



Community Development
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REVISED NOTICE OF DECISION
Planning File No. AR-20-01, MLP-20-02
(Administrative Review & Minor Land Partition)

March 9, 2020

I. BACKGROUND

APPLICANT: Eddie Patton

PROPERTY LOCATION: The subject property is generally located on the north side of W. Vine Street, between S. 12th and 13th Streets. The current property address is 1195 W. Vine Street, and the County Assessors map identification is within Township 12 South, Range 2 West, Section 10BC, Tax Lot 3900.

PARCEL SIZE: The project area is approximately 11,326 square feet.

ZONING: Residential Mixed Density (Z-RM).

EXISTING DEVELOPMENT: There is an existing structure located on the east side of the property that is proposed to be demolished as part of the project. The remainder of the site is vacant.

ADJACENT ZONING AND LAND USES: All surrounding properties are zoned Residential Mixed Density (Z-RM). Properties to the northwest are located within the City's UGB within an unincorporated area, and holds a comprehensive plan designation of residential mixed density. Surrounding uses all include single-family residential dwellings and duplexes.

REQUEST/PROJECT SUMMARY: The Applicant is requesting approval to one of the subject parcels into three and develop a four-unit townhome project on a total of four lots.

- There are two existing parcels, that have been modified through the approval of a Property Line Adjustment application PLA-20-01. Under this approval, Parcel One is 2,686.25 square feet, and Parcel Two is 8,698.51 square feet. The Minor Land Partition application would partition the 8,698.51 square foot parcel into a total of three lots: two lots would total 2,780.35 square feet each, and the third lot would be 2,883.05 square feet.
- For lot size and dimension, Section 16.05.090 of the Lebanon Development Code identifies the minimum lot widths and area for a townhome development is 20 feet

minimum width, and 2,500 square foot minimum area. Under the development proposal, two of the proposed units would maintain a 38-foot front setback and 50-foot rear setback, while the other two units would maintain a 69-foot front setback and 20-foot rear setback. For the side setbacks, for the non-shared wall lot lines, the minimum 5-foot setback is maintained. The building footprint for each unit would be approximately 653 square feet, creating an approximate lot coverage of 22% for each parcel. Finally, the structures would be two-stories, and would not exceed the maximum height authorized by Chapter 16.05 (Criteria #A.1, #B.1, and #B.2 in Section 16.22.090, and Criteria #2.a, Section 16.20.040.D)

- The is no proposed plat name identified as part of the proposal as the project is not inclusive of a subdivision. (Criteria #A.2, Section 16.22.090)
- City Sanitary Sewer, Storm drain and Water utilities are currently available to be accessed by each parcel. As part of the development, the public street improvements would be required for installation of a sidewalk, curb and gutter. Conditions on the project have also been included to consolidate the number of driveways to reduce access points and reduce the points of cross traffic on the street. There are no additional public facility improvements required as part of the development. The Fire Department has included conditions on the development to ensure compliance with the relevant codes and identify required improvements (Criteria #A.3, #A.6, #B3, and #B5 in Section 16.22.090, and Criteria #2.b and 2.e in Section 16.20.040.D)
- There are no proposed common areas or improvements identified in the preliminary plat (Criteria #A.4, Section 16.22.090.A)
- For a single-family dwelling, the parking requirement for the property is two vehicular parking spaces, with no required bicycle parking. The development provides for a driveway with a minimum width of twenty feet, and varying depths between 38 to 69 feet. Each driveway area provides sufficient space for the parking of a minimum of two vehicles, meeting the minimum parking requirement. (Criteria #2.c, Section 16.20.040.D)
- There are a number of existing mature trees on-site. Condition of the project is to caliper each tree, and if the tree maintains a minimum 12-inch caliper for deciduous and 18-inch caliper for evergreen, the tree should be protected in place, or if removed, replaced with a multiple of trees based on the requirements in Chapter 16.15 of the Development Code. A landscape plan has been conditioned as a required submittal prior to construction to ensure full compliance with Chapter 16.15 (Criteria #2.d, Section 16.20.040.D and Criteria #B.4, Section 16.22.090)
- The property is not located in any special management areas for the City, County, State or Federal regulatory agency based on maps and records available to the City. (Criteria #A.5, Section 16.22.090 and Criteria #2.f, Section 16.20.040.D)
- The parcels are not located within any flood hazard, riparian protection, or steep slope hazard zones and are not subject to any additional permit regarding the hazard or special management zones. (Criteria #A.7, Section 16.22.090 and Criteria #2.f, Section 16.20.040.D)
- Consideration of special design standards and exceptions identified in Chapter 16.19 have not been identified. If requested, the project shall be required to fully comply with the provisions of the chapter. (Criteria #2.g, Section 16.20.040.D)
- As there is no proposed creation of blocks or public streets. Shared driveways have

been required as a condition of development, along with the filing of a reciprocal access agreement. (Criteria #B6 in Section 16.22.090)

REVIEW CRITERIA: The City's review criteria for a Land Partition are found in Chapter 16.22 – Land Divisions, and Chapter 16.20 – Review and Decision-Making Procedures. The Project summary above provides the data for the basis of review and the decision criteria. Based on the proposal, the project complies with the required development standards per Chapter 16.05 of the Development Code, and all required findings can be met.

II. PUBLIC NOTIFICATION

The City issued a public notification in compliance with the Lebanon Development Code and State regulations on February 19, 2020. The public comment period remained open until 5:00pm on Wednesday, March 4, 2020. The City received three public comment letters on the proposed application.

Comment Letter #1: Indicated no objection to the property partition and construction of the townhomes, but requested an 8-foot fence be constructed along the northern property line, and maintain a minimum 13-15 foot separation from the fence and townhomes to maintain privacy of the adjacent neighbor.

It has been incorporated as a condition of approval that an 8-foot perimeter fence be provided. As proposed, the buildings would maintain a minimum 20-foot separation from the northern property line, exceeding the minimum request.

Comment Letter #2: Indicated objection to the project indicating it would have a significant negative impact on the neighborhood. Specifically, the neighborhood already experiences high traffic volumes due to the Monarch apartment development in the area; adding more residential units would be detrimental to the neighborhood environment; a single-family home should be considered as a development alternative; and the large trees on the property should be maintained for privacy.

The property is zoned Residential Mixed-Density which allows for a townhome development, within the density proposed. Being within the City, the property is intended to be developed at urban densities, which include a townhome development. The inclusion of four additional housing units would increase the number of vehicles on the road in the area but would not create a significant impact on the existing traffic. Conditions on the project have been included to consolidate driveways to reduce the number of points of access onto Vine Street to ensure safe vehicle maneuvering. For the landscaping, the Development Code requires a cataloging and preservation of mature trees with a caliper width of 12 inches for deciduous and 18 inches for evergreen trees. If during construction, these trees are impacted, they shall be replaced. Conditions of the project will be to preserve the existing trees where possible or replace as part of the development. Finally, in terms of an alternative development option, the City must review the development proposal as it has been provided, and consider the development proposed.

Comment Letter #3: Indicated opposition to the project due to noise generated from the four additional residential units, as well as blocking sunlight to his property.

The noise generated from the residential units would be consistent with the surrounding residential uses and fall within the character of the surrounding uses. For the sunlight, the residential units would be set back from the property line by approximately 38 feet and would be in line with the adjacent garage unit. The proposed building location is not anticipated to block any natural light to the neighboring house.

III. DECISION AND CONDITIONS OF APPROVAL

Based on the project summary and the record, the Lot Partition meets all the required development criteria set forth in Chapter 16.05, and the required decision criteria in Chapters 16.20 and 16.22 of the Lebanon Development Code. City staff concludes the proposal complies with the provisions for an Administrative Review and Minor Land Partition and **APPROVES** the application subject to the following Conditions:

- A. The Applicant shall record a partition plat. The final partition plat shall be subject to the following:
 - 1. 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.
 - 2. 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.

- B. Planning Conditions for the project include, but may not be limited to:
 - 1. Perimeter fencing shall be provided to a height of eight feet along the western property line for Adjusted Parcel 1, the northern property lines for all parcels, and the eastern property line for Parcel 3 as identified on the Partition Map. Exceptions to the height shall be for any portion of the development within the required Vision Clearance area. The fencing heights may be lowered to a height of six feet along property lines where the building has no second-story windows as verified through the building permit process.
 - 2. The driveways shall be consolidated to the lowest number of driveways possible, as determine by the City Engineer. Reciprocal Access Agreements shall be filed for each parcel with a shared driveway. Proof of recordation shall be provided to the City prior to issuance of certificate of occupancy.
 - 3. All existing mature trees on-site shall be measured using a caliper. For trees with a diameter of 12-inches for deciduous or 18-inches for evergreen, the trees shall be preserved on-site where determined feasible in compliance with Section 16.15.020.B of the Development Code.
 - 4. Elevation plans shall be provided during the building permit review to ensure compliance with the maximum height requirements.

C. Engineering Conditions for the project include, but may not be limited to:

General:

- a. All public improvements shall:
 - (1) conform to the latest "City of Lebanon 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.
- d. Fire suppression will be under the Fire Marshal review and approval.

Transportation:

- a. Construct city standard half street improvements along Vine Street the length of lot frontage. All sidewalks and driveway approaches must comply with ADA requirements.
- b. A residential site plan shall be submitted for review and approval for each new tax lot. Sidewalk and driveway approaches can be construction with each building permit.
- c. Due to the proximity to the Vine St and Twelfth St intersection and to not impact on street parking, share driveway access will be required. With engineering drawings show driveway locations.
- d. Provide City standard street trees in compliance with the City of Lebanon street tree policy.
- e. Provide verification of Republic Services approval.
- f. Additional mailbox location must be approved by the Postmaster.

Storm Drainage:

- a. No on-site grading shall adversely impact storm water run-off from adjacent properties. Grade site to drain all storm water run-off to the street or provide a grading plan for review.

Water:

- a. Identify any on-site wells on the site plan. Wells proposed for removal must be abandoned according to state and county regulations prior to connection to the public water system. Approved back flow prevention assemblies are required for any City meters service properties with a well.

Sanitary Sewer:

- a. Identify any on-site septic systems on the site plan. Septic systems must be abandoned according to City and County regulations.

- D. Provide plans and documentation that demonstrate compliance with all Lebanon Fire District requirements identified in the attached letter.
- E. Compliance with these conditions, and the applicable requirements of the Lebanon Development Code, City Public Works Standards, Lebanon Fire District requirements and adopted building code, shall be the sole responsibility of the property developer.

IV. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Lebanon land use and review and approval process does not take the place of, relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use approval herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

V. APPEALS

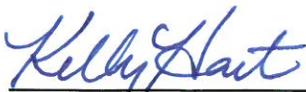
This action is final unless appealed to the Lebanon Planning Commission within fifteen (15) calendar days from the date of this notice. **The appeal must be submitted to the Community Development Department by 5:00 PM on Tuesday, March 24, 2020.** Only the applicant and/or a party receiving a copy of this decision may appeal this land use decision. The appeal must state the purpose of the appeal, identifying specific criteria which the application fails to meet, and include the required appeal fee of \$250.00.

Should you wish to appeal this action, or have any questions regarding this project, please contact the Lebanon Planning Division at (541) 258-4906, for further information.

VI. RECORD

The City's case file and record can be viewed in the Community Development Department at Lebanon City Hall, located at 925 S. Main Street, Lebanon, OR 97355 during regular business hours.

Respectfully,



Kelly Hart
Community Development Director

March 9, 2020

Date