
PRELIMINARY SUBDIVISION PLAT; ADMINISTRATIVE REVIEW (CLASS II); VARIANCE (CLASS 3) APPLICATIONS

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

Property Owners: Good Well Land LLC & Good Well Construction, Inc.
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(503) 375-6205 / Jordan.schweiger@gmail.com

Applicant: Integrity Investments, LLC
c/o Brad Wilson
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Albany, Oregon 97322
(541) 936-0676

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

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Site Location: Unassigned (Tax Lot 3600)
Parcel 2 of Partition Plat No. 2020-12 (Tax Lot 3501)

Linn County Assessor's Map No.: 12S-02W-15CD Tax Lot 3501
12S-02W-15CD Tax Lot 3600

Site Size: 0.54-acres (Tax Lot 3501)
0.93-acres (Tax Lot 3600)

Existing Land Use: Unimproved

Zone Designation: Residential Mixed Density (C-RM)

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

Surrounding Zoning: North: UGA-UGM-10 / RM
South: RM (across Walker Rd.)
East: RM
West: RM

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



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I. Executive Summary

The applicant requests approval of the following applications:

1. Tentative Subdivision Plat of a 19-lot residential subdivision.
2. Administrative Review for development of townhouse and zero-lot line dwellings.
3. A variance to allow a private roadway to serve 17 dwelling units as opposed to 16 or less.
4. A variance to allow zero lot dwelling be constructed on a lot with a net lot area of 3,780 square feet as opposed to 4,000 square feet (i.e., 3,500 sf min. plus 500 sf for corner lot).
5. A variance to allow a 2-foot reduction of the 20' minimum rear yard setbacks of Lots 12 and 13.

The subject site is located between Wassom Drive and Walker Road, approximately 350 feet east of Stoltz Hill Road. The subject site does not have an assigned address but is identified as Linn County Tax Assessor Map No. 12S-02W-15CD Tax Lot 3501 and 3600. The property is approximately 1.47 acres and unimproved.

The property is in a developed neighborhood. To the north is Wassom Street and a parcel developed with a single-family residence located in the UGA-UGM-10 zoning district. To the east and west, RM zoned properties improved with single-family dwellings and associated accessory structures. To the south is Walker Road. Across the street from Walker Road are RM zoned properties improved with single-family dwellings and associated accessory structures.

The proposal includes a preliminary plan to subdivide the 1.47-acre site into 19 residential lots. As proposed, the subdivision would include lots ranging in size from 2,500 to 3,265 square feet. Lot 11 is proposed to be developed with a zero-lot line dwelling. All other lots are proposed to be developed with townhouses dwellings.

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, townhome development is 2,500 square feet, and multi-family development is 9,000 square feet. An additional 500 square feet is required for all corner lots.

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 in the Tentative Lot Layout plan submitted as part of the record, the proposal includes the use of an access easements for a private street connectively to Wassom Street and Walker Road. This plan identifies the net lot area for each lot, which varies from 2,500 square feet to 3,780 square feet for the parcels accessed from the easement. This net lot area is inclusive of the lot area for the private drainage and public utility easements, but not inclusive of the 33-foot access easement.

All proposed lots within the subdivision will be provided with direct driveway access or private

street access Wassom Street and/or Walker Road. The proposed private street includes a 33-foot-wide access easement with a 27-foot-wide improved street. Wassom Street is classified as a local street and is proposed to be improved to City standards along the frontage of the subject property. Walker Road is classified as a Minor Arterial and is also proposed to be improved to City standards along the frontage of the subject property.

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 construct infrastructure to and through the west property boundary. For storm drainage, a system would be required to be installed along Wassom Street along the frontage of the subject 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: no-build restriction, private access, public utility, private utility, sewer, and private drainage. 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 located easement located along the east boundary of Lots 1-11. A 10-foot-wide no built easement is located along the south boundary of Lot 10. 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 is located along the south boundary of Lot 16 and north boundary of Lot 13.

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

II. TENTATIVE SUBDIVISION PLAT REVIEW

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.



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

FINDINGS: As proposed, none of the lots are large enough to allow for 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 permitted for lot intended for middle housing. Therefore, these provisions are not applicable.

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.

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

FINDINGS: A pre-application meeting was conducted mid-2021.

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

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

FINDINGS: Driveway spacing standard are found in Table 9: Roadway and Access Spacing Standards of the 2019 Transportation System Plan. The minimum driveway spacing standard is 25 feet for a local roadway and 265 feet for a minor arterial road from the center to center of adjacent approaches.

The clear vision standards are found in LDC 16.12.030.H and are described as an area that consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in the is regulation, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. In situations involving driveways, the two sides shall include the sides of the driveway and the adjacent property line or access easement line. The clear vision area for street driveway/street-access easement intersection shall be 10 feet along the driveway/access

easement from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the driveway.

As shown in the tentative lot layout, all proposed driveway sight distances and accesses are in conformance with this standard.

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, Walker Road or Wassom Street. Shared and direct access to public rights-of-way provides 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 combination of direct shared access to Walker Road and shared private street access to Walker Road or Wassom Street.

5. LDC 16.22.050.B.5 Conditions of Approval to Mitigate Significant Impacts or Effects on Transportation Facilities: In situations in which proposed land use actions may cause a significant negative impact or effect on a transportation facility, the Planning Commission may impose additional conditions for approval, such as:
 - a) A Traffic Impact Analysis (or other traffic studies), if the City Engineer finds that the proposed development will have a significant negative impact or effect on the surrounding transportation network. (See Chapter 16.12, Subsection 16.12.010.B).
 - b) The operator of the affected transportation facility shall receive notice of the proposed land use. Such operators may include, but are not limited to, the city, Linn County, the

State (e.g., ODOT, Oregon Department of Aviation), and railroad companies. This notice shall include the applicant's full site plan submitted to the City and any traffic impact study or traffic counts, as well as the information noted in paragraph "a." immediately above.

- c) The determination of transportation impacts or effects and the scope of any impact study shall be coordinated with the Planning Official, the City Engineer, and the operator of the affected transportation facility.
- d) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed land use.
- e) Transportation-related improvements where the existing transportation system may be burdened by the proposed land use.

FINDINGS: Based upon Land Use Category 215 of the Institute of Transportation Engineers (ITE) trip generation rates, attached single dwellings, duplexes, and townhouses generate 7.20 vehicle trips per day and 0.57 trips during the peak PM traffic hour. The development will create 19 new vacant lots, each of which could be developed with a dwelling. Construction of 19 dwelling units would add about 137 new vehicle trips per day to the public street system. About 11 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 137 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 and variance, 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:



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

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

FINDINGS: 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 494-foot horizontal surface area and direct impact 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 the 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: A title report and existing conditions plan sheet denoting known recorded easements has been submitted with this 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. TENTATIVE SUBDIVISION PLAT - 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 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, single family detached dwellings and duplexes are outright permitted uses whereas townhomes and zero lot line housing are permitted with an Administrative Review. Setbacks and other development specific standards found in Article Two and Three will be evaluated upon the submittal of a building permit for a single-family detached dwelling or duplex and Administrative Review for a townhome or zero lot line development.

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.

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

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

FINDINGS: 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 construct infrastructure to and through the west property boundary. For storm drainage, a system would be required to be installed along Wassom Street along the frontage of the subject 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.

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 and are incorporated as reference. All easements have been identified on the preliminary plat, as such, this criterion can be met.

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 with the subject site. Therefore, this criterion is not applicable.

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

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

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

FINDINGS: The subject site is located just inside the conical surface area of the Airport Overlay Zone. 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. The subject property is also located outside of the designated boundaries of the special transportation area.

The site is 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. 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. As such, this criterion has been met.

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

CRITERION 1

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 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.

CRITERION 2

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

FINDINGS: According to LDC Table 16.05-9: minimum setbacks in the RM zone are as follows: 10-foot front yard; 10/15-feet street side yard; 5-feet side (interior) yard and 10/20-feet to the rear yard.

As shown on the 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 variance request is included in Section IV and the findings are incorporated

herein by reference. Ultimately, Conformance with setback standard will be evaluated upon the submittal of a building permit residential development.

CRITERION 3

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

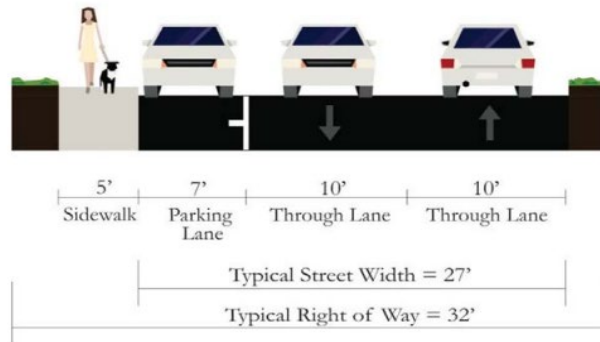
Per LDC 16.12.030(F)(3), LDC 16.12.030(J)(1), LDC 16.12.030(L)(1), single-family and duplex uses may be served by a minimum 24-foot-wide access easement with a minimum 12-foot-wide driveway with a recorded shared access easement and coordinated maintenance agreement.

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. 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"

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



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 variance to allow a private roadway to serve 17 dwelling units as opposed to 16 or less is included in the section below, and findings are incorporated herein by reference.

CRITERION 4

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: 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. This criterion is not applicable at this time.

CRITERION 5

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: 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.

CRITERION 6

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 1-13 and 16-19 will benefit from a shared access easement and coordinated maintenance agreement. It is acknowledged that the applicant and City staff must comply with these requirements prior to recordation of a final plat.

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

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

IV. VARIANCE (CLASS 3) REVIEW

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

CRITERION 1

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

FINDINGS: The following two variances are requested:

1. A variance to allow a private roadway to serve 17 dwelling units as opposed to 16 or less.
2. A variance to allow zero lot dwelling be constructed on a lot with a net lot area of 3,780 square feet as opposed to 4,000 square feet (i.e., 3,500 sf min. plus 500 sf for corner lot).

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. The establishment of a maximum of 16 dwellings units with access to a private street is subjective. Meaning that there are no fire, life, and safety code provisions or vehicle trip impacts associated with this maximum. The number was simply established to set some sort of limit to the number of dwellings utilizing a private street vs. public street. 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. 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-feet 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. 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-feet side (interior) yard and 20-feet (dwelling) rear yard.



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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.

CRITERION 2

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

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

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.

CRITERION 3

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

FINDINGS: The 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.

CRITERION 4

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

FINDINGS: No existing or natural systems will be adversely affected any more than would occur if

the development occurred as specified by the subject Code standards.

CRITERION 5

E. The hardship is not self-imposed.

FINDINGS: As stated under Criterion 1 above, 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 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. First, the establishment of development code which requires an additional 500 square foot of lot area for corner lots predates the allowance of middle housing dwelling types and was not reassessed when the development code was amended to allow these dwelling types. While an additional 500 square foot may have been necessary to accommodate traditional single-family dwellings it is no longer necessary for middle housing dwellings which allow for more efficient use of land. Additionally, 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.

CRITERION 6

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

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

V. ADMINISTRATIVE REVIEW

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

FINIDING: This application and process conform to requirements contained in these subsections. The 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:

CRITERION 1

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: Administrative Review approval is requested to allow construction of townhouses 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. The property is identified as Linn County Tax Assessor's Map No. 12S-02W-15CD Tax Lots 3501 and 3600.

Use: 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 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.

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 variance request is included in Section IV and the findings are incorporated herein by reference. Ultimately, Conformance with setback standard will be evaluated upon the submittal of a building permit residential development.

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 is required 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.

CRITERION 2

- 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: Transportation improvements, access, and access management are evaluated under Section III above, and incorporated herein by reference.

CRITERION 3

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(A) off-street parking must be provided on the development site for Z-RL, Z-RM, Z-RH, ZNCM, Z-HCM, Z-MU, Z-NMU, Z-PU and Z-IND Zones.

Vehicle Parking: According to LDC 16.14, Table 16.14.070-1, two vehicle parking spaces are required per single dwelling unit and one vehicle parking space is required per duplex. As proposed each lot will be provided with one garage parking space and/or open driveway parking space(s). Therefore, this criterion is met.

CRITERION 4

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(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 16.15.020(C)(b), the required front and street side yards of single family residential and duplex 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 approval may be included to require landscaping in the required yards to be planted prior to issuance of a certificate of occupancy of each of the proposed dwellings.

CRITERION 5

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

FINDINGS: Public and private facility improvements were evaluated under Section III above and incorporated herein by reference. All private connections will be reviewed in association with a building permit. As such, this criterion has been met.

CRITERION 6

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. 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 must be 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.

CRITERION 7

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 are administrative requirements applicable to the city, the applicant and those receiving a copy of the notice of decision.

VI. OVERALL CONCLUSION

Based on the above analysis, the proposed Tentative Subdivision Plat, Variance, and Administrative Review applications meet all the applicable review criteria as outlined above.

VII. ATTACHMENTS

A. Tentative Subdivision Plan Set

1. Cover Sheet, Sheet C00
2. Tentative Lot Layout, Sheet C01
3. Possible Driveway Locations, Sheet C02
4. Preliminary Utility Plan, Sheet C03
5. Preliminary Grading and Drainage Plan, Sheet C04
6. Preliminary Street Plan, Sheet C05
7. Townhouse and Zero-Lot Line Plan, C06



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