwater will flow through a vegetate water quality swale to its historical location, existing swale running north-south through the property

#### *Police Protection*

The proposed development is served by the City of Lebanon Police Department.

No comments or concerns were provided by the City of Lebanon Police Department during the pre-application meeting concerning this development.

#### *Fire Safety*

The proposed development is served by the Lebanon Rural Fire Protection District.

No comments or concerns were provided by the Lebanon Rural Fire Protection District during the pre-application meeting concerning this development.

#### **6. LDC 16.20.040(D)(2)(f) - Where applicable, the proposal shall comply with development requirements within identified hazard areas and/or overlay zones.**

FINDINGS: The subject property is located outside of the steep slopes, riparian protection, and special transportation Area overlays.

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 #41043C0568G, dated September 29, 2010.

According to the National Wetland Inventory and shown on the site plan, there are no mapped wetlands on-site. However, a site-specific wetland delineation indicates wetlands on-site. Therefore, wetland permits will be required for the proposed development.

According to Figures 16.11.020-1 to 16.11.020-3 the property is outside of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice is not required to be provided to the Oregon Department of Aviation.

7. LDC 16.20.040(D)(2)(g) - The proposal shall comply with the supplementary zone regulations contained in Chapter 16.19 or elsewhere in the Development Code.

FINDINGS: This Chapter includes standards for a variety of activities and uses such as accessory uses, home occupations, exceptions to height limitations and so forth. None of these provisions are proposed with this application.

LDC 16.20.040(E)-(G), establish decision notice requirements and appeal provisions. For the record, these administrative requirements are applicable to the city, the applicant and those receiving a copy of the notice of decision.

### III. OVERALL CONCLUSION

Based on the above analysis, the proposed Administrative Review meets all the applicable review criteria as outlined above.

### IV. ATTACHMENTS

- a. Civil Plan Set
  - a. Cover Sheet, C100
  - b. Existing Conditions/Demo Plan, Sheet C102
  - c. Preliminary Civil Site Plan, Sheet C103
  - d. Preliminary Grading and Drainage Plan, Sheet C200
  - e. Preliminary Utility Plan, Sheet C400







# LAND USE APPLICATION

## PROPERTY INFORMATION

Site Address(es): 377 Vaughan Lane, Lebanon, OR 97355

Assessor's Map & Tax Lot No.(s): 12S-02W-22D Tax Lot 700

Comprehensive Plan Designation / Zoning Designation: C-RM / Z-RM

Current Property Use: Unimproved

Project Description:

Administrative Review for the development of a 28-unit single-story apartment complex with associated site and parking lot improvements.

## APPLICANT / PRIMARY CONTACT INFORMATION

Applicant: Laura LaRoque; Udell Eng. & Land Surveying, LLC Phone: (541) 990-8661

Address: 63 E. Ash St.

Email: laura@udelleng.com

City/State/Zip: Lebanon, OR 97355

*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.*

APPLICANT SIGNATURE *Laura LaRoque*

Date: 07/10/24

## PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Braden Whaley; Ridgetop Real Estate Solutions LLC Phone: (541) 401-8594

Address: 3227 Weldon Road

Email: braden.whaley@ridgetopwireless.com

City/State/Zip: Lebanon, OR 97355

OWNER SIGNATURE *Braden Whaley*

Date: 07/10/24

## ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor: Brian Vandetta; Udell Eng. & Land Surveying, LLC Phone: (541) 451-5125

Address: 63 E. Ash St.

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

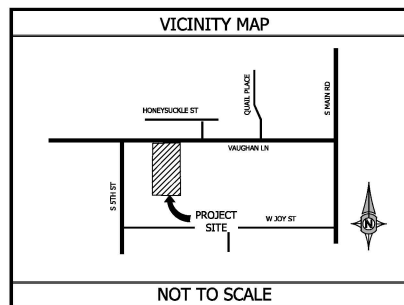
\*If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.

Land Use Review Process		Fee	Land Use Review Process		Fee
	Administrative Review	\$750		Planned Development – Preliminary	\$2,500
<input checked="" type="checkbox"/>	Administrative Review (Planning Commission)	\$1,500		Planned Development – Final (Ministerial)	\$250
	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
	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 &amp; PAYMENT

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

THE CITY THAT FRIENDLINESS BUILT

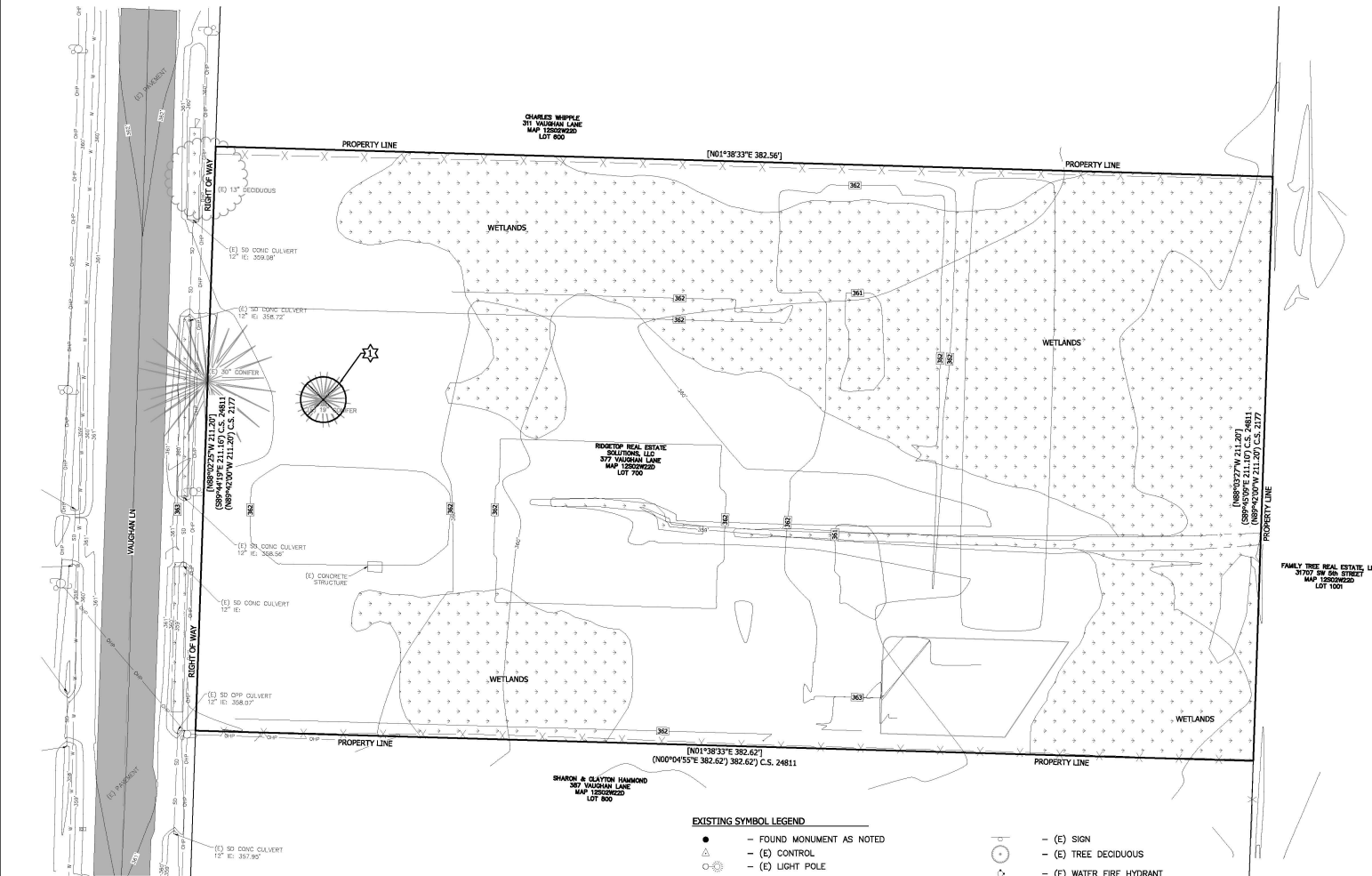


SCALE: SEE BARSCALE

COVER SHEET  
ADMINISTRATIVE REVIEW  
377 VAUGHAN LANE  
LEBANON, OREGON

DATE:	JULY 17, 2024
PROJECT:	22-358 WHALEY VAUGHAN LANE
DRAWN BY:	MLM
CHECKED BY:	BSV





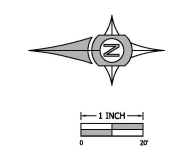
**DEMOLITION NOTES**  
 CONTRACTOR TO REMOVE AND DISPOSE OF EXISTING TREE PER CITY, COUNTY AND STATE REGULATIONS.

**TREE LEGEND**

	EXISTING DECIDUOUS TREE TO REMAIN
	EXISTING EVERGREEN TREE TO REMAIN
	EXISTING TREE TO BE REMOVED

**EXISTING SYMBOL LEGEND**

- |   |                                |   |                                   |
|---|--------------------------------|---|-----------------------------------|
| ● | — FOUND MONUMENT AS NOTED      | ○ | — (E) SIGN                        |
| △ | — (E) CONTROL                  | ○ | — (E) TREE DECIDUOUS              |
| ○ | — (E) LIGHT POLE               | ○ | — (E) WATER FIRE HYDRANT          |
| □ | — (E) MAILBOX                  | ○ | — (E) WATER METER                 |
| □ | — (E) ORNAMENTAL LIGHT         | ○ | — (E) WATER VALVE                 |
| □ | — (E) PHONE RISER              | □ | — (E) CONCRETE                    |
| — | — (E) POWER GUY ANCHOR         | □ | — (E) GRAVEL                      |
| — | — (E) POWER LIGHT POLE W/ DROP | □ | — (E) PAVEMENT                    |
| — | — (E) POWER POLE               | — | — (E) CHAINLINK FENCE             |
| — | — (E) POWER POLE W/DROP        | — | — (E) WOOD FENCE                  |
| — | — (E) POWER TRANSFORMER        | — | — (E) WIRE FENCE                  |
| — | — (E) SANITARY MANHOLE         | — | — (E) STORM DRAIN LOCATE PAINT    |
| — | — (E) SANITARY SEWER CLEAN-OUT | — | — (E) SANITARY SEWER LOCATE PAINT |
| — | — (E) STORM CATCH BASIN        | — | — (E) WATER LOCATE PAINT          |
| — | — (E) STORM CURB INLET         | — | — (E) OVERHEAD POWER              |
| — | — (E) STORM DRAIN CLEAN-OUT    | — | — (E) GAS LINE LOCATE             |
| — | — (E) STORM MANHOLE            |   |                                   |



THIS MAP WAS PREPARED FOR  
 PLANNING PURPOSES ONLY.  
 NOT FOR CONSTRUCTION

PLAN REVISIONS	DATE

**CLIENT:**  
 RIDGETOP REAL ESTATE SOLUTIONS, LLC  
 BRADEN WHALEY  
 93 EAST 75th ST  
 LEBANON, OREGON 97355  
 (541) 401-8594

**UDELL ENGINEERING  
 AND  
 LAND SURVEYING, LLC**  
 93 EAST 75th ST  
 LEBANON, OREGON 97355  
 (541) 451-5123 PH.  
 (541) 451-1366 FAX

**EXISTING CONDITIONS/DEMO PLAN  
 ADMINISTRATIVE REVIEW**  
 377 VAUGHAN LANE  
 LEBANON, OREGON

DATE: JULY 12, 2024  
 PROJECT: 223-388 WHALEY VAUGHAN LANE  
 DRAWN BY: NEM  
 CHECKED BY: NEM

Sheet **C102**

SCALE: SEE BARSCALE

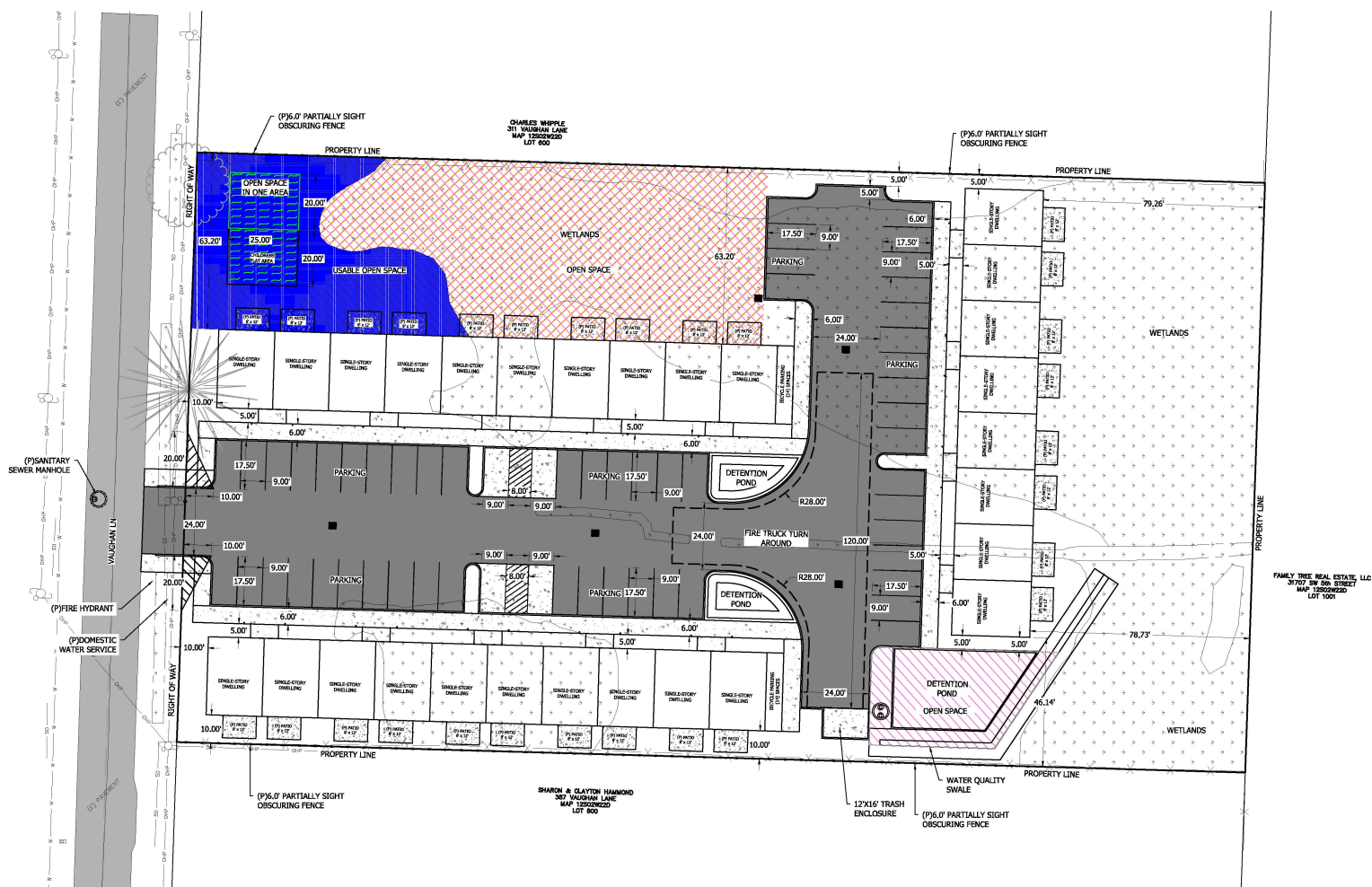
**PROJECT VERTICAL DATUM -- NAVD 88**  
 ALL ELEVATIONS ARE SHOWN ON THE VERTICAL DATUM OF NAVD 88. CONTRACTOR IS TO NOTIFY ENGINEER/SURVEYOR TWO WORKING DAYS PRIOR TO DISTURBING EXISTING SURVEY MONUMENT(S). SURVEYOR IS TO RESTORE PER COUNTY SURVEYOR REQUIREMENTS AND ORS 209.150.

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. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 332-1987).





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.

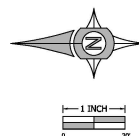






OPEN SPACE REQUIREMENTS				
TOTAL DEVELOPMENT AREA	PERCENT OF AREA	MINIMUM AREA	PROPOSED AREA	
55,337 S.F.	20%	7,290 S.F.	7,265 S.F.	DELINEATED WETLAND
	N/A	5,376 S.F.	5,376 S.F.	PATIO AREA CREDIT
	25%	8,458 S.F. (INCLUDES PATIO CREDIT)	14,900 S.F.	TOTAL OPEN SPACE
	50%	4,229 S.F.	7,000 S.F.	TOTAL USABLE OPEN SPACE
	25%	1,057 S.F.	2,000 S.F.	USABLE OPEN SPACE IN ONE AREA
		500 SF	500 S.F.	CHILDREN'S PLAY AREA

-  - 20% DELINEATED WETLAND USED IN OPEN SPACE
-  - USABLE OPEN SPACE
-  - OPEN SPACE IN ONE AREA
-  - TOTAL OPEN SPACE



THIS MAP WAS PREPARED FOR  
PLANNING PURPOSES ONLY.  
NOT FOR CONSTRUCTION

PLAN REVISIONS	DATE

Sheet **C103**

SCALE: SEE BARS SCALE

CLIENT:

RIDGETOP REAL ESTATE SOLUTIONS, LLC  
BRADEN WHALEY  
377 VAUGHAN LANE  
LEBANON, OREGON 97355  
(541) 401-8594

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC

63 EAST 45th ST.  
LEBANON, OREGON 97355  
(541) 451-5123 PH.  
(541) 451-1566 FAX

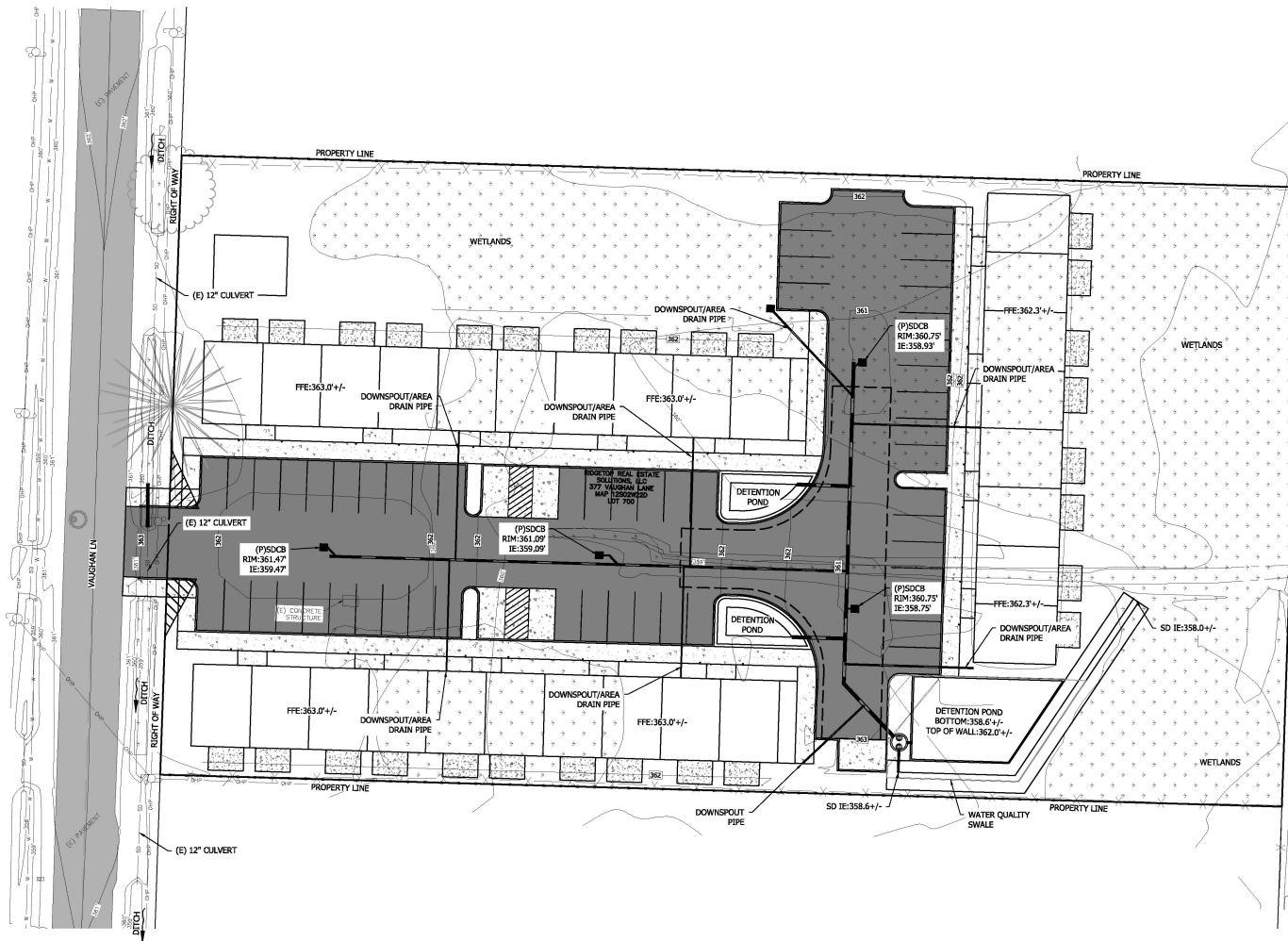
PRELIMINARY CIVIL SITE PLAN  
ADMINISTRATIVE REVIEW  
377 VAUGHAN LANE  
LEBANON, OREGON

DATE:  
JULY 12, 2024  
PROJECT:  
22338 VAUGHAN LANE  
DRAWN BY:  
NEM  
CHECKED BY:  
NEM









# GRADING LEGEND

- 562 - EXISTING SURFACE CONTOUR ELEVATION
- EXISTING SURFACE DRAIN DIRECTION
- DESIGN SURFACE DRAIN DIRECTION



1" = 20'

THIS MAP WAS PREPARED FOR  
PLANNING PURPOSES ONLY.  
NOT FOR CONSTRUCTION

PLAN REVISIONS	DATE

Sheet **C200**  
SCALE: SEE BARSCALE

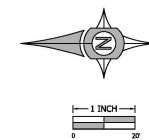
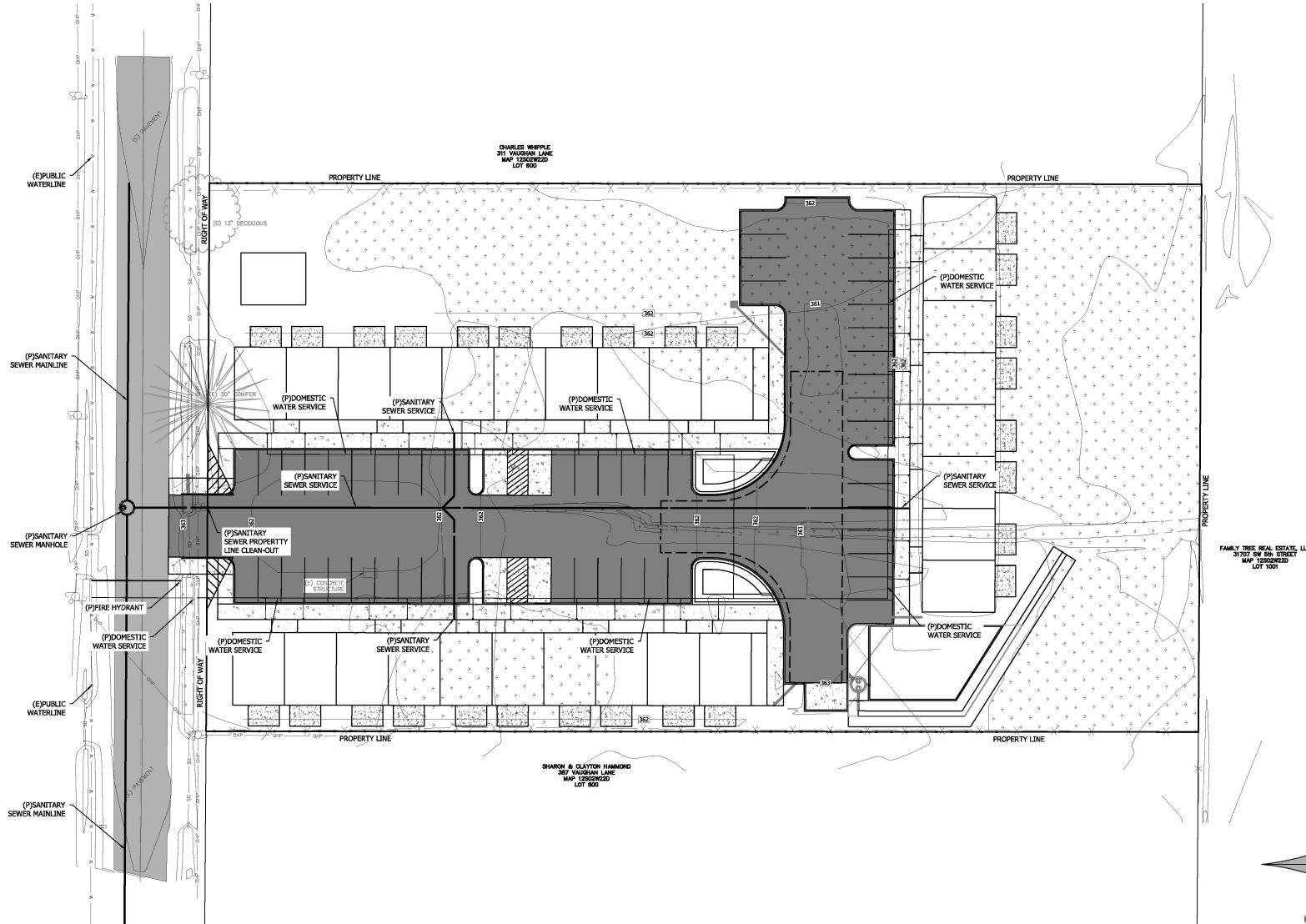
**CLIENT:**  
RIDGETOP REAL ESTATE SOLUTIONS, LLC  
BRADSHAW WEAVER ROAD  
LEBANON, OREGON 97355  
(541) 401-8594

**UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC**  
63 EAST 45th ST.  
LEBANON, OREGON 97355  
(541) 451-5123 PH.  
(541) 451-1366 FAX

**PRELIMINARY GRADING & DRAINAGE  
ADMINISTRATIVE REVIEW  
377 VAUGHAN LANE  
LEBANON, OREGON**

DATE: JULY 12, 2024  
PROJECT: 377 VAUGHAN LANE  
DRAWN BY: MUM  
CHECKED BY: MUM





THIS MAP WAS PREPARED FOR  
PLANNING PURPOSES ONLY.  
NOT FOR CONSTRUCTION

PLAN REVISIONS	DATE

Sheet **C400**  
SCALE: SEE BARSCALE

**PRELIMINARY UTILITY PLAN**  
**ADMINISTRATIVE REVIEW**  
**377 VAUGHAN LANE**  
**LEBANON, OREGON**

**UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC**  
63 EAST 45th ST.  
LEBANON, OREGON 97355  
(541) 451-5123 PH.  
(541) 451-1366 FAX

**CLIENT:**  
**RIDGETOP REAL ESTATE SOLUTIONS, LLC**  
BRADEN WHALEY  
10000 W. 10th AVE.  
LEBANON, OREGON 97355  
(541) 401-8594



DATE: JULY 12, 2024  
PROJECT: 377 VAUGHAN LANE  
DRAWN BY: MUM  
CHECKED BY: MUM



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. S-24-04

Date: September 5, 2024

### I. BACKGROUND

Under consideration is a proposed 35-lot, 1-tract subdivision of the property located at the northeast corner of S 5th Street and Joy Street. The property is currently assigned an address of 31707 S 5th Street, and the Linn County Tax Assessor Map number is 12S 02W 22D, tax lot 1001. The subject property is 6.39 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). One property to the north is within city limits, zoned Residential Mixed Density, and is being considered by the Planning Commission for an apartment development. 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 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 6.39-acre site into 35 residential lots, two tracts for storm drainage improvements, and the creation of a new public street. The Planning Commission approved this site in 2022 for a 23-lot subdivision, designed with larger lots to develop duplex properties. This proposal includes increasing the number of lots to 35 to provide single-family dwellings based on the applicant's narrative regarding traffic impact calculations. However, per HB2001, a duplex may also be permitted on any parcel where a single-family dwelling is allowed.

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. A city-maintained drainage ditch is on the southern portion of the subdivision. A 20-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. Additional planning permits will be required if any other housing development is proposed.

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 5<sup>th</sup> Street is identified as a Collector Street in the Transportation System Plan, which requires 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 along the street's northern portion. 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. Therefore, street improvements would not include a traditional sidewalk and landscape strip but would consist of a full-width street improvement for roadway pavement.

As part of the subdivision, a new public street is proposed with a connection to S 5<sup>th</sup> Street, ending in a cul de sac toward the property's eastern end. Kingdom Drive would also be extended north from Joy Street to the new public road. At the end of the cul de sac, a private street extension is proposed to provide access to twelve lots. The new public local streets would be 50 feet wide and improved with curbs, gutters, five-foot wide sidewalks, and a 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 27-foot storm drainage easement reducing the building lot area. It was determined that on-street parking on both sides of the street would be a greater public benefit than landscape strips. The TSP authorizes the Engineering Department this level of deviation.

For the eastern portion of the subdivision, a private street is proposed from the terminus of the cul de sac through lots 27-35 and including lots 1-3. The private street is proposed to be 32 feet, improved with a two-lane roadway and parking and sidewalk on one side of the street. A maximum of 16 dwellings are permissible on a private street, with 12 lots served on the private street; not all lots would be eligible for duplex development.

The Development Code establishes maximum block lengths for new subdivisions 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 the street network to the south.

For traffic analysis, based on 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 35 new lots, each of which could be developed with a single dwelling unit. The construction of 35 dwelling units would add about 330 new vehicle trips

per day to the public street system. About 33 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 a development application when there is an increase in site traffic volume generation by 300 Average Daily Trips. A total of 330 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 an 8-inch water main in Joy Street. There is also a 16-inch water main in S 5<sup>th</sup> Street, and the City recently constructed the Westside Interceptor sewer main in S 5<sup>th</sup> Street along the property frontage, which would be the primary sewer connection. An extension of both mains is proposed within this application through the length of the new public street. Upon development, a new sewer and water lateral connection will be made to the public main from each lot. A public storm drainage ditch is available on the southern portion of the subdivision site with a 20-foot easement over the site. The required stormwater detention facility is provided as Tract A in the subdivision.

Finally, the site includes identified wetlands. A wetland delineation showing portions of the site encumbered with wetlands has been provided as part of the subdivision application. 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 before the 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 35-lot, one-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 – 35 range 5,005 square feet to 7,029 square feet with widths exceeding 50-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 Articles Two and Three would be evaluated upon the development proposal.

The subject property has a frontage along South Fifth Street and West Joy Street. Both rights-of-way have not been fully improved to city standards. South Fifth Street is classified as a collector street with an existing right-of-way width of 60 feet, a turnpike-style design, 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 a drainage ditch along the north side. Therefore, partial street improvements will be required along South Fifth Street and West 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 roads 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 standard public street design deviation to eliminate the landscape planter strips from the right-of-way to provide on-street parking on both sides of the street. The proposed public streets will be built to full city standards 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 with Chapter 16.12; as such, the proposal conforms with Articles Two and Three.

For the eastern portion of the subdivision, a private street is proposed from the terminus of the cul-de-sac to serve Lots 1-3 and Lots 28-35. The private street is proposed to be 27 feet wide, which, per Section 16.13.030.N, permits a maximum of sixteen dwelling units. A maximum of five duplex units would be eligible to be constructed off the proposed private street.

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 the street network to the south. As such, this criterion has been met.

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:** Following Oregon Revised Statute (ORS) 92.090, subdivision plat names are subject to approval of the county surveyor. No preliminary subdivision plat that bears a name similar to or pronounced the same as the name of any other division in the same county will be approved. 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 party 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, named 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 35-lot, one-tract residential subdivision on the northeast corner of SW 5<sup>th</sup> 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 5<sup>th</sup> 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 along the street's northern portion. 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. Therefore, Joy Street improvements would not include a traditional sidewalk and landscape strip but would consist of a full depth half street improvement for pavement.

As part of the subdivision, a new public street is proposed with a connection to S 5<sup>th</sup> Street, ending in a cul de sac toward the property's eastern end. Kingdom Drive would be extended north from Joy Street to the new public road to provide connectivity between the existing subdivision to the south and meet the block length standards. The new local streets would be 50 feet wide and improved with curb, gutter, a five-foot-wide sidewalk, and a 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 20-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 for a stormwater retention pond and water quality system. A private street is also depicted on the map for Lots 27-35 and Lots 1-3. With the common areas shown on the preliminary plat, this criterion 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 they are included in the final plat. As such, this criterion 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 the height limitations of the conical surface area. There are no steep slopes in the subject property. The applicable Flood Insurance Rate Map for the subject site is 41043C0568G, dated September 29, 2010. Based on this FIRM, the subject property is located entirely outside the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. The subject property is over 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. Still, 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:** The minimum lot size and width within the RM zone are 5,000 square feet and 50 feet for a single-family detached dwelling and duplexes. As shown on the preliminary plat, the net lot sizes of Lots 1 – 35 range from 5,005 square feet to 7,026 square feet with widths exceeding 50 feet. Therefore, the lots comply with the dimension requirements of the RM zone for townhouses, zero lot lines, single-family detached, or duplex uses found in Article Two. Setbacks and other development-specific standards found in Articles Two and Three would be evaluated upon the 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.

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 Findings 1-6 above and incorporated here by reference, the proposed parcels comply 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.

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

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, which 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.

LDC 16.13.030.N allows the development of private streets for access to 16 or fewer dwelling units when they are not used to avoid connection with public streets and in conformance with the City Standards for Private Streets.

Lots 4 – 27 will have frontage over 14 feet and direct access to a public street. Lots 1-3 and 28-35 will gain access to the public right-of-way via a 27-foot-wide private street in conformance with Figure 15 of the Lebanon Transportation System Plan. With the public roads, private streets, lot frontage, and lot access designed according to the Development Code and TSP standards, this criterion has been met.

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 to the development proposal. For screening, development conditions have been included to require all fencing to meet the vision clearance requirements, and specific lots at intersections of streets shall meet the sight distance triangle evaluation. Fencing has also been conditioned for Lots 1-13 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 criterion 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 roadway upon the completion of proposed street improvements. A fire hydrant will 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 criterion 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:** As shown on the preliminary plat, a private street is provided to serve Lots 27-35 and 1-3, 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 and 8-inch water main in Joy Street. There is also a 16-inch water main in S 5<sup>th</sup> Street, and the City has recently completed the Westside Interceptor sewer main in S 5<sup>th</sup> Street along the property frontage, which would be the primary 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 require installing a new sewer and water lateral connection to the public main. A public storm drainage ditch is available on the southern portion of the subdivision site with a 20-foot easement over the site. The required stormwater detention facility is provided as Tract A 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 20-foot storm drainage easement over the southern portion of the subdivision and an access easement proposed between Lots 27-35 and 1-3. No other easements are proposed within this subdivision. With the access, utility extensions, and easements identified, this criterion has been met.

#### IV. PUBLIC NOTIFICATION AND COMMENTS

A public notification for this project was issued on August 26, 2024. At the time of publishing the Planning Commission agenda, one public comment was received from members of the public and included in the agenda packet. In addition, the Fire District, Engineering Department, and Building Department received comments and have been incorporated as conditions of development for the application.

Any public comments received before 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 1-13.
  - 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, 4 and 14 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 27-35 and 1-3 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 one tract 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:
 

General

  - 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.
  - 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, 4, 14, and tract A will require intersection sight distance and a clear vision design submitted for review and approval from the City Engineer.
- l. Sidewalks, paths, and driveway approaches must comply with ADA requirements.
- m. Sidewalks adjacent to the detention pond shall be constructed with public improvements.
- n. Provide city standard streetlights and show the layout of public improvement plans.
- o. Postmaster must approve cluster mailbox locations.
- p. Provide verification of Republic Services approval of location and turnaround access to garbage and recycling containers.
- q. Provide verification from emergency services & Linn County surveyor for new street names

## Water

- r. Identify any on-site wells on the engineered drawings. Wells must be capped and abandoned according to state and county regulations before connection to the public water system.
- s. The Lebanon Fire Marshal shall approve the number and location of fire hydrants. All new hydrants must be operational and accepted by the City prior to storing 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 duration time using the curve (fig 5.3) in the master plan. A detailed design, including engineering calculations, shall be submitted as part of the site plan review.

- v. With the engineering drawings, provide a grading plan for the sites that indicate 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 conditions 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 and constructed with public improvements.

#### 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 the lots through the private street.

#### 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-24-04) for the 35-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-24-04) for the 35-lot subdivision, adopting modified findings for the decision criteria and conditions of development; or
- 3. Deny the proposed Subdivision application (S-24-04) for the 35-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.



## Tammy Dickey

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**From:** Roxie Hale <outlook\_D7AC1F266452E337@outlook.com> on behalf of Roxie Hale <rhs3308@yahoo.com>  
**Sent:** Saturday, September 7, 2024 1:03 PM  
**To:** Kelly Hart  
**Subject:** [CAUTION: SUSPECT SENDER] subdivision/planning case S-24-04

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Warning! This message was sent from outside your organization and we are unable to verify the sender.

My name is Roxanne Hale and I live on the corner of W. Joy and Kingdom. I do not approve of the addition of 35 lots. My concern is the possible problems with the fire and police departments being able to handle the additional people moving into this area along with the towns infrastructure. Feel that since they have removed all the trees and scrubs they realize that they have more ground. Now it appears it is becoming more of just making money and nothing else. The owner of the land who use to live across from this space moved and now resides in Colorado so he doesn't have to deal with everything that is going on. Leave it at the 23 lots and put in a green area or park to make up for all the trees they removed. I would rather see a new grocery store built somewhere in town. Walmart can't keep shelves stocked.

And please explain why they are currently working on the ground. They have been digging a big hole and ditch.

Sent from [Mail](#) for Windows





## NOTICE OF PUBLIC HEARING LEBANON PLANNING COMMISSION

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

<b>Planning Case No.:</b>	S-24-04
<b>Applicant:</b>	Family Tree Real Estate / Mark Schneider
<b>Location:</b>	31707 S 5 <sup>th</sup> Street
<b>Map &amp; Tax Lot No.:</b>	12S02W22D 01001
<b>Request:</b>	Subdivision
<b>Decision Criteria:</b>	Lebanon Development Code Chapters: 16.05, 16.20 & 16.22

**Request:** The applicant is requesting approval to for a 35-lot subdivision.

**Providing Comments:** The city will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, September 17, 2024**. Written testimony may be emailed to [kelly.hart@lebanonoregon.gov](mailto:kelly.hart@lebanonoregon.gov) or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



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

If you wish to address the Commission under Public Comments or for a Public Hearing, click: [https://zoom.us/join/zoom/register/tJ0pfuqqrzMjEtVNTiF22h\\_nOZcc1N-kuy-](https://zoom.us/join/zoom/register/tJ0pfuqqrzMjEtVNTiF22h_nOZcc1N-kuy-) to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register ONLY if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: [https://youtube.com/live/U42L2C\\_XMnY?](https://youtube.com/live/U42L2C_XMnY?)

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

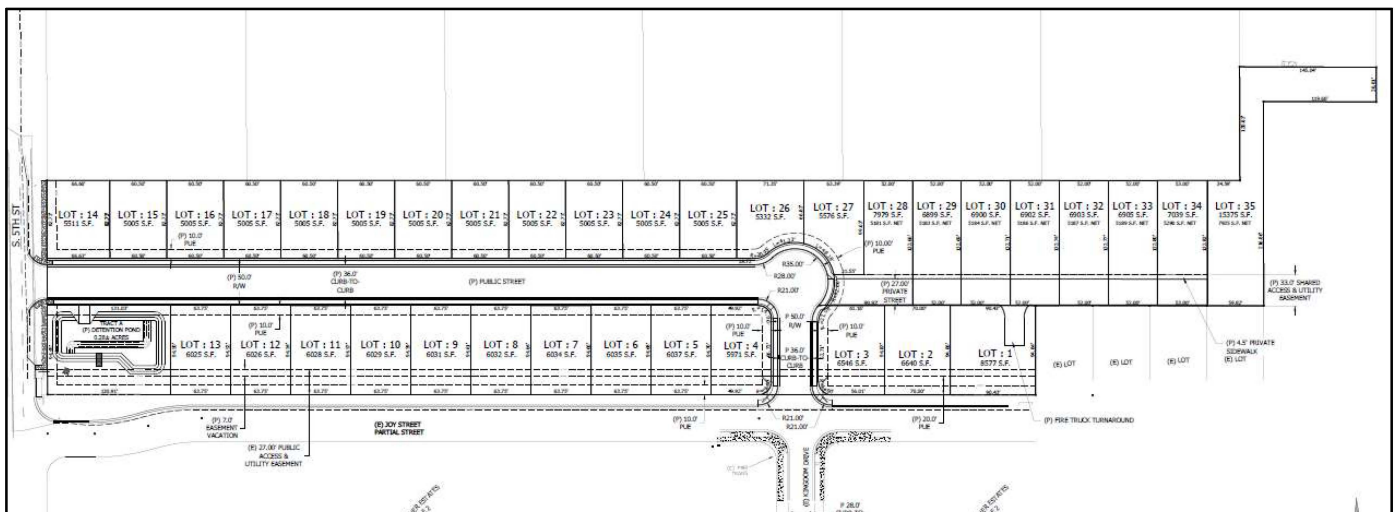
**CITIZENS ARE INVITED TO PARTICIPATE** in the public hearing and give written or oral testimony as described above that address applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence 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@lebanonoregon.gov](mailto:cdc@lebanonoregon.gov)

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.

## PROPOSED TENTATIVE PLAT



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## SUBDIVISION APPLICATION

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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 <a href="mailto:huntbybows@yahoo.com">huntbybows@yahoo.com</a>
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355  Contact: Laura LaRoque Email: <a href="mailto:laural@udelleng.com">laural@udelleng.com</a> Phone: (541) 990-8661
Site Location:	31707 South Fifth 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 Fifth Street)
Surrounding Uses:	North: Single-Family Residential South: Single-Family Residential East: Non-Profit/Education – Kidco Head Start West: Single-Family Residential



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## I. Project Overview

The applicant requests approval of a 35-lot, 1-tract residential subdivision "Cedar River Estates" for a property located north of West Joy Street between South Fifth Street and South Main Street. The property has an assigned address of 31707 South Fifth 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 proposal includes a preliminary plan to subdivide the existing 6.31-acre site into 35 residential lots, one tract for storm drainage improvements, and the creation of a new public and private street system. On the southern portion of the subdivision parcel there is a City maintained drainage ditch. A 20-foot easement has been established over the drainage ditch for maintenance purposes. Wetlands have been identified on-site and all necessary permits will be obtained prior to disturbance and/or mitigation of these wetlands.

No development has been proposed as part of the subdivision. 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. If the subdivision is approved, a single-family or duplex dwelling unit is outright permitted on each 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 a new development be improved to City standards. South Fifth Street is classified as a collector street in the Lebanon Transportation System Plan which typically requires 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 a connection to South Fifth 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-feet 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 20-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, a private street is proposed from the terminus of the



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cul-de-sac to serve Lots 1-3 and Lots 28-35. The private street is proposed to be 27 feet wide, which per Section 16.13.030.N, a maximum of sixteen dwelling units may be permitted. As such, a maximum of five duplex units would be eligible to be constructed off the proposed private street.

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 35 new vacant lots, each of which could be developed with a single dwelling unit. Construction of 35 dwelling units would add about 330 new vehicle trips per day to the public street system. About 33 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 330 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 South Fifth Street, and the City is currently constructing the Westside Interceptor sewer main in South Fifth 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 the southern portion of the subdivision site with a 20-foot easement over the site. The required stormwater detention facility is provided as Tract A in the subdivision.

Finally, the site includes identified wetlands. As part of the subdivision application, a wetland delineation has been provided showing portions of site incumbered with wetlands. A condition will be 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.



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## 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. LDC 16.22.030(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: Pre-application meetings were conducted mid-2022 and July 9, 2024.

- 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:



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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.

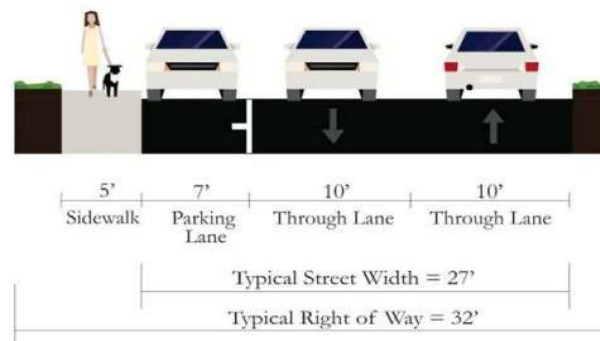
FINDINGS: According to LDC 16.12.020(B)(1)(2), a single parcel must abut a street for a minimum width of 14-feet including a minimum 12-foot-wide driveway. According to LDC 16.12.020(B)(2), two adjacent parcels must abut a street for a minimum of 24-feet with a minimum of 12-feet for each parcel that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

LDC 16.13.030.N allows the development of private streets for access of 16 or fewer dwelling units when they are not used to avoid connection with public streets and in conformance with City Standards for Private Streets, Figure 15 in the Transportation System Plan and with the Oregon Fire Code and Lebanon Fire District's requirements.

Figure 15 of the TSP illustrates a standard cross-section for a private street in the City of Lebanon.

Figure 15. Private Roadway (16 or fewer dwelling units only)



Lots 4 – 27 will have frontage in excess of 14 feet and direct access to a public street. Lots 1-4 and 28-35 will gain access to the public right-of-way via a 27-foot-wide private street in conformance with Figure 15 of the Lebanon Transportation System Plan.

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 criterion has been met.

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 South Fifth Street and West 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.

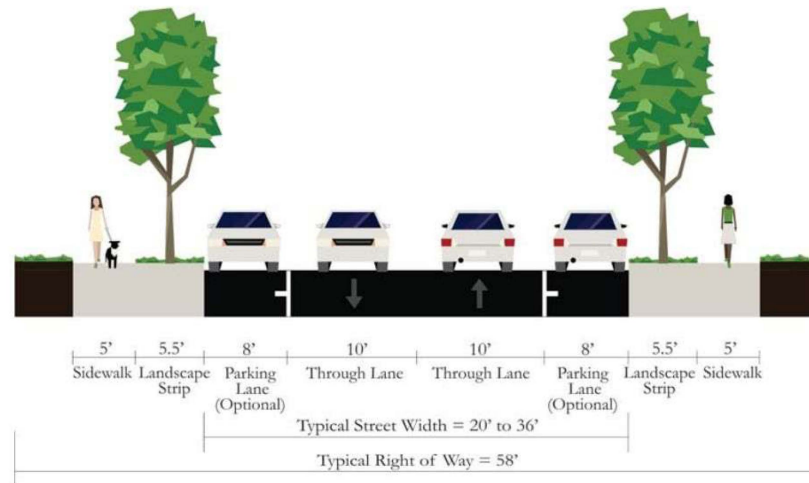
FINDINGS: According to LDC 16.12.030.F, when vehicle access is required for development, access must be provided by an alley, private street or shared driveway, or public street, and a minimum of 12 feet per lane is required.

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.

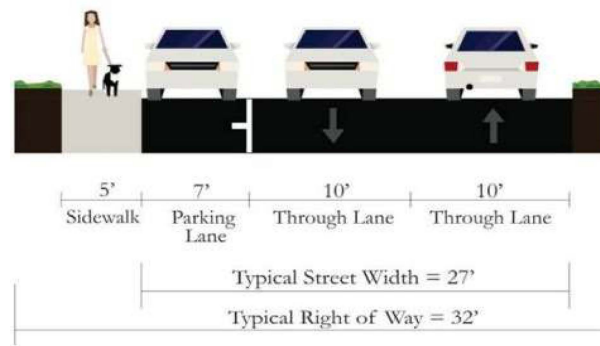
Therefore, a variance to the standard local street width is requested to allow curbside sidewalks as opposed to curbside landscaping strips, thus reducing the right-of-way width from the standard of 58-feet to 50-feet, but still accommodating travel lanes in either direction and parking on both sides 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 except for Lots 1-3 and 28-35, which will have access via a 27-foot-wide private street.

LDC 16.13.030.N allows the development of private streets for access of 16 or fewer dwelling units when they are not used to avoid connection with public streets and in conformance with City Standards for Private Streets, Figure 15 in the Transportation System Plan and with the Oregon Fire Code and Lebanon Fire District's requirements.

Figure 15 of the TSP illustrates a standard cross-section for a private street in the City of Lebanon.

Figure 15. Private Roadway (16 or fewer dwelling units only)



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 35 new vacant lots, each of which could be developed with a single dwelling unit. Construction of 35 dwelling units would add about 330 new vehicle trips per day to the public street system. About 33 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 330 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, which found the presence of Wetlands on the subject property. As such, a Joint Permit Application has been 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 – 35 range 5,005 square feet to 7,029 square feet with widths exceeding 50-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 a frontage along South Fifth Street and West Joy Street. Both rights-of-way are not fully improved to city standards. South Fifth 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 South Fifth Street and West 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 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 on 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.

For the eastern portion of the subdivision, a private street is proposed from the terminus of the cul-de-sac to serve Lots 1-3 and Lots 28-35. The private street is proposed to be 27 feet wide, which per Section 16.13.030.N, a maximum of sixteen dwelling units may be permitted. As such, a maximum of five duplex units would be eligible to be constructed off the proposed private street.

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.

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 are depicted in the provided plan set, Sheets C2.0-C4.0.

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 South Fifth Street, and the City is currently constructing the Westside Interceptor sewer main in South Fifth 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 the southern portion of the subdivision site with a 27-foot easement over the site. The required stormwater detention facility is provided as Tract A in the subdivision.

The proposed preliminary plat will result in a 35-lot, 1-tract residential subdivision on the northeast corner of South Fifth 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. South Fifth 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 a connection to South Fifth 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 27-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. 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.



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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 – 35 range from 5,005 square feet to 7,026 square feet with widths exceeding 50 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-foot 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).

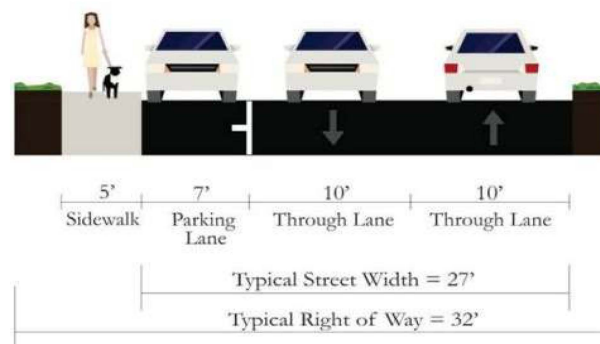
FINDINGS: According to LDC 16.12.020(B)(1)(2), a single parcel must abut a street for a minimum width of 14-feet including a minimum 12-foot-wide driveway. According to LDC 16.12.020(B)(2), two adjacent parcels must abut a street for a minimum of 24-feet with a minimum of 12-feet for each parcel that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

LDC 16.13.030.N allows the development of private streets for access of 16 or fewer dwelling units when they are not used to avoid connection with public streets and in conformance with City Standards for Private Streets, Figure 15 in the Transportation System Plan and with the Oregon Fire Code and Lebanon Fire District's requirements.

Figure 15 of the TSP illustrates a standard cross-section for a private street in the City of Lebanon.

Figure 15. Private Roadway (16 or fewer dwelling units only)



Lots 4 – 27 will have frontage in excess of 14 feet and direct access to a public street. Lots 1-4 and 28-35 will gain access to the public right-of-way via a 27-foot-wide private street in conformance with Figure 15 of the Lebanon Transportation System Plan.

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 the building permit review process.

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 1-4 and 28-35 will benefit from a reciprocal access easement with coordinated maintenance agreement. A reciprocal access and maintenance agreement shall be filed as part of the final plat process.

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

FINDINGS: Findings related to access and circulation are provided in the sections 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 Fifth Street, and the City is currently constructing the Westside Interceptor sewer main in S Fifth 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 the southern portion of the subdivision site with a 27-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 27-foot storm drainage easement over the southern portion of the subdivision, and an access easement proposed between Lots 4-13. A 27-foot-wide private street is proposed to serve lots 1-3 and 28-35. A reciprocal access and maintenance agreement for the private street shall be filed as part of the final plat process. No other

easements are proposed within this subdivision. With the access, utility extensions and easements identified, this criterion has been met.

- 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



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# LAND USE APPLICATION

## PROPERTY INFORMATION

Site Address(es): 31707 SW 5TH ST LEBANON OR 97355

Assessor's Map & Tax Lot No.(s): 12S02W22-D0-01001

Comprehensive Plan Designation / Zoning Designation: C-RM / Z-RM

Current Property Use: unimproved

Project Description:

35-Lot Tentative Subdivision Plat with associated site and utility improvements

## 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 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.*

APPLICANT SIGNATURE

Date:

## PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner: Family Tree Real Estate, LLC c/o Mark Schneider Phone: (541) 409-8774

Address: 470 53rd Avenue NW Email: huntbybows@yahoo.com

City/State/Zip: Salem, OR 97304

OWNER SIGNATURE *Mark A. Schneider* Date: *8/8/24*

## ADDITIONAL CONTACT INFORMATION

Engineer / Surveyor: Brian Vandetta; Udell Eng. & Land Surveying, L 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

**APPLICATIONS**

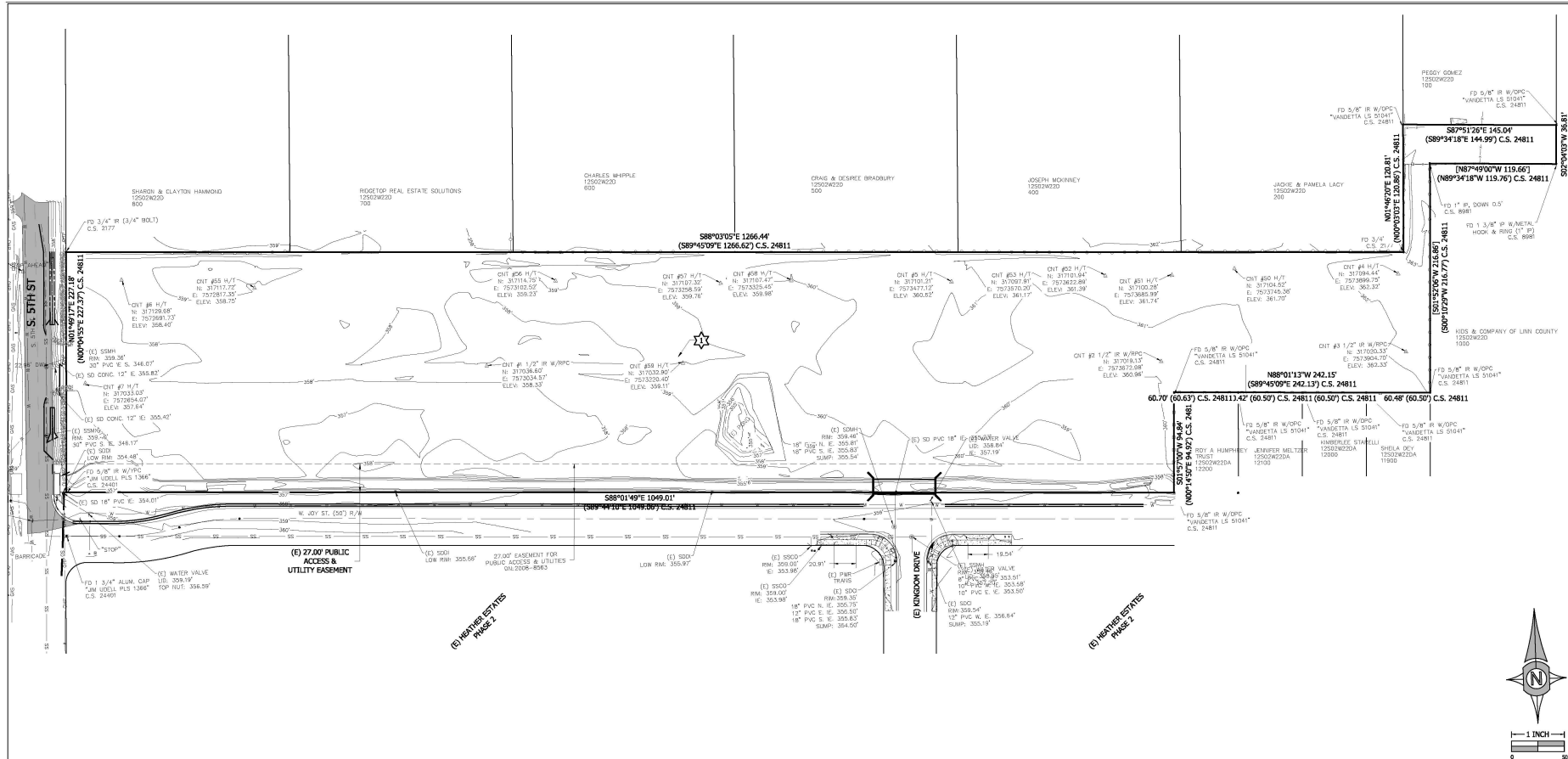
\*If more than one review process is required, applicant pays highest priced fee, then subsequent applications charged at half-price.

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)	\$250
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

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
- MH - MANHOLE
- CB - CATCH BASIN
- CD - CLEAN OUT
- PP - UTILITY POLE
- IE - INVERT ELEVATION (FLOW LINE)
- FF - FINISH FLOOR
- R.O.W. - RIGHT-OF-WAY
- PD - FOUND
- CS - COUNTY SURVEY
- JR - IRON ROD
- R - RADIUS
- BO - BLOWOFF
- S.L. - STREET LIGHT
- TC - TOP FACE OF CURB
- BW - BACK OF WALK
- CL - CENTERLINE
- PH - FIRE HYDRANT
- CI - CURB INLET
- T.O.P. - TOP OF PIPE
- FL - FLOW LINE
- PUE - PUBLIC UTILITY EASEMENT
- EX OR (E) - EXISTING
- (P) - PROPOSED
- PE - PLAIN END
- FLGD 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
- MU - MECHANICAL JOINT
- D.I. - DUCTILE IRON
- WFL - WATERLINE
- TW - TOP OF WALL
- SOAD - 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  
hurdybowl@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.

### PLAN REVISIONS

### DATE



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

**EXISTING CONDITIONS**  
**CEAR RIVER ESTATES**  
**SUBDIVISION**  
**LEBANON, OREGON**

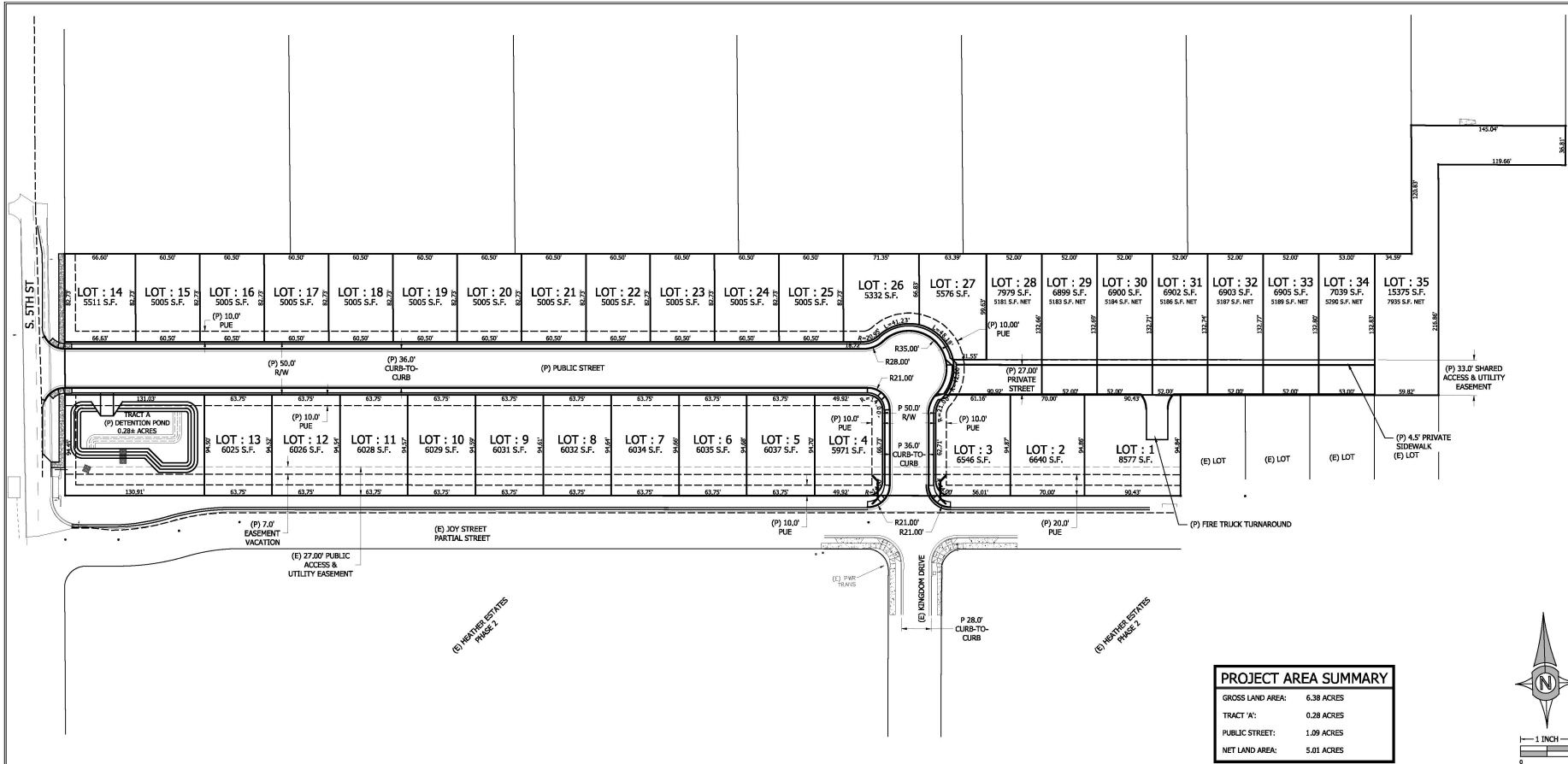
**DATE:** AUGUST 12, 2022  
**PROJECT:** 22.13P SCHNEIDER JOY ST  
**DRAWN BY:** BSA/AM  
**CHECKED BY:** BSA/AM

**THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY**

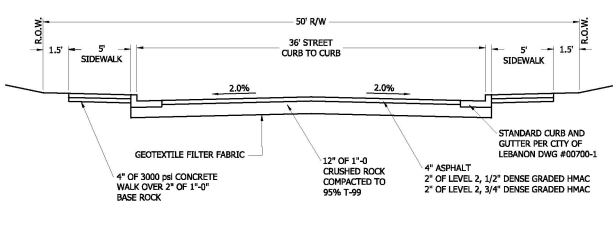
Sheet **C1.0**

SCALE: SEE BARSCALE

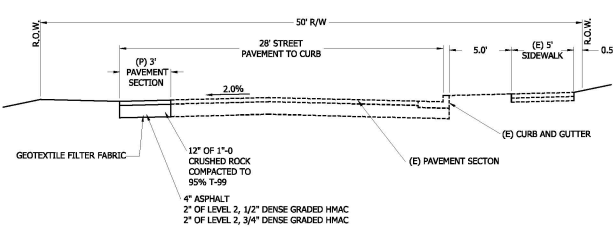




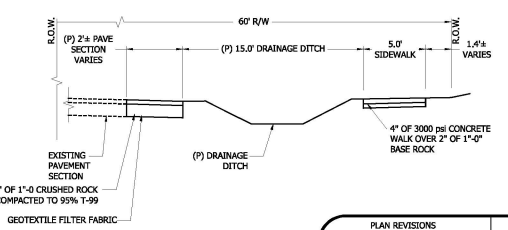
PROJECT AREA SUMMARY	
GROSS LAND AREA:	6.38 ACRES
TRACT 'A':	0.28 ACRES
PUBLIC STREET:	1.09 ACRES
NET LAND AREA:	5.01 ACRES



1 PUBLIC STREET SECTION  
C2.0 NO SCALE



2 JOY STREET SECTION  
C2.0 NO SCALE



3 5TH STREET SECTION  
C2.0 NO SCALE

PLAN REVISIONS	DATE

**CLIENT:**  
FAMILY TREE REAL ESTATE, LLC  
ATTN: MARK SCHNEIDER  
370 W. JOY STREET  
LEBANON, OR 97355  
(541) 405-8774  
humboldt@familytree.com

**UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC**  
63 EAST 45th ST.  
LEBANON, OREGON 97355  
(541) 451-5125 PH.  
(541) 451-1366 FAX

**TENTATIVE LOT LAYOUT  
CEDAR RIVER ESTATES  
SUBDIVISION  
LEBANON, OREGON**

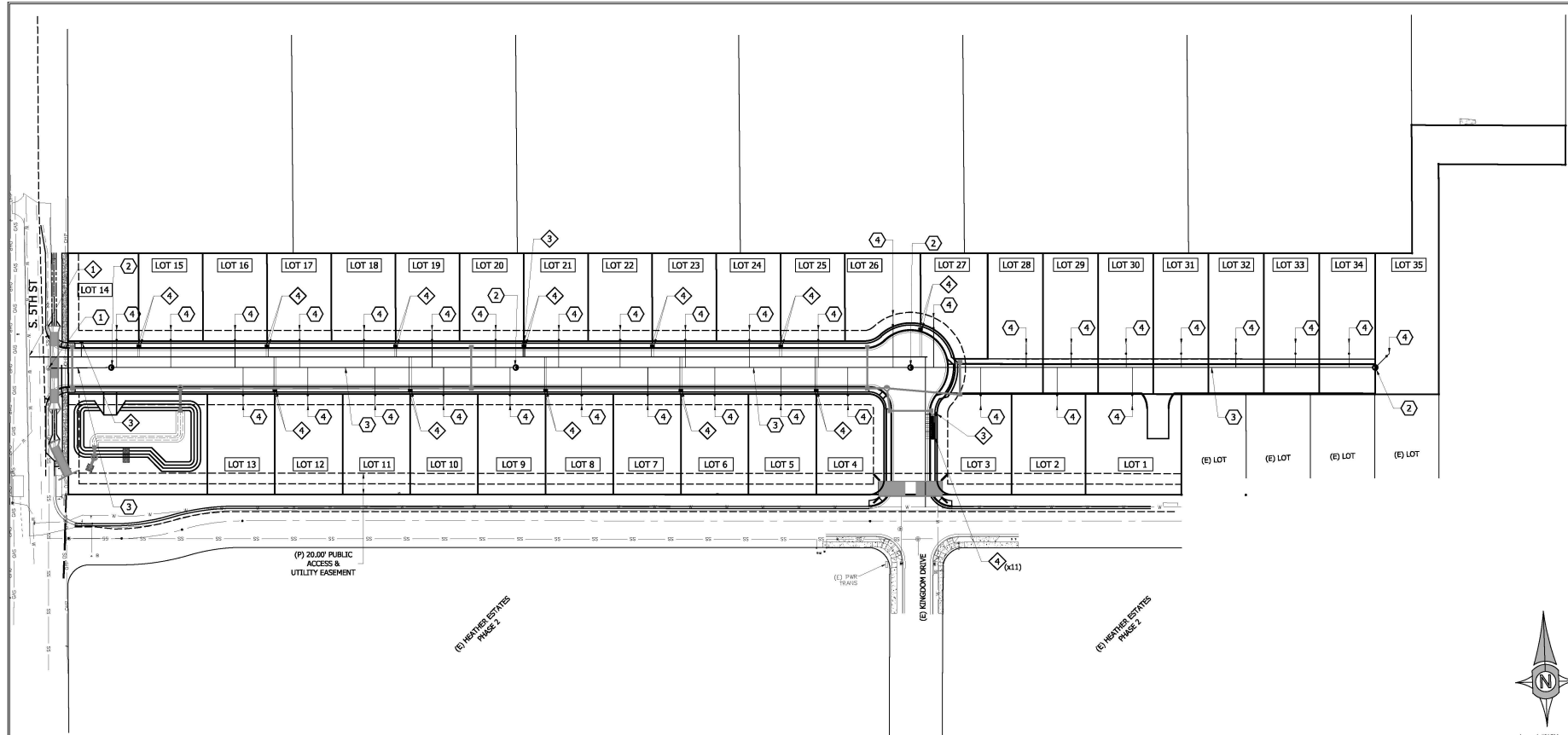
DATE: AUGUST 12, 2022  
PROJECT: 22.13P SCHNEIDER JOY ST  
DRAWN BY: BSW, ALM  
CHECKED BY: BSW  
BY

THIS MAP WAS  
PREPARED FOR  
PLANNING  
PURPOSES ONLY

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







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 6-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 PUE. INCLUDING:

- \* NW NATURAL GAS
- \* COMMUNICATIONS
- \* POWER

PLAN REVISIONS	DATE

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST 45th ST.  
 LEBANON, OREGON 97355  
 (541) 451-5123 PH.  
 (541) 451-1366 FAX  
[hunt@udellex.com](mailto:hunt@udellex.com)

**PRELIMINARY UTILITY PLAN**  
**CEDAR RIVER ESTATES SUBDIVISION**  
**LEBANON, OREGON**

DATE: AUGUST 12, 2022  
 PROJECT: 22-137 SCHNEIDER XY ST  
 DRAWN BY: BSW, ALM  
 CHECKED BY: BSW  
 BY:

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

Sheet **C3.0**

SCALE: SEE BARSCALE





STORM DRAIN NOTES	
1	CONNECT TO EXISTING STORM DRAIN OUTLET.
2	IF STORM WATER CONTAMINANCE PPE, SIZE TO BE DETERMINED WITH BUILDING PERMIT SET.
3	P/F FLOW CONTROL MANHOLE.
4	P/F STORM DRAIN MANHOLE.
5	P/F STORM DRAIN CURB INLET.
6	P/F STORM DRAIN CURB INLET.
7	P/F WATER QUALITY SWALE.
8	P/F RE-APPE OVERFLOW.
9	P/F STORM DRAIN DETENTION POND.
10	P/F BOX CULVERT WITH WING WALLS.

### GRADING LEGEND

[illegible]

Sheet **C4.0**

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*





925 S. Main Street  
Lebanon, Oregon 97355

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

Item # 4.

# MEMORANDUM

## *Community Development*

To: Lebanon Planning Commission  
From: Kelly Hart, Community Development Director  
Subject: Planning File No. A-24-02

Date: August 26, 2024

### I. BACKGROUND

Under consideration is the proposed annexation of the property on the north side of W B Street, east of S 9<sup>th</sup> Street (785 W B Street, 12S 02W 10CD, tax lot 2800), including the portion of B Street from the eastern property line to S 9<sup>th</sup> Street. The subject property is approximately 0.181 acres, with 70 feet of street frontage along W B Street. The properties to the north and west are located within city limits; therefore, the site is contiguous to city boundary limits and is eligible for annexation.

The property is in a developed residential neighborhood. To the north, east, south, and west are residential properties improved with single-family homes and townhomes within the County and city with a comprehensive plan designation and/or zoning designation of Residential Mixed Density (C/Z-RM).

The subject property is currently improved with a single-family dwelling. City utility services are available in S 9<sup>th</sup> Street. Upon annexation, the Applicant may extend utilities to and through the site for utility services.

### II. CURRENT REPORT

The site's Comprehensive Plan Designation is Residential Mixed Density (C-RM). Per Table 16.26-1 in Section 16.24.040 of the Lebanon Development Code (LDC), the designated zoning classification for the site would be Residential Mixed Density (Z-RM). The Applicant has indicated acceptance of the Z-RM zoning designation and is not proposing a Comprehensive Plan Map Amendment.

Per Section 16.24.040 of the LDC, anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the Urban Growth Area are already accounted for in the City's Facilities Plans, including the Transportation System Plan. Annexation of the land in the Urban Growth Area is already factored into the City's Facility Plans, and no revisions of those plans are necessitated when, following annexation, an area is assigned the zoning classification that follows the adopted Comprehensive Plan Map designation. As the Applicant proposes accepting the automatic zoning designation of Residential Mixed Density, no further analysis of modification to the Facility or Transportation Plan is necessary.

### III. REVIEW CRITERIA AND RECOMMENDED FINDINGS

The subject property is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.

Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. The findings are combined to avoid duplication:

1. Annexation Ordinance Section 2. - All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA) and shall be consistent with applicable State law.

**RECOMMENDED FINDING:** The application site is located within the City of Lebanon's Urban Growth Boundary and is contiguous with city limits; therefore, it is eligible for annexation per the Annexation Ordinance and the Municipal and Development Codes. The annexation does not include a Comprehensive Plan Map Amendment. The applicant accepts the initial Residential Mixed Density zoning designation, consistent with the Comprehensive Plan Designation and the pre-designation identified in the Lebanon Development Code. With the assignment accepted as identified in the Comprehensive Map, it is determined that the annexation has already been accounted for in the City's Facilities Plan, including the Transportation System Plan. The site complies with the Annexation requirements.

2. Annexation Ordinance Section 3. - All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

**RECOMMENDED FINDING:** The Annexation Ordinance policies are consistent and often mirror the Comprehensive Plan Annexation Policies. The State acknowledges that the

City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all relevant policies.

More Specifically, this annexation supports the goals and policies under Chapter 4: Land Use and Chapter 6: Housing. In Section 2.3 of Chapter 4 of the Comprehensive Plan, all areas annexed into the City are automatically placed in a zoning classification per the Adopted Comprehensive Plan and Map. The adopted comprehensive plan map identifies the subject property as Residential Mixed Density, with the zoning designation of Residential Mixed Density. As the annexation does not include a proposal to modify the zoning designation, the annexation is consistent with the land use goals established by the Comprehensive Plan. Based on the 2019 Housing Needs Assessment completed by the City, there is a need for 291 acres of low-density development acreage, 92 acres of medium-density, and 39 acres of high-density. In the City and the Urban Growth Boundary, there is an identified surplus of 735 acres of residential land in the City and 298 acres of residential land in the UGB to accommodate the residential development anticipated to accommodate the population growth. The annexation of this property and the classification for Residential Mixed Density would accommodate the identified need for any of the residential classifications and, upon development, could be built to provide affordable units consistent with the Comprehensive Plan's goals and policies.

3. Annexation Ordinance Section 4. - All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space, and related uses.

Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space, and related uses.)

**RECOMMENDED FINDING:** The subject site is located within the Urban Growth Boundary and contiguous to city limits; therefore, it is eligible for annexation. The subject site is generally flat and within a developed neighborhood, with no steep slopes or environmental constraints. The site is currently improved with a single-family dwelling. The site is located within a developed neighborhood and contains no known environmental constraints, so the property is eligible for annexation.

4. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

RECOMMENDED FINDING: The subject site is contiguous with the city boundary on the north and west sides of the property; therefore, it is contiguous with existing city limits and eligible for annexation.

5. Annexation Ordinance Section 6. - An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped for urban use. Urban uses may include wetlands, parks, open space, and related uses.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space, and related uses).

RECOMMENDED FINDINGS: The proposed annexation complies with the above-noted criteria as follows:

- (a) The site is contiguous with city limits along the northern and western property lines.
- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development with single-family dwellings and townhomes. The site can be serviced by existing city water, sewer, and storm drainage facilities in S 9<sup>th</sup> Street to the west of the subject property. As city facilities and transportation systems can service the property, and the neighborhood is already improved with urban development, the property would be eligible for annexation.

6. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

RECOMMENDED FINDING: The application does not include a concurrent development proposal. Any future development proposal would be required to comply with the provisions for the development code for the Z-RM zone, as applicable.

7. Annexation Ordinance Section 8. - As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.



**RECOMMENDED FINDING:** Section 16.26.040 of the Lebanon Development Code states, “anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the UGB are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessitated when following annexation; an area is assigned the zoning classification per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per the Comprehensive Map designation. Therefore, the anticipated demands to access essential City-provided urban utilities have already been considered. There is capacity in the utility systems and utility master plans to extend utilities to the site, and the existing transportation system can accommodate the inclusion of the property and the anticipated residential uses.

8. Annexation Ordinance Section 9. - As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewer, and streets.

Comprehensive Plan Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

**RECOMMENDED FINDING:** Section 16.26.040 of the Lebanon Development Code states “anticipated urban densities (according to the automatic City Zoning assignment upon annexation) within the UGB are already accounted for in the City’s Facilities Plans, including the Transportation System Plan.” No revisions to the plans are necessitated, when following annexation, an area is assigned the zoning classification that is per the adopted Comprehensive Plan Map designation. The subject site is assigned the zoning classification of Z-RM per the Comprehensive Map designation and therefore, the anticipated impacts to access key City-provided urban utilities have already been considered.

9. Annexation Ordinance Section 10. - Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles, and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and creates an increased demand for the benefits provided by additional rights-of-way dedication.

**RECOMMENDED FINDING:** W B Street maintains a right-of-way width of 55 feet. The adopted 2018 Transportation System Plan identifies W B Street as a local roadway, which requires a minimum 58-foot right-of-way with on-street parking provided. The Engineering Department reviewed the annexation and determined that no additional right-of-way dedication from the subject property is necessary for the annexation. Upon redevelopment of the site, additional right-of-way may be required.

10. Annexation Ordinance Section 11. - Upon annexation, the annexation territory shall be assigned zoning classifications per the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

RECOMMENDED FINDING: This subject property is designated Residential Mixed Density by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only possible applicable zone is Residential Mixed Density (Z-RM). The Applicant accepts the applicable zoning designation and is not proposing a Comprehensive Plan Map Amendment.

11. Annexation Ordinance Section 12. - If a zoning designation other than one per the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing, and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

RECOMMENDED FINDING: This application does not include a change in the Plan designation or corresponding zone. Therefore, this Section does not apply.

12. Annexation Ordinance Section 13. - The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space, and related uses.

RECOMMENDED FINDING: The subject site is generally flat, with no steep slopes or environmental constraints, and within a developed neighborhood. It is currently improved with a single-family dwelling. As the neighborhood has already been developed with urban development, and the site does not contain any known environmental constraints, the property is eligible for annexation.

13. Annexation Ordinance Section 14. - An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

RECOMMENDED FINDING: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

14. Annexation Ordinance Section 15. - At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development

or redevelopment proposal must be contingent upon subsequent approval of the annexation by the City Council.

RECOMMENDED FINDING: The request does not contain a concurrent development request.

15. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

RECOMMENDED FINDING: This Policy does not directly apply as the proposal simply incorporates an existing urbanized parcel into the City limits.

#### IV. CONCLUSION AND RECOMMENDATION

Staff finds the proposal complies with the decision criteria for an Annexation and the establishment of the applicable zone. Therefore, staff recommends the Planning Commission recommend the City Council approve the Annexation of the subject area and establishment of the respective Residential Mixed Density (Z-RM) zone on the newly annexed property.

#### V. PLANNING COMMISSION ACTION - ANNEXATION

A. The Planning Commission may either:

1. Recommend City Council approval of the proposed property and street annexation and establishment of the applicable Residential Mixed Density zone, adopting the written findings for the decision criteria contained in the staff report; or
2. Recommend City Council approval of the proposed property and street annexation and establishment of the applicable Residential Mixed Density zone, adopting modified findings for the decision criteria; or
3. Recommend City Council denial of the proposed property and street annexation and establishment of the applicable Residential Mixed Density zone, 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 September 18, 2024, at 6:00 p.m. in the Santiam Travel Station located at 750 S 3<sup>rd</sup> Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

<b>Planning Case No.:</b>	A-24-02
<b>Applicant:</b>	Eric Maddux
<b>Location:</b>	785 W B Street
<b>Map &amp; Tax Lot No.:</b>	12S2W10CD02800
<b>Request:</b>	Annexation
<b>Decision Criteria:</b>	Lebanon Development Code Chapters: 16.20 & 16.26

**Request:** The applicant is requesting Annexation of approximately 0.18-acres comprised of one tax lot and adjacent right-of-way. The property is designated Residential Mixed Density (C-RM) on the Comprehensive Plan Map and will be assigned a Residential Mixed Density (Z-RM) zoning designation upon Annexation.

**Providing Comments:** The city will be accepting public comment on this item in a number of ways to afford interested persons and the general public an opportunity to give testimony on the subject matter. Written and verbal testimony will be accepted upon issuance of this notice, **until 5:00pm on Tuesday, September 17, 2024.** Written testimony may be emailed to [kelly.hart@lebanonoregon.gov](mailto:kelly.hart@lebanonoregon.gov) or mailed to the City of Lebanon at 925 S. Main Street, Lebanon, OR 97355, or delivered and dropped in the white mailbox in front of City Hall.



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

If you wish to address the Commission under Public Comments or for a Public Hearing, click: [https://zoom.us/meeting/register/tJ0pfuqqrzMjEtVNTifF22h\\_nOZcc1N-kuy-](https://zoom.us/meeting/register/tJ0pfuqqrzMjEtVNTifF22h_nOZcc1N-kuy-) to register in advance for the meeting. You will receive a confirmation email containing information about joining the meeting. Attendees will need to register to receive the link to the meeting.

Please register ONLY if you wish to address the Commission. If you want to watch or listen to the meeting, please click this link to do so on YouTube: [https://youtube.com/live/U42L2C\\_XMnY?](https://youtube.com/live/U42L2C_XMnY?)

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

**Action of the Planning Commission and Appeals:** The role of the Commission is to review the proposal and make a recommendation to the Lebanon City Council. A public hearing before the Council will be subsequently scheduled and notice provided. The Council decision is the final decision unless appealed to the Land Use Board of Appeals (LUBA). Failure to raise an issue in the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

**Obtain Information:** A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email [cdc@lebanonoregon.gov](mailto:cdc@lebanonoregon.gov).

**The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 541-258-4906.**



# LAND USE APPLICATION

PROPERTY INFORMATION	
Site Address(es):	785 W B ST Lebanon OR 97355
Assessor's Map & Tax Lot No.(s):	12502W100002800
Comprehensive Plan Designation / Zoning Designation:	Bm
Current Property Use:	SFR
Project Description:	Annex Sewer and water into city utilities
APPLICANT / PRIMARY CONTACT INFORMATION	
Applicant:	Eric Maddux
Address:	7873 Parker Lane SE
City/State/Zip:	Turner OR 97392
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.	
APPLICANT SIGNATURE	Date: 6-24-24
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)	
Owner:	Daisy Holding Company LLC
Address:	7873 Parker Lane SE
City/State/Zip:	Turner OR 97392
OWNER SIGNATURE	Date: 6-24-24
ADDITIONAL CONTACT INFORMATION	
Engineer / Surveyor:	Kara D Engineering (Grant)
Address:	276 NW Hickory ST
City/State/Zip:	Albany OR 97321
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)	\$250
X	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
	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 &amp; PAYMENT

Date Received:	8/15/24	Date Complete:		Receipt No.:	32345
Received By:		Total Fee:	\$2500.	File No.:	A-24-02

THE CITY THAT FRIENDLINESS BUILT

**RECORDING COVER SHEET**

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon and does NOT affect the instrument. ORS 205.234

**After recording return to:** ORS 205.234(1)(c)  
Daisy Holding Company, LLC, an Oregon  
limited liability company  
7873 Parker Lane SE  
Turner, OR 97372

LINN COUNTY, OREGON

**2024-01053**

D-CON

Stn=10118 GANTAJ

**01/31/2024 02:17:00 PM**

\$25.00 \$10.00 \$60.00 \$19.00

**\$114.00**

I, Marcie Richey, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Marcie Richey - County Clerk

**1. Title(s) of the transaction(s)** ORS 205.234(1)(a)  
Conservator's Deed

**2. Direct party(ies) / grantor(s)** Name(s) ORS 205.234(1)(b)  
Teresa Altaras, as the duly appointed qualified and acting conservator of the estate of James A. Varner

**3. Indirect party(ies) / grantee(s)** Name(s) ORS 205.234(1)(b)  
Daisy Holding Company, LLC, an Oregon limited liability company

**4. True and actual consideration:**  
 ORS 205.234(1)(d) Amount in dollars or other  
\$ 188,000.00  
 Other: \_\_\_\_\_

**5. Send tax statements to:** ORS 205.234(1)(e)  
Daisy Holding Company, LLC, an Oregon limited liability  
7873 Parker Lane SE  
Turner, OR 97372

**6. Satisfaction of lien, order, or warrant:**  
 Check one (if applicable) ORS 205.234(1)(f)

☐

FULL

☐

PARTIAL

**7. The amount of the monetary obligation imposed by the lien, order, or warrant:** ORS 205.234(1)(f)  
 \$ \_\_\_\_\_

**8. Previously recorded document reference:** 2024/00973

**9. If this instrument is being re-recorded, complete the following statement:** ORS 205.244(2)

Re-recorded at the request of: Ticor Title Company

To correct: legal description- attaching a corrected legal description

Previously recorded in Book/Reel \_\_\_\_\_ and Page \_\_\_\_\_, or as Fee /Instrument number 2024-00973

TICOR TITLE™ 471824129276

**RECORDING REQUESTED BY:**

315 Commercial St SE, Ste 150  
Salem, OR 97301

**AFTER RECORDING RETURN TO:**

Daisy Holding Company, LLC, an Oregon limited  
liability company  
7873 Parker Lane SE  
Turner, OR 97372

**SEND TAX STATEMENTS TO:**

Daisy Holding Company, LLC, an Oregon limited  
liability company  
7873 Parker Lane SE  
Turner, OR 97372

174520 and 12S02w10ba

LINN COUNTY, OREGON		<b>2024-00973</b>
<b>D-CON</b>	<b>01/30/2024 11:43:00 AM</b>	
Stn=10118 GANTAJ		
\$10.00 \$11.00 \$10.00 \$60.00 \$19.00	<b>\$110.00</b>	
I, Marcie Richey, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.		
Marcie Richey - County Clerk		

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONSERVATOR'S DEED**

**Teresa Altaras**, as the duly appointed, qualified and acting conservator of the estate of **James A. Varner**, a protected person, pursuant to proceedings filed in Circuit Court for Linn County, Oregon, Case No. **22PR01336**, conveys to **Daisy Holding Company, LLC**, an Oregon limited liability company, Grantee, all the estate, right and interest of the above named protected person, in and to the following described real property in the County of Linn, State of Oregon:

Lot 7, Block 2, MOUNTAIN VIEW ADDITION, in the City of Albany, County of Linn and State of Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$188,000.00). (See ORS 93.030)

TO HAVE AND TO HOLD the same unto the second party, and the second party's heirs, successors-in-interest and assigns forever.

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

**RECORDING REQUESTED BY:**

315 Commercial St SE, Ste 150  
Salem, OR 97301

**AFTER RECORDING RETURN TO:**

Daisy Holding Company, LLC, an Oregon limited  
liability company  
7873 Parker Lane SE  
Turner, OR 97372

**SEND TAX STATEMENTS TO:**

Daisy Holding Company, LLC, an Oregon limited  
liability company  
7873 Parker Lane SE  
Turner, OR 97372

174520 and 12S02w10ba

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONSERVATOR'S DEED**

**Teresa Altaras**, as the duly appointed, qualified and acting conservator of the estate of **James A. Varner**, a protected person, pursuant to proceedings filed in Circuit Court for Linn County, Oregon, Case No. 22PR01336, conveys to **Daisy Holding Company, LLC, an Oregon limited liability company**, Grantee, all the estate, right and interest of the above named protected person, in and to the following described real property in the County of Linn, State of Oregon:

Lot 7, Block 2, MOUNTAIN VIEW ADDITION, in the City of Albany, County of Linn and State of Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED EIGHTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$188,000.00). (See ORS 93.030)

TO HAVE AND TO HOLD the same unto the second party, and the second party's heirs, successors-in-interest and assigns forever.

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

CONSERVATOR'S DEED  
(continued)

Dated: 1/29/24

Teresa Altaras, conservator  
Teresa Altaras, Conservator for the estate of James A. Varner,  
a protected person, Linn County Case No. 22PR01336

State of OR  
County of Marion

This instrument was acknowledged before me on 1/29/24 by Teresa  
Altaras, Conservator for the estate of James A. Varner, a protected person, Linn County Case  
No. 22PR01336 on behalf of the estate.

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 5/23/25



## **CORRECTED LEGAL DESCRIPTION**

**Order No.:** 471824129276

Lot 7, Block 2, MOUNTAIN VIEW ADDITION, in the City of Lebanon, County of Linn and State of Oregon.





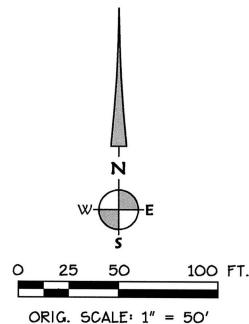
ANNEXATION MAP  
FOR  
**DAISY HOLDING COMPANY**  
LOCATED IN  
S.W. 1/4 SEC. 10, T. 12 S., R. 2 W., W.M.  
CITY OF LEBANON, LINN COUNTY, OREGON  
AUGUST 8, 2024

**OWNER / APPLICANT:**  
DAISY HOLDING COMPANY, LLC  
7873 PARKER LANE SE  
TURNER, OREGON 97392

**ENGINEER / SURVEYOR:**  
K+D ENGINEERING, INC.  
P.O. BOX 725  
ALBANY, OREGON 97321  
541-928-2583

**TAX LOT + SITE ADDRESS**  
TAX LOT 2800, MAP 125-2W-10CD  
785 W B STREET  
LEBANON, OREGON 97355

**ZONING:**  
EXISTING UGA-UGM-10 (LINN COUNTY)  
REQUESTED: RESIDENTIAL MIXED DENSITY (RM)  
**CURRENT USE:**  
RESIDENTIAL















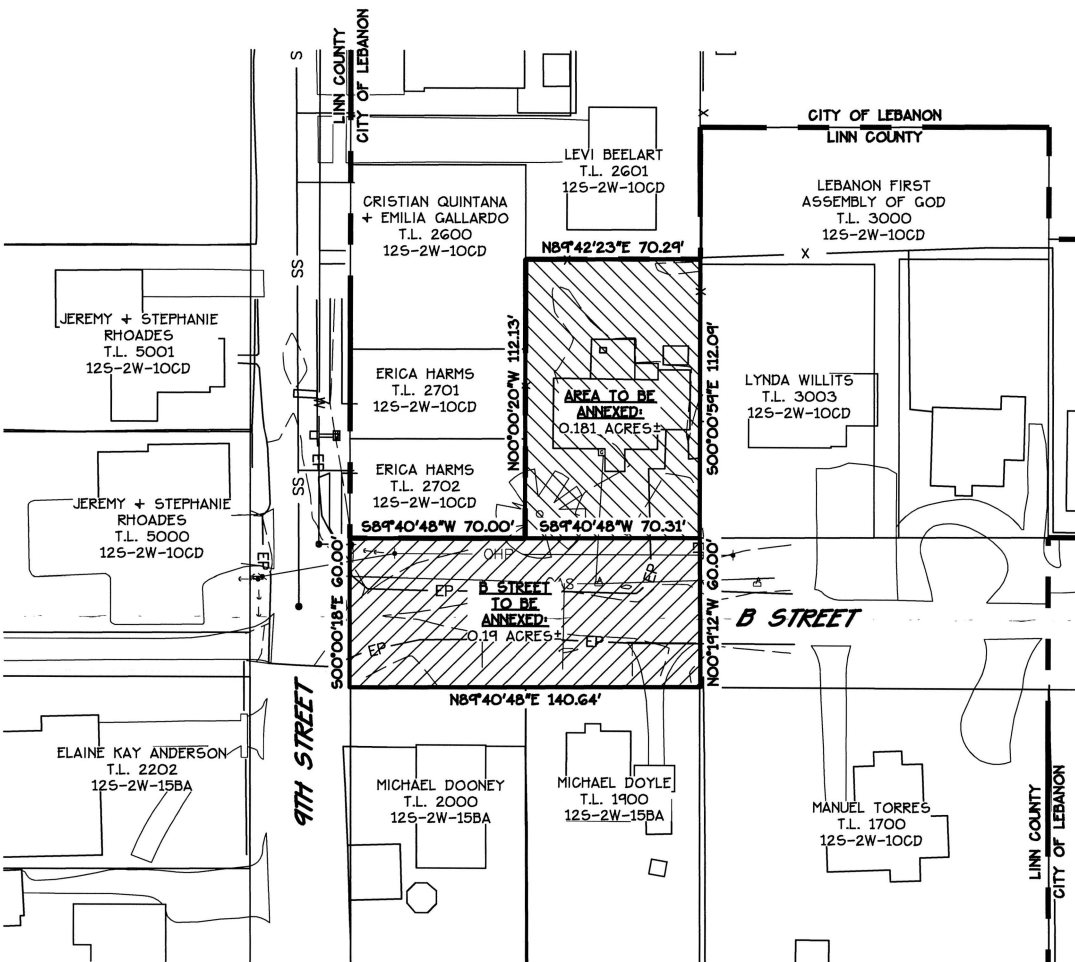
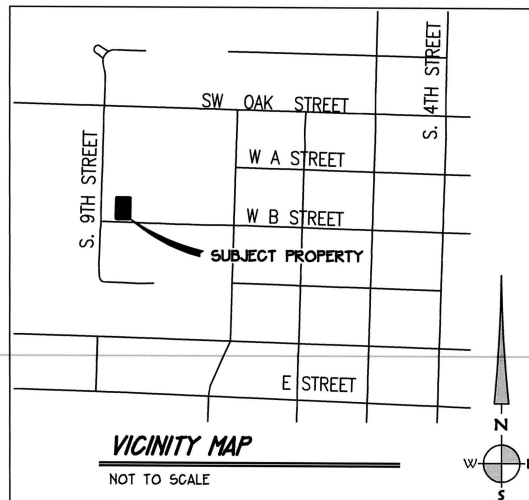
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
**JOE J. COTA**  
#58561LS

Renews: 12/31/25

**LEGEND:**

-  EXISTING GAS METER
-  EXISTING GUY WIRE
-  EXISTING POWER POLE
-  EXISTING WATER METER
-  EXISTING FIRE HYDRANT
-  EXISTING DECIDUOUS TREE
-  EXISTING EDGE OF PAVEMENT
-  EXISTING GAS LINE
-  EXISTING OVERHEAD POWER LINE
-  EXISTING WATER LINE
-  EXISTING SANITARY SEWER LINE
-  EXISTING FENCE LINE



Date: 8/4/2024 Time: 8:33  
Scale: 1"=100'  
File: dwg\2024\24-119\Source Drawings\24-119\_annex.dwg (MDittmer)

**K & D ENGINEERING, Inc.**  
278 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583