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MEMORANDUM

Community Development

To: Lebanon Planning Commission
From: Kelly Hart, Community Development Director
Subject: Planning File No. AR-24-01, S-24-01, VAR-24-02, 03 and 04

Date: February 6, 2024

I. BACKGROUND

Under consideration is a proposed 19-lot subdivision including a townhome and zero-lot-line development proposal with three variance requests for lot size reduction for corner lots, number of lots on a private street, and rear yard setbacks for certain lots for a property on the north side of Walker Road, east of Stoltz Hill Road. The property does not currently have an assigned address. The Linn County Tax Assessor Map number is 12S 02W 15CD, tax lots 3501 and 3600. The subject property is 1.47 acres and is currently partially improved with public improvements associated with a previously improved subdivision (S-21-05), including installation of public utilities and partial construction of the private street.

The property is in a developed neighborhood. Surrounding the property to the north and east west are properties within the County, designated as Residential Mixed Density (C-RM) in the comprehensive plan and improved with single-family residences. To the south, east and north are properties in the City zoned Residential Mixed Density (Z-RM) and are improved with single-family residences, and an apartment complex to the north on Wassom Street.

II. CURRENT REPORT

The proposal includes a preliminary plan to subdivide the 1.47-acre site into 19 residential lots. As proposed, lot sizes would range from 2,620 to 5,168 gross square feet. All lots would be eligible for development of attached single-family (townhomes), with one lot proposed for a zero-lot-line single-family dwelling.

For the proposed lots, the development code establishes minimum lot area based on the net area, which excludes the area for public and private streets and easements of access to other properties. As shown on the Tentative Lot Layout plan submitted as part of the record, the proposal includes the use of a private street which connects through to both Walker Road and Wassom Street. This plan identifies the net lot area for each lot, which varies from 2,500 to 3,780 net square feet for the parcels accessed from the private street. This net lot area is inclusive of the lot area for the private drainage and public utility easements, but exclusive of the 32-foot access easement area for the private street improvements.

Table 16.05-7 of the Lebanon Development Code (LDC) identifies the minimum net lot area for different types of residential uses. For single-family homes and duplexes, the minimum lot area

is 5,000 square feet, zero-lot-line development is 3,500 square feet (4,000 square feet when on a corner lot), townhome development is 2,500 square feet (3,000 square feet on a corner lot), and multi-family development is 9,000 square feet. As proposed, based on the Tentative Layout plan provided and included in the record, the development is proposing eighteen of the nineteen lots as townhome dwellings, and one zero-lot-line residential dwelling. Lot 11 for the zero-lot-line dwelling is on the corner of the private street and Walker Road. Per Table 16.05-7, 500 square feet should be added to the minimum lot area of 3,500 square feet when a corner lot. Lot 11 is proposed to be 3,780 net square feet, as such, the applicant is requesting a Class III Variance. The justification for the variance is provided in the findings section.

For Lot 11, Per Section 16.05.180 a zero-lot-line dwelling is only permissible when adjacent to another zero-lot-line dwelling. A townhome is considered another form of a zero-lot-line dwelling, therefore, the single-family detached product utilizing the zero-lot-line standards within the same subdivision adjacent to a townhome product meets the standards for compliance to authorize the proposed development type. As part of the zero-lot-line lot, the adjacent lot shall carry a 10-foot no-build easement and private access easement for maintenance for the benefit of the zero-lot-line single-family dwelling. The proposed development plan shows the required easements.

For access, lots 1-13, and 16-19 would be accessed from a private street running north-south through the property connecting to Walker Road and Wassom Street. Along the private street, driveways would be shared by two parcels each to consolidate the number of driveways provided along the street and increase the number of on-street parking that would be available. A sidewalk would be provided along the western side of the road where the majority of the dwellings would be provided. For private streets, the Transportation System Plan and Development Code establishes sixteen dwelling units as the maximum authorized on a private street. The applicant is proposing to serve seventeen dwelling units from the private street, therefore is asking for a Class III Variance application. The justification for the variance is provided in the findings section.

For Lots 14 & 15, each would be accessed from driveways from Walker Road. Walker Road is categorized as a Collector Road which allows residential properties direct driveway access, but with at least 130 feet separation from driveway to driveway according to the Transportation System Plan. However, the Engineering Department has reviewed the existing conditions of Walker Road as a built-out street with existing residential development and access operating as a local roadway in this segment between Stoltz Hill Road and S 7th Street. As such, the driveway design has been authorized utilizing the local roadway standard for driveway separation. Conditions of development are proposed to require the vision clearance areas to be continuously maintained.

For setbacks, the LDC requires a 10-foot front setback for interior lot(s); 15-foot street-side setback for corner lot(s), 5-foot interior side setback; and 20-foot rear setback. Based on the Townhouse and Zero Lot Line Plan provided in the record, all setbacks can be accommodated, except for the rear setbacks for Lots 12 and 13. The applicant is proposing a two-foot reduction in the rear setback requirement, subject to a Class III Variance request. The justification for the variance is provided in the findings section.

For parking, the Townhome and Zero Lot Line Plan provided in the record, shows the maximum build lines for the dwelling units, as well as the 20-foot vehicle entry setback to demonstrate how the site and development proposal can accommodate either a two-car driveway or a driveway and a garage. Table 16.14.070-1 in Chapter 16.14 of the Lebanon Development Code requires two parking spaces per townhome or single-family dwelling. The plan has demonstrated the capacity to accommodate the required parking on each individual lot as well as additional on-street parking on the private street, meeting the parking requirement. Conditions of development will be included to ensure the parking requirement is met upon review of each dwelling permit.

For utilities and infrastructure, sanitary sewer, water, and storm drainage infrastructure are available in Walker Road and Wassom Street. On Wassom Street, the infrastructure ends partially within the boundary of the subject property. Per City policy, the developer will be required to pull the infrastructure through to the western end of the property. For storm drainage, a system would be required to be installed along Wassom Street for the length of the property. Storm drainage systems are already available to connect to on Walker Road. Street improvements will be required for Wassom Street including half street improvements with sidewalks along the lot frontage.

For easement, the subdivision includes six types of easements: access, public utility, sewer, private drainage, private access and no-build restriction. A 5-foot-wide private drainage easement is located along the western boundaries of Lots 1-11. The private access, storm drainage, and utility easement is a 33-foot-wide easement located along the east boundary of Lots 1-11. A 3-foot-wide private utility easement is also along the east boundary of Lots 1-11. A 10-foot-wide no built easement is located along the south boundary of Lot 10 associated with the zero-lot-line housing proposal. Public utility easements are identified between 7-10 feet in width along the lot frontage of Walker Road and Wassom Street. A 5-foot-wide private utility easement is located along the south boundary of Lot 16 and north boundary of Lot 13.

III. REVIEW CRITERIA AND RECOMMENDED FINDINGS - SUBDIVISION

The Applicant is requesting consideration of a Subdivision application for the creation of a 19-lot housing subdivision. Below is an analysis of the review criteria (Chapter 16.22 of the LDC) and recommended findings:

1. 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:
 - A. 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.

RECOMMENDED FINDING: Within the RM zone, the minimum lot size and lot width is 2,500 square feet and 20 feet for a townhouse; 3,500 square feet and 40 feet for a zero-lot line or single-family attached dwelling; 5,000 square feet and 50-feet for a single dwelling detached and a duplex dwelling unit. Corner lots require an additional 500 square feet of lot area.

As shown on the preliminary plat, the net lot area of Lots 1-10 and Lots 12-19 is between 2,500 and 3,265 square feet with lot width ranging from 20 feet to 43 feet thus complying with the minimum dimensional standards for townhome dwellings. The net lot area of Lot 11 is 3,780 square feet with lot width of 42 feet thus complying with the minimum dimensional standards for zero lot line dwelling. However, the minimum area includes an additional 500 square feet since the site is a corner lot. Therefore, a variance has been requested to allow zero-lot line development on corner lot that has a lot area of 5,168 square feet and net lot area of 3,780 square feet.

According to Table 16.05-2, townhomes, single-family attached, and zero lot line housing are permitted with an Administrative Review. An Administrative Review application has been filed for concurrent review and the findings have been incorporated as reference. For setbacks, the LDC requires a 10-foot front setback for interior lot(s); 15-foot street-side setback for corner lot(s), 5-foot interior side setback; and 20-foot rear setback. Based on the Townhouse and Zero Lot Line Plan provided in the record, all setbacks can be accommodated, except for the rear setbacks for Lots 12 and 13. The applicant is proposing a two-foot reduction in the rear setback requirement, subject to a Class III Variance request. The justification for the variance is provided in the findings section.

The subject property has frontage along Wassom Street and Walker Road, Wassom Street is not fully improved to city street standards. The Wassom Street frontage 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. As such, this criterion has been met.

- B. 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.

RECOMMENDED FINDING: The proposed subdivision plat name "Madelyn Meadows" has been approved by the County Surveyor.

- C. 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.

RECOMMENDED FINDING: For utilities and infrastructure, sanitary sewer, water, and storm drainage infrastructure are available in the vicinity on Walker Road and Wassom

Street. On Wassom Street, the infrastructure ends partially within the boundary of the subject property. Per City policy, the developer will be required to pull the infrastructure through to the western end of the property. For storm drainage, a system would be required to be installed along Wassom Street for the length of the property. Storm drainage systems are already available to connect to on Walker Road. Street improvements will be required for Wassom Street including half street improvements with sidewalks along the lot frontage. The proposed street improvements, utility easements and infrastructure improvements have been provided on the plan set that has been included in the application record and incorporated here as referenced. As such, this criterion has been met.

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

RECOMMENDED FINDING: All proposed improvements are depicted in the provided plan set and are incorporated as reference. All easements have been identified on the preliminary plat, as such, this criterion can be met.

- E. 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.

RECOMMENDED FINDING: As noted, no special management areas were found in association to the subject site.

- F. 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.

RECOMMENDED FINDING: All improvements will be located within the City and are subject to City public works design and construction standards. No additional outside agencies have jurisdiction over permitting for utilities or service providers. As such, this criterion has been met.

- G. 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.

RECOMMENDED FINDING: The subject site is located just inside the conical surface area of the Airport Overlay Zone. At the time of building permit approval, the height of the future development will be reviewed for conformance with height limitations of the conical surface area. There are no areas of steep slopes on the subject property. The applicable Flood Insurance Rate Map for the subject site shows it is outside of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map does not show wetlands on the property. Required notification for any earthwork

including removing, filling, or altering materials in “waters of the state” (i.e., wetlands) will be provided to the appropriate approval authority and permits from the Department of State Lands and/or U.S. Army Corps of Engineers, if necessary, will be obtained in advance to any earthwork. The subject property is greater than 75 feet from the bank of nearby creeks and waterbodies. The subject property is also located outside of the designated boundaries of the special transportation area.

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

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

A. 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).

RECOMMENDED FINDING: Within the RM zone, the minimum lot size and lot width is 2,500 square feet and 20 feet for a townhouse; 3,500 square feet and 40 feet for a zero-lot line single-family attached dwelling; 5,000 square feet and 50-feet for a single-family detached dwelling and duplex. Corner lots require an additional 500 square feet of lot area.

As shown on the preliminary plat, the net lot area of Lots 1-10 and Lots 12-19 is between 2,500 and 3,265 square feet with lot width ranging from 20 feet to 43 feet thus complying with the minimum dimensional standards for townhome dwellings. The net lot area of Lot 11 is 3,780 square feet with lot width of 42 feet thus complying with the minimum dimensional standards for zero lot line dwelling. However, the minimum area includes an additional 500 square feet since the site is a corner lot. Therefore, a variance has been requested to allow zero-lot line development on corner lot that has a lot area of 5,168 square feet and net lot area of 3,780 square feet.

The block layout provisions in Chapter 16.12.030(K) state that blocks without pedestrian and bicycle connections through the block cannot exceed 600 feet in block length and 1,600 feet in block perimeter. Presently, the existing block length of Wassom Street and Walker Road between Stoltz Hill Road and South Seventh Street is 1,600± feet, and the existing block perimeter is 4,000± feet. The subdivision would not create any new blocks. Therefore, the proposal meets the standards for the underlying zoning district and complies with the design requirements for the LDC and Engineering Standards, and this criterion has been met.

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

RECOMMENDED FINDING: 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 Townhouse and Zero-Lot Line Plan provided in the record and incorporated as reference, there is adequate area provided to accommodate future development conforming to the minimum setback requirements except for Lots 12 and 13, which require a 2-foot reduction to the 20-foot minimum rear yard setback. A Class III variance request is included as a concurrent application and the findings are incorporated as reference. With approval of the variance, and conformance of all other lots to the setback standards, this criterion is met.

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

RECOMMENDED FINDING: 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

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

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. The Figure demonstrates a 5-foot sidewalk, 7-foot parking lane, and two 10-foot through lanes for a typical right-of-way of 32-feet. 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:

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

Access to 17 lots is proposed via a 33-foot width private street easement with a 27-foot-wide curb-to-curb width with parking on one side of the street, which confirms to the private street standard in the TSP. A Class III Variance to allow a private roadway to serve 17 dwelling units as opposed to 16 or less is included as a concurrent application,

and findings are incorporated herein by reference. With the variance approval, this criterion has been met.

- D. 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.).

RECOMMENDED FINDING: No trees or significant vegetation will be removed as part of this subdivision application. No fences or walls are proposed with this application, although future homeowners may wish to install privacy fencing and may apply for a permit separate from this application. No parking lots other than surface parking adjacent to driveways, or new building construction is proposed or required with this application. Upon development, the required landscape areas for single-family residential development will be reviewed for conformance with the code. A condition of development has been incorporated to require the front lawn area of the development to be landscaped prior to building occupancy to meet development code requirement. As such, this criterion has been met.

- E. 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).

RECOMMENDED FINDING: According to OFC, Appendix D 103.4, dead-end fire apparatus access road more than 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Lots 1-13 and 16-19 are proposed to be served by 27-foot-wide paved access and 33-foot-wide utility and access easement. Lots 14 and 15 will have frontage on and direct access to Walker Road with on-site development less than 150 feet from this public right-of-way and therefore, are not required to have a turnaround. As such, this criterion has been met.

- F. 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.

RECOMMENDED FINDING: As shown on the preliminary plat, Lots 1-13 and 16-19 will benefit from shared access easements and coordinated maintenance agreement. A condition has been incorporated that these easements and agreements be recorded as part of the final plat process. With the condition provided, this criterion has been met.

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

RECOMMENDED FINDING: As shown in the preliminary utility plan, an extension of public facilities are proposed to serve the development. All plans will conform to City standards and be approved prior to platting the subdivision. As such, this criterion has been met.

IV. REVIEW CRITERIA AND RECOMMENDED FINDINGS – CLASS III VARIANCES

The Applicant is requesting consideration of a three Class III Variances: (1) A variance to allow a private roadway to serve 17 dwelling units as opposed to 16 or less; (2) to allow a zero-lot-line dwelling to be constructed on a corner lot with a net lot area of 3,780 square feet as opposed to 4,000 square feet; and (3) allow a two-foot reduction in the rear setback for two of the 19 lots from a 20-foot setback to an 18-foot setback. Below is an analysis of the review criteria (Chapter 16.29 of the LDC) and recommended findings:

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

RECOMMENDED FINDING: Three variances are requested: (1) A variance to allow a private roadway to serve 17 dwelling units as opposed to 16 or less; (2) to allow a zero-lot-line dwelling to be constructed on a corner lot with a net lot area of 3,780 square feet as opposed to 4,000 square feet; and (3) allow a two-foot reduction in the rear setback for two of the 19 lots from a 20-foot setback to an 18-foot setback.

Private Roadway Variance

Lot 1 is a corner lot with a frontage along Wassom Street and a private roadway. Lots 11 and 12 are corner lots with frontage on Walker Road and a private roadway. Typically, corner lots may take access from either abutting accessway. However, due to the roadway classification of Walker Road (i.e., Minor Arterial) (and per LDC 16.12.030(E)) consolidation of vehicle access points are encouraged and sometimes required as a condition of approval to ensure the safe and efficient operation of the street system.

To limit the number of direct accesses to Walker Road. Access for Lots 11 and 12 is proposed to be from a private roadway. As a result, the total number of dwellings utilizing the private street for access exceeds the maximum permitted by one dwelling. If Walker Road was classified as a local roadway, the same number of dwelling units and lots would be constructed as proposed under this condition. Therefore, approval of this variance would not be materially detrimental to the purpose of the Development Code, city policy or standard, or to other properties in the same land use zone or vicinity.

Corner Lot Minimum Area Variance (Lot 11)

Within the RM zone, there are minimum area requirements based on dwelling type. Regardless of dwelling type, all corner lots require an additional 500 square feet of lot area. Although not stated in the Development Code, the reason for the additional area required is to ensure there is adequate buildable area after accounting for yard setbacks and larger clear vision areas for corners. A corner lot has a “front” yard setback and “street” yard setbacks.

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. Therefore, a standard interior lot with a single-family dwelling would have a buildable width of 40-foot building width (50' lot width minus (2) 5' yard setbacks) whereas a corner lot with a single-family dwelling would have a buildable width of 35-foot building width (50' lot width minus (1) 5' yard setback and (1) 10' street yard setback).

In this case, Lot 11 is proposed to be improved with zero-lot-line dwelling, which has a minimum lot width of 40-foot, net lot area of 4,000 square feet since it's a corner lot, and a required 10-foot no-build easement on the adjacent lot to allow for access/maintenance. The proposed lot is 42 feet wide with a building width of 32 feet, which is sufficient for a number of different floor plan configurations, and all other development standards would be able to be met. Therefore, approval of this variance would not be materially detrimental to the purpose of the Development Code, city policy or standard, or to other properties in the same land use zone or vicinity.

Rear Setback Variance (Lots 12 and 13)

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 20-feet (dwelling) rear yard. As shown on the townhouse and zero-lot line plan, Lots 12 and 13 are each proposed to be improved with townhouse dwelling unit. The front (i.e., dwelling/vehicle entryway) of these dwelling units will be oriented towards the private road to limit the number of direct accesses to Walker Road. As a result, each of the lots will be approximately 71 feet deep and have a maximum dwelling depth of approximately 31 feet (after subtracting the required minimum 20-foot vehicle entry and 20-foot rear yard setback). A 2-foot reduction to the rear yard setback is requested, which will allow slightly deeper units to be constructed. This level of setback reduction is usually considered a minor Class II adjustment in the development code to provide flexibility in development of property. As the request is being considered with a subdivision, the action is increased to a Class III variance.

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

RECOMMENDED FINDING: The proposed development is infill development, which is constrained by the surrounding development pattern and site boundaries.

Private Roadway Variance: Due to the road classification of Walker Road, the access to the site is being conditioned to the private road, requiring the corner lots to orient inward, rather than on the existing public roadway.

Corner Lot Minimum Area: The subject property is located between two public streets, one of which is classified as Minor Arterial Street. To provide consolidated access to interior lots a private roadway is necessary. Lots 1-10 are designed to allow for future 23-foot-wide townhouse units, to meet the minimum net lot area for townhouse development, and to allow

Lot 11 to comply to the great extent possible for the minimum net lot area for zero-lot line development. Further adjustments are not able to be made due to the overall area of the subject property and area/spacing requirements roadway and utility easements.

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

RECOMMENDED FINDING: The proposal includes the development of 19 residential lots for future development of townhouse and zero-lot line dwellings. According to Table 16.05-2, these dwelling types are permitted with Administrative Review approval. Therefore, uses proposed are permitted under the RM zoning district and as outlined in Sections III and V will meet or exceed city standards with approval of the requested minor variances. Therefore, this criterion is met.

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

RECOMMENDED FINDING: No existing or natural systems will be adversely affected any more than would occur if the development occurred as specified by the subject Code standards.

5. The hardship is not self-imposed.

RECOMMENDED FINDING: The variance to allow one additional dwelling access from a private roadway and 2-foot rear yard setback are necessary to consolidate vehicle access points to ensure the safe and efficient operation of the street system.

The variance to allow a zero-lot-line dwelling to be constructed on a lot 220 square feet less than the net lot minimum (for a corner lot) is also not self-imposed. As shown on the Townhouse and Zero-Lot Line Plan, a zero-lot line dwelling can reasonably be constructed on the lot in accordance with the RM development standards. The Transportation System Plan sets the standards for private street development and the required widths of roadway construction. Based on the site layout and the infill nature of the development, the roadway and sidewalk could not be configured in any other way than as shown. If the sidewalk were able to be designed on the other side of the private street, the lot could have been reconfigured to have sufficient net lot area to meet the standard without triggering the need for the variance. As the site constraints dictated the roadway design and limited the lot configuration, the hardship is not self-imposed.

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

RECOMMENDED FINDING: The variances requested are the only variances necessary in association with this application.

V. REVIEW CRITERIA AND RECOMMENDED FINDINGS – ADMINISTRATIVE REVIEW

The Applicant is requesting consideration of an Administrative Review for the development of a townhome and zero-lot-line residential project including eighteen townhomes and one zero-lot-line detached single-family dwelling. Below is an analysis of the review criteria (Section 16.20.040.D of the LDC) and recommended findings for the ADMINISTRATIVE REVIEW application:

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

RECOMMENDED FINDING: Development scope is to construct townhomes on Lots 1-10 and 12-19 and a zero-lot line dwelling on Lot 11. The subject property is located entirely within the Residential Mixed-Use (Z-RM) zoning district. According to LDC Chapter 16.05, Table 16.05-2, zero-lot-line dwellings and townhouses are permitted with Administrative Review in the RM zoning district. The development standards for the RM zone are found in Chapter 16.05, Table 16.05-7 and are as follows:

Lot Area and Dimensions: Within the RM zone, the minimum lot size and lot width is 2,500 square feet and 20 feet for a townhouse; 3,500 square feet and 40 feet for a zero-lot line single-family attached dwelling; 5,000 square feet and 50-feet for a single-family detached dwelling. Corner lots require an additional 500 square feet of lot area. As shown on the preliminary plat, the net lot area of Lots 1-10 and Lots 12-19 is between 2,500 and 3,265 square feet with lot width ranging from 20 feet to 43 feet thus complying with the minimum dimensional standards for townhome dwellings. The net lot area of Lot 11 is 3,780 square feet with lot width of 42 feet thus complying with the minimum dimensional standards for zero-lot-line dwelling. However, the minimum area includes an additional 500 square feet since the site is a corner lot. Therefore, a Class III variance has been concurrently filed to allow zero-lot line development on corner lot that has a lot area of 5,168 square feet and net lot area of 3,780 square feet.

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 height roof surface. Final building plans are not yet completed. Compliance with this standard can be verified in association with a building permit.

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. In the RM zoning district, the maximum lot coverage for townhouse and zero lot line development is 80 percent and 70 percent, respectively. As shown on the Townhouse and Zero-Lot Line Plan, there is sufficient area for development in which not to exceed the maximum coverage allowed by dwelling type.

Setbacks: In the RM zoning district, there is a 10-foot front setback, 20-foot vehicle entry setback, 15-foot street side setback, 5-foot interior side yard setback, and 20-foot rear setback. As shown on the townhouse and zero-lot line plan, there is adequate area provided to accommodate future development conforming to the minimum setback requirements

except for Lots 12 and 13, which require a 2-foot reduction to the 20-foot minimum rear yard setback. A Class III variance has been filed concurrently and the findings are incorporated herein by reference.

Zero-Lot Line Dwellings: LDC 16.05.180 states that Zero-lot line houses are subject to the same standards as detached single-family housing, except that a side yard setback is not required on one side of the lot. Zero lot line housing also includes attached dwellings. As shown on the townhouse and zero-lot line plan, proposed setbacks will not exceed the minimum setbacks standards of the RM zoning district with approval of the requested variance. **Setbacks for Primary and Accessory Structures:** LDC 16.05.180(C) states that a zero (0) side yard setback is for one single family dwelling, or attached, or stacked duplex, on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone. As shown on the Townhouse and Zero-Lot Line Plan, all proposed development will be zero lot-line or attached at common property lines.

Construction and Maintenance Easement: LDC 16.05.180(D) states that prior to building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not be less than 10 feet wide and shall not preclude the adjoining owner from landscaping the easement area. As shown in the Townhouse and Zero-Lot Line Plan, the required easement can be maintained with the proposed development.

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(A)(2)(a), requires one tree for every 30 linear feet where landscaped area is less than 30 feet deep. This standard is applied to the front and street side yards for middle housing residential development. Landscaping will be verified in association with a building permit. With this, the criterion has been met.

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

RECOMMENDED FINDING: 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

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

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. The Figure demonstrates a 5-foot sidewalk, 7-foot parking lane, and two 10-foot through lanes for a typical right-of-way of 32-feet. 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:

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

Access to 17 lots is proposed via a 33-foot width private street easement with a 27-foot-wide curb-to-curb width with parking on one side of the street, which confirms to the private street standard in the TSP. A Class III Variance to allow a private roadway to serve 17 dwelling units as opposed to 16 or less is included as a concurrent application, and findings are incorporated herein by reference. With the variance approval, this criterion has been met.

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

RECOMMENDED FINDING: According to LDC 16.14, Table 16.14.070-1, two vehicle parking spaces are required per single-family dwelling unit or duplex building. As proposed, each lot would provide one garage parking space and/or open driveway parking space(s) to accommodate two vehicles on each lot. In addition, off-street parking would be provided within the subdivision on the private street, off the public street system, exceeding the minimum parking standards. Therefore, this criterion has been met.

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

RECOMMENDED FINDING: According to LDC 16.15.020(A) all new developments and significant redevelopment on sites containing landscaped areas shall comply with the Landscaping and Screening standards of this Chapter. According to LDC 15.15.020(C)(b), the required front and street side yards of single family residential lots shall be landscaped. According to LDC 16.15.030(A)(2)(a), where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet. A condition of development has been included to require the front yards of the subdivision to be landscaped prior to occupancy of the units. With the conditions, this criterion has been met.

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

RECOMMENDED FINDING: As shown in the preliminary utility plan, an extension of public facilities are proposed to serve the development. All plans will conform to City standards and be approved prior to platting the subdivision. As such, 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 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. Therefore, there will be no direct impacts to the wetland or wetland permits required for the proposed development. According to Figures 16.11.020-1 to 16.11.020-3 the property is in the 494-foot horizontal surface, direct impact area of the Lebanon Airport's Airport Safety Zone (AS-OZ). Therefore, notice was provided to the Oregon Department of Aviation. The subject property is located outside all other overlay or special districts. As such, this criterion is met.

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

RECOMMENDED FINDING: 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. As such, this criterion is not applicable.

VI. PUBLIC NOTIFICATION AND COMMENTS

A public notification for this project was issued on January 26, 2024. No comments were received from members of the public at time of publishing the Planning Commission agenda. Comments were received by the Fire District, Engineering Department, and Building Department and have been incorporated as conditions of development for the application.

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

VII. 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. The final plat shall include all identified easements, including all public utility, private utility, sewer, private drainage, access, private access, and no-build restriction easements.
 - d. Prior to building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero-lot-line dwelling that guarantees access onto adjoining lot for the depth of the zero-lot-line structure for the purpose of construction and maintenance of the zero-lot-line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not be less than ten feet wide and shall not preclude the adjoining owner from landscaping the easement area.
 - e. A reciprocal access and maintenance agreement for all parcels utilizing the private street shall be prepared and filed as part of the final plat.
 - f. The final plat shall designate which properties shall developed with shared common walls.
 - g. A landscape plan shall be provided for review and approval prior to landscape installation. The landscape plan shall comply with Chapter 16.15 (Landscaping) of the Lebanon Development Code. Landscaping shall be installed per the approved plan prior to issuance of final certificate of occupancy.
 - h. All exterior lighting shall be designed in compliance with Chapter 16.19 of the Lebanon Development Code.
 - i. Upon Building Permit submittal, a site plan shall be included to demonstrate which zero-lot-line is proposed and complies with Chapter 16.05 in regard to zero-lot-line developments.
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:
 - (1) conform to the latest "City of Lebanon Engineering Design Standards for Public Improvements."
 - (2) require completion of a Drawing Review Application and a Public Improvements

Permit prior to beginning construction.

(3) be designed by a professional engineer registered in the State of Oregon.

(4) Prior to final plat approval, a bond or other approved form of assurance is required for all incomplete public improvements.

- b. All elevations shown on plans submitted to the City must be on the NAVD 88 vertical datum to provide compatibility with the City computer aided mapping system.
- c. All private, onsite utilities must be reviewed and approved by the City Building Official.

Transportation

- d. Construct City standard full depth half street improvement along Wassom Street the length of the lot frontage. All sidewalks and driveway approaches must comply with ADA requirements.
- e. Commercial driveway approach required on both Wassom St and Walker Rd.
- f. Driveway locations shown on the planning application drawing shall remain throughout design and building construction.
- g. Provide a Geotech report including minimum street section for wet and dry weather construction conditions for both the public and private street sections.
- h. Provide City standard street trees in compliance with the City of Lebanon street tree policy. See the policy and approved street tree list at (<http://www.ci.lebanon.or.us/index.aspx?page=117>).
- i. With engineering drawings, indicate the location of street and path lights, mailboxes, utility pedestals, signs.
- j. Mailbox locations must be also be reviewed and approved by the Postmaster.
- k. 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.

Storm Drainage

- l. Storm Detention calculations from the previous planning approval are required to be reevaluated to establish update rates for the new development. There will be no allowance for decrease in storm detention with the new development proposal.
- m. The drainage system and grading plan shall be designed so as not to adversely impact drainage to or from adjacent properties. Storm drainage facilities must be designed and constructed to ensure historical rates of site discharge are not exceeded. Storm drain capacity shall be determined by the Rational Method for a 10-year event with a 15-minute minimum durations time using the curve (fig 5.3) in the master plan. A detailed design including engineering calculations shall be submitted as part of site plan review.
- n. With the engineering drawings, provide a grading plan for the sites that indicates existing and proposed elevations. Drainage improvements (ditches and or piping) may be required at the site boundaries to prevent adverse impacts. The engineering drawings must provide a detailed design (including calculations) of the drainage improvements and mitigation of any impacts to adjacent properties.

- o. Construct a PVC storm drain system along Wassom St the length of the lot frontage. The new storm main should be designed to accommodate future development.
- p. Provide verification of Oregon DEQ NPDES 1200C permit issuance and all condition of permit issuance prior to construction
- q. 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 prior to the final acceptance of public improvements.
- r. With engineering drawings provide a construction erosion prevention plan.

Water

- s. Identify any on-site wells on the engineered drawings. Back flow prevention devices will be required on any lot that is also serves by the city water system.
- t. Fire suppression will be under the Fire Marshal review and approval. The number and location of fire hydrants shall be approved by the Lebanon Fire Marshal. All new hydrants must be operational and accepted by the City prior to storage of combustible materials on site. Building permits will not be issued until fire hydrants are operational.
- u. Extend 8" ductile iron water main from blowoff in Wassom St to the west property line.

Sewer

- v. Identify any on-site septic systems on the engineering drawings.
- w. Extend 8" PVC sanitary sewer system from the manhole in Wassom St to the west property line.
- x. The purpose sewer main has been constructed with the previous planning approval; the additional lots will require new sewer lateral connections.

Landscaping

- y. 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.
- z. 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.
- aa. Fences along street sides shall comply with setback and intersection site distance requirements per AASHTO.

VII. PLANNING COMMISSION ACTION

A. The Planning Commission may either:

1. Approve the proposed Subdivision application (S-24-01) for the 19-lot subdivision, Administrative Review application (AR-24-01) for the development of the townhomes and zero-lot-line dwellings, and Variance applications (VAR-24-02, 03 and 04) for a variance to the corner lot size requirement, maximum units on a private street requirement, and rear setback for two lots, 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-24-01) for the 19-lot subdivision, Administrative Review application (AR-24-01) for the development of the townhomes and zero-lot-line dwellings, and Variance applications (VAR-24-02, 03 and 04) for a variance to the corner lot size requirement, maximum units on a private street requirement, and rear setback for two lots, adopting modified findings for the decision criteria and conditions of development; or
3. Deny the proposed Subdivision application (S-24-01) for the 19-lot subdivision, Administrative Review application (AR-24-01) for the development of the townhomes and zero-lot-line dwellings, and Variance applications (VAR-24-02, 03 and 04) for a variance to the corner lot size requirement, maximum units on a private street requirement, and rear setback for two lots, 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.