



Community Development  
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Lebanon, Oregon 97355

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**NOTICE OF DECISION**  
**Planning File No. AR-20-05, MLP-20-05, VAR-20-03**  
(Administrative Review, Minor Land Partition, and Class II Variance)

June 15, 2020

**I. BACKGROUND**

**APPLICANT:** Scott Lepman, representing Sable Drive, LLC

**PROPERTY LOCATION:** The subject property is generally located on the east side of S 10<sup>th</sup> Street, between W Sherman and W Grant Streets. There is current no assigned property address, the County Assessors map identification is within Township 12 South, Range 2 West, Section 10CA, Tax Lot 5700.

**PARCEL SIZE:** The project area is approximately 7,974 square feet.

**ZONING:** Residential Mixed Density (Z-RM).

**EXISTING DEVELOPMENT:** There is an existing non-habitable structure located on the north 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), except to the west, which is zoned Public Use (Z-PU). All properties are located within city limits. To the north, south and east are single-family residences. To the west is the Green Acres Elementary School.

**PROJECT SUMMARY/REVIEW CRITERIA:** The Applicant is requesting approval to partition the existing 7,974 square foot parcel into two parcels for the development of a 2-unit townhome project, with a request for a minor reduction to the rear setback for the structure.

- There is one existing parcel 7,974 square feet in size, that currently has 59.99 feet of street frontage, and a property depth of 132.93 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-foot minimum width, and 2,500 square foot minimum area. The development plan provides for a minimum 29.99 feet of street frontage for one parcel, and 30.00 feet of street frontage for the second parcel. Each parcel would have an area of 3,987 square feet.

The project therefore exceeds the minimum standard for property area and width. For setbacks: the front setback would be 20-feet, and the side setbacks would be 5 feet, meeting the minimum requirements of Chapter 16.05. The building footprint for each unit would be approximately 2,132 square feet, creating an approximate lot coverage of 53.5% for each parcel. Finally, the structures would be one-story, approximately 20 feet in height, well below 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)

- For the rear setback, the development provides as setback between 18.83-18.86 feet, a reduction from the required 20-foot setback. As such, the applicant has requested a Class II Adjustment. A Class II Adjustment authorizes up to a 15% reduction in the required setbacks if the decision criteria can be met. The applicant is requesting a 6% reduction in the rear setback. The following includes a discussion on the required decision criteria found in Section 16.29.040.C.4 of the Lebanon Development Code:
  - The proposed Adjustment 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. *The variance would apply to approximately 1/3<sup>rd</sup> of the length of the building. The remaining 2/3<sup>rd</sup> would meet the development standards for setbacks. The reduction in setback would be 1.17 feet for only 1/3<sup>rd</sup> of the property area. In addition, the reduction is in the rear setback, which is adjacent to the rear setback of the neighboring property. As such, due to the limited adjustment proposed, the adjustment would not be materially detrimental.*
  - The use 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. *The use is a townhome in the RM zone on a lot larger than 7,000 square feet and meeting all other development standards. This use is permitted in the RM zone.*
  - Existing physical and natural systems, such as but not limited to traffic, drainage, natural resource, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard. *The adjustment is restricted to the rear yard setback. The land use, density, parking, and traffic generated from the site would be the same as if the development met the setback standard. As such, the adjustment will not create an adverse impact nor affect existing systems and infrastructures any greater than the proposed development without the variance.*
- The development is located within an established residential neighborhood and is subject to the infill standards identified in Section 16.05.110 of the development code. Aside from the minor adjustment to the rear setback, the development is designed in a manner to be consistent with the surrounding development. All surrounding structures are one-story in height. The development maintains this character by providing a single-story product. The front of the property would be dominated by the driveway and garage for parking, with landscaping on the perimeter. This is consistent with a residential neighborhood. There is sufficient parking provided on the development consistent with a residential neighborhood. By providing a two-car garage, and a driveway of sufficient width for two vehicles on each lot, the parking configuration and frequency is consistent with a single-family residence. In addition, a rear yard is provided for each unit, consistent with the residential neighborhood composition. As

such, the project meets the criteria for an infill development per Chapter 16.05. (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 Water and Storm Drainage is available in S 10<sup>th</sup> Street, and Sanitary Sewer is available in W Sherman Street. A 10-foot easement for sewer has been established through the property north of the development property, and through the northern development property to provide sewer connection for the two units. A fire hydrant may be required to be installed along W 10<sup>th</sup> Street to meet Fire Code requirements. The Engineering Department has also included conditions of development for the required improvements to the public right-of-way. (Criteria #A.3, #A.6, #B.3, and #B.5 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 townhome 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 and depth of twenty feet, as well as a two-car garage for each unit exceeding the minimum parking requirement. Driveway access is proved on S 10<sup>th</sup> Street and conforms to the City's Engineering Standards (Criteria #2.c, Section 16.20.040.D and Criteria #B.3, Section 16.22.090)
- The development includes the construction of a townhome project, where the completion of the land partition would create a single dwelling on each lot. As the project is not a subdivision for a single-family development, or a multifamily development, the project is not subject to the landscape standards in 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 project is 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)

The City's review criteria for an Administrative Review, Minor Land Partition, and Class II Variance are found in Chapter 16.22 – Land Divisions, Chapter 16.20 – Review and Decision-Making Procedures, and Chapter 16.29 – Adjustments and Variances. 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 May 29, 2020. The public comment period remained open until 5:00pm on Friday, June 12, 2020. The City received no public comment letters on the proposed application.

## 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, 16.22, and 16.29 of the Lebanon Development Code. City staff concludes the proposal complies with the provisions for an Administrative Review, Minor Land Partition, and Class II Variance 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.
  - 3. An easement for sewer access shall be recorded prior to final plat.
  
- B. Planning Conditions for the project include, but may not be limited to:
  - 1. Perimeter fencing shall be provided around the property in compliance with the development code.
  - 2. All exterior lighting shall be oriented away from adjacent property lines.
  - 3. The existing structure on-site shall be demolished as part of the building permitting process.
  
- C. All requirements of the Lebanon Fire District shall be met, including but not limited to:
  - 1. 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.
  
- D. Engineering Conditions for the project include, but may not be limited to:
  - 1. A residential site plan for each tax lot shall be submitted with each building plan.

- 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, June 30, 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,



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Kelly Hart  
Community Development Director

June 15, 2020

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Date