

BEFORE THE LEBANON PLANNING COMMISSION

In the matter of the	)	AR-26-07
Subdivision Application of	)	S-26-04
REB Investment Trust	)	

ORDER OF APPROVAL

I. NATURE OF APPLICATION

The applicant requests Administrative Review approval for four attached townhouse/rowhouse dwellings and Tentative Subdivision approval to divide approximately 0.46 acres into four residential lots. The property is located east of 1685 S 12th Street, identified as Linn County Assessor Map 12S-02W-15BC, Tax Lot 2401, and zoned Residential Mixed Density (Z-RM). The applications collectively establish the lot layout and site-development framework for four attached dwellings served by a shared private driveway, pedestrian walkway, individual water and sewer services, and private stormwater facilities.

II. PUBLIC HEARING

A public hearing was held before the Lebanon Planning Commission on August 19, 2026. The Planning Commission reviewed Planning Files AR-26-07 and S-26-04, including the staff report, application materials, plans, agency comments, written comments, and testimony submitted into the record.

III. FINDINGS OF FACT

A. GENERAL FINDINGS

1. The property owner and applicant is REB Investment Trust, Robert and Angela Byrd, Trustees, represented by Udell Engineering and Land Surveying, LLC.
2. The subject property is located east of 1685 S 12th Street and is identified as Linn County Tax Assessor Map 12S-02W-15BC, Tax Lot 2401.
3. The property contains approximately 0.46 acres.
4. The property is zoned Residential Mixed Density (Z-RM).
5. The surrounding area is primarily developed with residential uses permitted in the Z-RM zone.

B. EXISTING CONDITIONS

The subject property is currently undeveloped. Access is available from S 12th Street through an existing 30-foot-wide private access and utility easement. Public water and sanitary sewer facilities are available to serve the property.

C. PROPOSAL

The applicant proposes to divide the property into four residential lots and construct four attached townhouse/rowhouse dwellings, with one dwelling on each lot.

The proposal includes:

- Four residential lots ranging from approximately 2,521 to 4,374 square feet of net lot area and approximately 36 to 61 feet in width;
- Four attached townhouse/rowhouse dwellings, one on each lot;
- An approximately 24-foot-wide shared private driveway and a five-foot pedestrian walkway within the existing 30-foot-wide access and utility easement;
- Two off-street parking spaces for each dwelling;
- Separate water services and sanitary sewer laterals for each lot; and
- Private stormwater facilities and an off-site drainage route to the existing storm system in Strawberry Lane.

D. AGENCY COMMENTS

The following agencies and service providers were notified of the proposal: Build Lebanon Trails; Consumers Power; NW Natural; Pacific Power; Peak Internet; Republic Services; Oregon Pilots Association; Oregon Department of Aviation; Santiam-Albany Canal; Grand Prairie Water District; Linn County Assessor, Planning, Road, and Surveyor Departments; Oregon Department of Transportation; Lebanon Fire District; Lebanon Community School District; Lebanon Planning Commission; Lebanon Chamber of Commerce; and applicable City departments.

Comments were received from Development Services and the Lebanon Fire District. Development Services reviewed the proposal for applicable planning, building, engineering, access, utility, frontage-improvement, and stormwater requirements. The Lebanon Fire District reviewed the proposal for applicable fire-access and fire-code requirements. The resulting requirements are addressed through the Conditions of Approval.

E. PUBLIC COMMENTS

The City issued public notice in accordance with the Lebanon Development Code and applicable State requirements on July 23, 2026. The deadline for submission of written comments prior to the hearing was 5:00 p.m. on Tuesday, August 18, 2026. No public comments were received before preparation of the Planning Commission packet.

F. ANALYSIS – Administrative Review

Administrative Review applications are required to satisfy the approval criteria contained in Lebanon Development Code (LDC) 16.20.040.

G. APPROVAL CRITERIA – Administrative Review

Pursuant to LDC 16.20.040(D)(2), the following criteria must be demonstrated as being satisfied by the application:

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

FINDING: Table 16.05-2 permits townhouse/rowhouse development in the Z-RM zone through Administrative Review. Table 16.05-7 requires a minimum lot area of 2,500 square feet and a minimum lot width of 20 feet for townhouse/rowhouse lots. Each proposed lot exceeds these minimums.

The proposed building layout can comply with applicable setbacks, lot coverage, building height, and garage-opening standards. Final compliance will be verified during building permit review. Therefore, this criterion is met with conditions.

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

FINDING: The four lots will share the existing 30-foot-wide private access and utility easement from S 12th Street. The plans show an approximately 24-foot-wide hard-surfaced driveway and a five-foot pedestrian walkway within the easement. Reciprocal access and maintenance documents are required before final plat approval. Therefore, this criterion is met with conditions.

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

FINDING: LDC Chapter 16.14 requires two off-street parking spaces per single-unit dwelling. The applicant has demonstrated two garage and driveway parking spaces for each dwelling, totaling eight spaces, located outside the shared travel lane and pedestrian walkway. The Planning Commission's decision relies upon the parking configuration shown in the approved application materials, and the required spaces must remain usable and unobstructed. Therefore, this criterion is met with conditions.

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

FINDING: The proposal does not include a new public roadway and does not trigger street-light or street-tree improvements. Landscaping associated with each dwelling will be addressed through the individual building permit process. No separate common-area landscape or screening standard applies to the tentative subdivision. Therefore, this criterion is met.

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

FINDING: Existing water and sanitary sewer facilities are available. Each lot will receive an individual water service and sanitary sewer lateral. Engineered stormwater facilities, an off-site drainage easement, and frontage improvements are required.

Subject to final engineering approval and the Conditions of Approval, adequate facilities can be provided. Therefore, this criterion is met with conditions.

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

FINDING: The record does not identify a mapped hazard area or overlay zone that prevents the proposed development. Therefore, this criterion is met.

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

FINDING: The proposal does not include a site feature or activity requiring separate land use review under Chapter 16.19. Any future lighting, signs, refuse facilities, or other site features will be reviewed for compliance with applicable supplementary standards during the appropriate permit process. Therefore, this criterion is met.

H. ANALYSIS - Subdivision

Subdivision applications are required to satisfy approval criteria contained within the Lebanon Development Code (LDC) Chapter 16.22.

I. APPROVAL CRITERIA - Subdivision

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.

FINDING: The subject property is zoned Residential Mixed Density (Z-RM). The preliminary plat creates four lots intended for four attached townhouse/rowhouse dwellings, with one dwelling on each lot.

The proposed lots range from approximately 2,521 to 4,374 square feet of net lot area and approximately 36 to 61 feet in width. Each lot exceeds the applicable minimum townhouse/rowhouse standards of 2,500 square feet of lot area and 20 feet of lot width.

Townhouse/rowhouse development is permitted in the Z-RM zone through Administrative Review. Access, parking, pedestrian circulation, utilities, drainage, frontage improvements, and other applicable development standards are addressed through the concurrent Administrative Review and Conditions of Approval. No variance is requested. Therefore, this criterion is met with conditions.

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

FINDING: The final plat name, survey, and recording are subject to review and approval by the Linn County Surveyor and must comply with ORS Chapter 92. The applicant is required to submit a compliant final subdivision plat before recording. Therefore, this criterion can be met.

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform to 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.*

FINDING: No new public street is proposed. The four lots will obtain access from S 12th Street through an existing 30-foot-wide private access and utility easement. The plans show an approximately 24-foot-wide shared private driveway and a five-foot pedestrian walkway within the easement.

Public water and sanitary sewer facilities are available to serve the property. Each lot will have a separate water service and sanitary sewer lateral.

Stormwater is proposed to be conveyed east through an off-site private drainage easement to the existing storm system in Strawberry Lane. Final engineered plans, easements, and any necessary approval from the receiving-system jurisdiction are required. Therefore, this criterion is met with conditions.

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

FINDING: The preliminary plans identify the shared private driveway, pedestrian walkway, utility areas, and private stormwater facilities. Before final plat approval, recorded easements and maintenance agreements must establish the access rights and maintenance responsibilities associated with these shared improvements. Therefore, this criterion is met with conditions.

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

FINDING: The record does not identify a mapped special-management area affecting the subject property. The proposed off-site stormwater route is shown on the plans and requires recorded drainage rights and any outside-agency or receiving-system approval that may apply. Therefore, this criterion is met with conditions.

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.*

FINDING: Development Services reviewed the proposal for compliance with applicable planning, engineering, access, utility, frontage-improvement, and stormwater requirements. The Lebanon Fire District also reviewed the proposal for compliance with applicable fire-access and water-supply requirements.

Public water and sanitary sewer facilities are available to serve the development. Final engineered plans are required for the shared access, pedestrian walkway, frontage improvements, utilities, grading, stormwater facilities, and associated easements.

The applicable City and Fire District requirements are included in the Conditions of Approval. Therefore, the required improvements and service-provider requirements can be met, and this criterion is satisfied with conditions.

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.*

FINDING: The record does not identify an applicable Special Area Plan, special district, overlay zone, or previously approved Planned Development affecting the subject property. Therefore, this 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).*

FINDING: The preliminary plat creates four lots ranging from approximately 2,521 to 4,374 square feet of net lot area and approximately 36 to 61 feet in width. Each lot exceeds the Z-RM minimum townhouse/rowhouse standards of 2,500 square feet of lot area and 20 feet of lot width.

No new public street or block is proposed. The lots will be served by an existing access easement from S 12th Street. Therefore, the street-connectivity and block-formation provisions do not require an additional street connection through this four-lot development. The proposed lots satisfy the applicable dimensional and connectivity standards, and this criterion is met.

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

FINDING: The proposed lot sizes and configurations provide building areas capable of accommodating the proposed attached townhouse/rowhouse dwellings while complying with the applicable Z-RM setbacks, lot coverage, building height, and garage-opening standards.

Final compliance with these standards will be verified during the building permit review for each dwelling. Therefore, this criterion is met with conditions.

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

FINDING: Each lot will obtain access from S 12th Street through the existing 30-foot-wide private access and utility easement. The plans show an approximately 24-foot-wide hard-surfaced shared driveway and a five-foot pedestrian walkway within the easement.

The driveway, walkway, parking areas, and required clearances must fit within the easement and remain unobstructed. Reciprocal access easements and a maintenance agreement are required before final plat approval. Therefore, this criterion is met with conditions.

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.).*

FINDING: The proposal does not include a new public roadway and does not trigger street-tree or streetlight improvements. No separate common-area landscaping or screening standard applies to the tentative subdivision. Landscaping associated with each dwelling will be addressed through the individual building permit process. Therefore, this criterion is met.

12. *In conformance with the Oregon Fire Code, a 20-foot-wide 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).*

FINDING: The plans provide a shared private access drive serving all four proposed dwellings. The Lebanon Fire District reviewed the proposal and identified applicable fire-access and water-supply requirements.

Final compliance with the Oregon Fire Code, including apparatus access, required surface and clearance, hose reach, hydrant availability, fire-lane controls, and addressing, must be confirmed by the Lebanon Fire District before building permit issuance. Therefore, this criterion is met with conditions.

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.*

FINDING: The four lots will share the private driveway and pedestrian walkway within the existing access easement. Before final plat approval, the applicant must provide reciprocal access easements and a recorded maintenance agreement identifying the benefited and burdened lots.

The documents must address access, maintenance, repair, replacement, cost allocation, enforcement, and other applicable responsibilities associated with the shared facilities. Therefore, this criterion is met with conditions.

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

FINDING: Final engineered plans are required for the shared driveway, frontage sidewalk and driveway approach, water services, sanitary sewer laterals, grading, stormwater facilities, and associated easements.

Stormwater plans and calculations must demonstrate adequate conveyance, water-quality treatment, detention, and flow control and must ensure that drainage to or from adjacent property is not adversely affected. The applicant must also secure and record the necessary off-site drainage easement to the existing storm system in Strawberry Lane.

All required improvements must comply with the City of Lebanon Engineering Design Standards and must be installed and accepted, or appropriately guaranteed, before final plat approval. Therefore, this criterion is met with conditions.

IV. CONCLUSION

The Planning Commission concludes that Administrative Review AR-26-07 and Tentative Subdivision S-26-04 satisfy the applicable approval criteria, subject to the Conditions of Approval.

V. ORDER

Based upon the Findings of Fact and Conclusions contained herein, the Lebanon Planning Commission hereby APPROVES the following applications:

- Administrative Review (AR-26-07)
- Tentative Subdivision Plat (S-26-04)

The approvals are subject to the Conditions of Approval contained in this Order. The Conditions of Approval shall be binding upon the applicant and all successors in interest.

CONDITIONS OF APPROVAL

Development Services

1. Development shall substantially conform to the approved Tentative Subdivision Plat, townhouse site plan, parking exhibit, fire-access and hose-reach exhibit, application narrative, this Order of Approval, and the applicable Conditions of Approval.
2. Administrative Review AR-26-07 authorizes four attached townhouse/rowhouse dwelling units, with one dwelling on each of Lots 1 through 4. A detached dwelling layout or a change in the number or configuration of the dwelling units is not approved by this decision.
3. Any modification not in substantial conformance with the approved Administrative Review, Tentative Subdivision Plat, this Order of Approval, and the applicable provisions of the Lebanon Development Code shall be processed through the applicable review procedures established by the Lebanon Development Code.
4. Each dwelling shall retain two usable off-street parking spaces consistent with LDC Chapter 16.14 and the approved parking exhibit. Required parking spaces shall remain outside the shared-drive travel lane, maneuvering area, and pedestrian walkway and shall not obstruct the walkway.
5. Final public improvement and building plans shall demonstrate that the driveway, curbing, walkway, parking spaces, and required clearances fit within the access easement.
6. Final building plans shall demonstrate compliance with applicable setbacks, lot coverage, building height, accessibility, structural, plumbing, mechanical, fire and life safety, and other adopted code requirements. This land use approval does not authorize construction.
7. A final subdivision plat prepared by a professional land surveyor registered in the State of Oregon shall be submitted to the City for review and approval in accordance with ORS Chapter 92, the Lebanon Development Code, the approved Tentative Subdivision Plat, this Order of Approval, and the applicable Conditions of Approval. The final plat shall be recorded within the applicable approval period.

8. Required improvements shall be installed, inspected, and accepted prior to final plat approval or guaranteed in accordance with LDC Chapter 16.22 and applicable City standards. Required easements, maintenance agreements, and restrictions shall appear on the final plat or be recorded concurrently with it.
9. All permits and approvals required by applicable local, state, and federal agencies, including any approval required from the jurisdiction responsible for the receiving stormwater system, shall be obtained prior to issuance of the applicable City permits or final plat approval.
10. All public improvements shall conform to the current City of Lebanon Standards for Public Improvements.
11. A Drawing Review Application and Public Improvements Permit shall be approved prior to construction of any public improvements.
12. All public improvements shall be designed by a professional engineer registered in the State of Oregon.
13. All elevations shown on public improvement drawings submitted to the City shall reference the NAVD 88 vertical datum to ensure compatibility with the City's mapping system.
14. All private on-site utilities shall be inspected and approved by the City Building Official.
15. The existing sidewalk shall be extended along the S 12th Street frontage. Sidewalks, pedestrian walkways, driveway approaches, and other applicable pedestrian facilities shall comply with applicable Americans with Disabilities Act requirements and City standards. Driveway approaches shall be hard-surfaced with concrete or asphalt from S 12th Street to the garages.
16. Prior to final plat approval, reciprocal access easements and a recorded maintenance agreement shall be provided for the shared driveway and pedestrian walkway. The instruments shall identify the benefited and burdened lots and address access, maintenance, repair, replacement, cost allocation, enforcement, and City access, as applicable, in a form acceptable to the City.
17. The final plat or separately recorded instruments shall provide all public and private utility easements necessary to serve each lot. Maintenance responsibility for shared or private utility facilities shall be clearly assigned.
18. Each dwelling shall have an independent water service. Water-service size, meter installation, fees, and any work performed by the City shall comply with applicable City requirements.
19. Each lot shall have an independent sanitary sewer lateral. Connections to the existing sanitary sewer main shall be performed by an approved contractor in the presence of a City inspector.
20. Written approval of mailbox and/or cluster box unit locations shall be obtained from the United States Postal Service.
21. Written approval of refuse and recycling container locations and access shall be obtained from Republic Services.
22. Existing on-site wells shall be identified on the public improvement drawings. Unless otherwise approved to remain, wells shall be abandoned in accordance with applicable State and Linn County requirements prior to connection to the public water system. Approved backflow-prevention assemblies shall be provided for any City water meter serving property on which a well remains.

23. Prior to final plat approval, the applicant shall secure and record an easement over the off-site drainage route to Strawberry Lane and provide authorization to construct the approved facilities. The easement shall address construction, access, inspection, operation, maintenance, repair, replacement, and responsibility for the private drainage facilities, in a form acceptable to the City.
24. Public improvement drawings shall include engineered stormwater and grading plans and supporting calculations demonstrating adequate conveyance, water-quality treatment, detention, and flow control. Stormwater facilities shall be designed and constructed so post-development discharge does not exceed the approved predevelopment discharge rate and drainage to or from adjacent properties is not adversely affected.
25. A grading plan identifying existing and proposed elevations shall be submitted with the public improvement drawings. Drainage improvements necessary to prevent adverse impacts to adjacent properties shall be incorporated into the design, together with all supporting engineering calculations.
26. Maintenance responsibility for all private stormwater facilities shall be established through a recorded maintenance agreement or other instrument approved by the City.

Lebanon Fire District

27. Plans shall be submitted for review and approval by the Lebanon Fire Marshal demonstrating compliance with the Oregon Fire Code and local amendments. Lebanon Fire Marshal approval shall be obtained prior to issuance of building permits.

This Order of Approval appears only as a matter of record.

APPROVED BY A _____ VOTE OF THE LEBANON PLANNING COMMISSION ON AUGUST 19, 2026.

DATED at Lebanon, Oregon, this 19th day of August 2026.

SIGNED:

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

ATTEST:

Shana Olson, Development Services Director