



Community Development  
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Lebanon, Oregon 97355

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**NOTICE OF DECISION**  
**Planning File No. AR-20-10, PLA-20-02**  
(Administrative Review, Property Line Adjustment)

August 31, 2020

**I. BACKGROUND**

**APPLICANT:** Gabe Callaway

**PROPERTY LOCATION:** The subject property is generally located on the east side of Primrose Street, between Taylor and Alder Streets. There is currently no assigned property address, the County Assessors map identification is within Township 12 South, Range 2 West, Section 14CB, Tax Lots 4500, 4600, 5500, 5600, and 5700.

**PARCEL SIZE:** The project area is approximately 31,883 square feet.

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

**EXISTING DEVELOPMENT:** The property is currently vacant. A total of five mature trees exist on the site and are proposed to be removed as part of the development.

**ADJACENT ZONING AND LAND USES:** Properties to the north and the east are in the county unincorporated area with a comprehensive plan designation of Residential Mixed-Density (C-RM) and contain single-family residential homes, largely single-story structures. To the south is a single-family residence in the Residential Mixed Density zone (Z-RM). To the west are commercial uses, including an automotive repair shop in the Highway Commercial zone (Z-HCM).

**PROJECT SUMMARY/REVIEW CRITERIA:** The project includes consideration of two land use applications, a Property Line Adjustment to consolidate five parcels into one, and an Administrative Review for the construction of an 18-unit apartment complex including on- and off-site improvements.

The City's review criteria for a Property Line Adjustment and Administrative Review are found in Chapter 16.22 – Land Divisions and Chapter 16.20 – Review and Decision-Making Procedures. The Project summary below provides the data for the basis of review and the decision criteria.

## Property Line Adjustment:

- **Proposed Action:** There are currently five parcels within the subject project area. The proposal is to consolidate the five parcels into one larger parcel. Upon consolidation, the parcel size would be approximately 31,883 square feet, with approximately 213-feet of street frontage on Primrose Street, 101-feet on Taylor Street, and 115-feet on Alder Street. The property depth at the shallowest point would be approximately 105 feet.
- **Decision Criteria:** Section 16.22.150.C provides the Decision Criteria for Property Line Adjustments:
  - No additional parcel is created by the lot line adjustment. *The proposal reduces the parcels from five to one. No additional parcel is being created; the decision criteria can be met.*
  - All parcels and lots conform to the applicable standards of the land use zone. *The subject property is in the RM zone, and subject to the lot size standards in Chapter 16.05 of the Lebanon Development Code. Per Section 16.05.090, the minimum lot area for a multi-family development in the Z-RM zone is 9,000 square feet, and the minimum lot width of 60 feet. The proposed parcel would be over 31,000 square feet, with a minimum width of 101-feet. Development standards associated with the development proposal are evaluated as part of the Administrative Review. All development standards associated with minimum lot standards have been met.*
  - All lots and parcels conform to the standards or requirements of Chapter 16.12 (Access and Circulation), and all applicable road authority requirements are met. *Section 16.12.020 requires every multi-family lot shall abut a street for a minimum width of 20-feet to meet frontage requirements. The property exceeds this minimum standard with frontage on three streets, and streets where vehicular access would be provided, each frontage is a minimum of 100-feet. Section 16.12.030 identifies standards for access, clear vision requirements, number of access points, fire access and turn-arounds, driveway approaches, required improvements to public streets, and bicycle access and management. For access, the site would be accessed from two drive approaches, one on Taylor and one on Alder. The internal circulation within the site would provide turn around area for vehicles so no backing movements onto the local street from the subject properties would occur. The Engineering Department and Linn County Road Department reviewed the placement of the driveways, and determined they were appropriate in number and location to provide appropriate circulation. The driveways both maintain clear vision areas with no development or obstructions proposed within the vision clearance areas as shown on the site plan. For the number of access points, Section 16.12.030.1 states multi-family developments shall minimize the number of access points to protect the function, safety and operation of streets. With one access point on Alder, and one access point on Taylor, and no access on Primrose Street, this provides minimum access on each street meeting this requirement. With the existing development on neighboring properties, there is no opportunity for shared driveways. No new*

*streets or blocks are being formed as part of this development. For the drive approaches, Section 16.12.030.L identifies a minimum driveway width of 24 feet, and a maximum of 36 feet. As indicated on the site plan, both proposed driveways would be 24-feet, meeting the minimum requirements. The Lebanon Fire District reviewed the site plan, and with the installation of two fire hydrants near the drive approaches, there is sufficient fire access to the site. The City Engineering Division and the Linn County Road Department have both reviewed the site and provided conditions of development that would require off-site improvements including sidewalks, curb and gutter, landscaping and storm drainage improvements, and half-street improvements for all street frontages to meet the improvement requirements. Included in the street improvements is sufficient area as required by Linn County Road Department to provide a shared use path for bicycle access. Based on the minimum applicable requirements in Chapter 16.12, the property would meet all the requirements for transportation management with the included conditions of development.*

- *If a lot or parcel is nonconforming to any City standard, it shall not be made less conforming by a property line adjustment. Prior to the property line adjustment, all existing parcels were legal conforming parcels of record. The action of the property line adjustment would create a larger parcel that would exceed all minimum standards for a legal lot, including over 9,000 square feet of land area, and over 60 feet of property width. As such, the action would not create or expand on an existing non-conformity.*

#### Administrative Review:

- **Proposed Action:** The development includes construction of 18 apartment units in five two-story structures, two parking lots, common open space improvements including a children's play area, and off-site improvements including sidewalks, landscape strips, and half-street improvements on all streets. Included in consideration is a density bonus to increase the authorized density and provide two units for affordable housing.
- **Decision Criteria:** Section 16.20.040.D.2 of the Lebanon Development Code provides the Decision Criteria for Administrative Decisions.
  - The proposal shall conform to use, height limits, setbacks and similar development requirements of the underlying zone. *The proposal includes construction of 18 apartment units, two-stories in height less than the maximum 40-foot height restriction.*

*Each apartment unit is proposed to be 2 bedrooms. Per Table 16.05-13, the minimum land area required for a 2-bedroom unit is 2,000 square feet, unless a density bonus is applied, in which case 1,604 square feet is required. The development proposal includes application of the density bonus to provide affordable housing. With use of the standard lot area requirement, the site would be eligible for 15 two-bedroom apartment units. With the density bonus, the site would be eligible for 19 two-bedroom units. Section 16.05.160.B.2 states that the number of permitted dwelling units allowed by the minimum site area*

*requirements may be increased by 20% provided that at least half of the additional units are available at costs acceptable by the State as Affordable Housing. Three additional units are proposed using the density bonus, as such, two units would be required to restricted for affordable units. Conditions of development have been included to memorialize this requirement.*

*The maximum building coverage permitted is 60%. The building footprint is 8,100 square feet, or 25.4% of the site area, meeting the coverage requirements. For setbacks, the property has three street frontages. For the purposes of identifying setback requirements, Alder Street is established as the front, Primrose Street the street side, Taylor the rear, and the eastern property line the side setback. The street layout of Primrose creates a curved property line along the street side property line. Table 16.05-9 indicates for irregular shaped lots, the average setback for street and street side yards shall be 7.5 feet with no setback less than five feet. Along the street side setback, there are four buildings, and open space areas. Two of the buildings at the south end of the property are setback 20 feet from the street side property line. For the two northern buildings, one corner of each building is approximately five feet from the property line, then angles away from the property line, expanding on the setback area. Overall, more than half of the site observes a greater than 20-foot street side setback and exceeds the average 7.5-foot standard for irregular shaped lots. The front setback on Alder observes a 10-foot building setback, and on Taylor, the 20-foot minimum setback is observed. For the interior side setback, the closest building is setback approximately 11 feet, exceeding the minimum standard.*

*For open space, the code requires 25% of the site to be landscaped. Of that 25% landscaped area, 50% shall be usable open space, and 25% of the usable space shall be in one area. A children's play area is also required for multi-family developments with more than eight units. As shown on the site plan, 8,017 square feet of the site is landscaped (25%), 4,437 square feet is usable open space (55%) including the children's play area, and 3,549 square feet (79%) is located in one area, and meets the minimum width requirements by providing a width of approximately 25-30 feet. Private open space is also provided in fenced yard areas for each apartment unit.*

*With the conditions of development incorporated, the project complies with the decision criteria.*

- *The proposal shall comply with applicable access and street improvement requirements in Chapter 16.12 and 16.13, respectively. Section 16.12.020 requires every multi-family lot shall abut a street for a minimum width of 20-feet to meet frontage requirements. The property exceeds this minimum standard with frontage on three streets, and streets where vehicular access would be provided, each frontage is a minimum of 100-feet. Section 16.12.030 identifies standards for access, clear vision requirements, number of access points, fire*

access and turn-arounds, driveway approaches, required improvements to public streets, and bicycle access and management. For access, the site would be accessed from two drive approaches, one on Taylor and one on Alder. The internal circulation within the site would provide turn around area for vehicles so no backing movements onto the local street from the subject properties would occur. The Engineering Department and Linn County Road Department reviewed the placement of the driveways, and determined they were appropriate in number and location to provide appropriate circulation. The driveways both maintain clear vision areas with no development or obstructions proposed within the vision clearance areas as shown on the site plan. For the number of access points, Section 16.12.030.I states multi-family developments shall minimize the number of access points to protect the function, safety and operation of streets. With one access point on Alder, and one access point on Taylor, and no access on Primrose Street, this provides minimum access on each street meeting this requirement. With the existing development on neighboring properties, there is no opportunity for shared driveways. No new streets or blocks are being formed as part of this development. For the drive approaches, Section 16.12.030.L identifies a minimum driveway width of 24 feet, and a maximum of 36 feet. As indicated on the site plan, both proposed driveways would be 24-feet, meeting the minimum requirements.

The Lebanon Fire District reviewed the site plan, and with the installation of two fire hydrants near the drive approaches, there is sufficient fire access to the site. The City Engineering Division and the Linn County Road Department have both reviewed the site and provided conditions of development that would require off-site improvements including sidewalks, curb and gutter, landscaping and storm drainage improvements, and half-street improvements for all street frontages to meet the improvement requirements. Included in the street improvements is sufficient area as required by Linn County Road Department to provide a shared use path for bicycle access. Based on the minimum applicable requirements in Chapter 16.12, the property would meet all the requirements for transportation management with the included conditions of development. Chapter 16.13 provides standards for transportation improvements and street design. The existing street widths maintain a width of 50 feet on Primrose, Taylor and Alder Streets. For a typical local street, per Table 16.13.030-2 42 feet right-of-way width is required to provide parking on one side and sidewalk, planter strip improvements. Included in the development proposal is the construction of sidewalks and planter strips along all street frontages, and on-street parking on Primrose Street. Public street improvements have been reviewed by the City Engineering Department and Linn County Road Department. Conditions of development have been included to specify specific improvements required to comply with Chapter 16.13 and Linn County standards. With the conditions of approval, the development meets the requirements of Chapters 16.12 and 16.13.

- The proposal shall comply with applicable parking requirements in Chapter 16.14. Table 16.14.070-1 of the development code requires 2.25 vehicle

*parking spaces and 0.5 bicycle parking spaces per unit. For an 18-unit apartment complex, this would equate to 40.5 parking spaces, and 9 bicycle spaces. Section 16.14.030 provides an earned vehicle parking reduction when addition bicycle parking is required. With the allowed reductions utilized, the development would provide 35 vehicle parking spaces on-site, 17 covered bicycle spaces, and 24 open bicycle spaces, meeting the earned reduction and required parking standards. Section 16.14.090 identifies up to 20% of all vehicle parking spaces may be compact. The development proposes 6 compact spaces, which equates to 17% of the total parking, meeting this requirement. The parking lots have been designed to provide turn around capability to allow all vehicles to exit the parking lots in a forward motion in compliance with the access and location standards in Section 16.14.080. The parking lots would be paved with a hard-all-weather surface, and perimeter landscaping at a minimum width of five-feet will be provided along the perimeter of the parking areas. Conditions of development have been incorporated to require the development to meet all location, size, and lighting standards required for bicycle access and parking. With the design of the parking lots as identified on the site plans, the earned parking reduction, and the conditions of development incorporated, the project complies with Chapter 16.14.*

- *The proposal shall comply with applicable screening and landscaping requirements in Chapter 16.15. The subject site is bordered by public streets on three sides. On the eastern property line, the site is adjacent to existing single-family residences. As such, to comply with screening requirements in Chapter 16.15, the development would include a High Screen Standard along the eastern property line. The remainder of the site would meet the general landscaping standard. Conditions of development have been included in the Planning Conditions and Engineering Conditions to provide a detailed landscape plan which demonstrates compliance with the general landscape standard, and identifies the minimum improvements required for the High Screen Landscape standard along the eastern boundary line. With the conditions of development, the proposal meets the requirements of Chapter 16.15.*
- *Any required public facility improvements shall comply with provisions in Chapter 16.16. A 12-inch sewer line is located along the street frontage in Primrose Street. Water service is available in the vicinity but is not currently available to the site. Storm drainage improvements are also in the vicinity but there are currently no improvements along the site frontages. Conditions of development have been placed on the property to comply with Chapter 16.16. Specifically, construction of an eight inch water line along the frontage of Primrose, Taylor and Alder Streets; construction of an eight inch PVC sewer line along the entire property frontage of Taylor and Alder Streets; and design and installation of a PVC storm drainage system along all street frontages of the development site. With these conditions, the improvements to the public facilities as identified in Chapter 16.16 would be met.*

- Where applicable, the proposal shall comply with development requirements within identified hazard areas and/or overlay zones. *The property is not located within any identified mapped hazard areas or overlay zones. As such, the proposal is not applicable to this decision criteria.*
- The proposal shall comply with supplementary zone regulations contained in Chapter 16.19 or elsewhere in the Development Code. *Chapter 16.19 provides standards for accessory structures, exterior lighting, manufactured homes, building projections, home occupations, and temporary uses. The only applicable standard this development is subject to is the exterior lighting requirements which states lighting shall be designed, constructed, located, shielded, and directed in such a manner so as not to face directly onto adjacent properties. An Engineering condition has been included requiring submittal of an illumination plan to demonstrate this requirement will be met.*

Based on the project record and the analysis of the decision criteria above, the project complies with the applicable development standards in 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 August 13, 2020. The public comment period remained open until 5:00pm on Thursday, August 27, 2020. The City received one public comment letter on the proposed application during the public comment period. The comment letter requested clarification on construction activities and potential impact to water wells and drainage on neighboring properties, and privacy considerations such as landscaping and fencing to provide a buffer between the existing residences and the parking lot associated with the development. Staff responded to the public comment to provide clarification on the construction activities and identified the fencing and landscaping improvements proposed to provide the buffer between properties.

Comments were also received from the Linn County Road Department, Lebanon Fire District, and the Engineering Department, which have been included as conditions of development for the project.

## III. DECISION AND CONDITIONS OF APPROVAL

Based on the project summary and the record, the Property Line Adjustment and Administrative Review 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, Property Line Adjustment and **APPROVES** the application subject to the following Conditions:

A. Planning Conditions for the project include, but may not be limited to:

1. Within one year from the date of the final decision on this application, the applicants shall record the Property Line Adjustment with Linn County. The recorded adjustment shall substantially conform to the proposal. Upon final recording with Linn County, the applicants shall submit, to the City, evidence of the recorded property line adjustment.
2. The Community Development Department advises the applicants that the Linn County Surveyor *may* require a boundary survey map pursuant to provisions in ORS Chapters 92. If so required, the applicants shall submit the final map to the City of Lebanon for signature and record the document in the Linn County Clerk's office, with a copy sent to the City.
3. At least two of the apartment units within the development shall be restricted with an affordability covenant for households at or below 80% of the Area Median Income. The covenant shall be recorded on the property and evidence of recordation provided to the City prior to issuance of Certificate of Occupancy.
4. A High Screen Landscaping Standard shall be applied along the entire length of the eastern property line. A 6-foot tall masonry wall, or planting of high shrubs to form a continuous screen at least 6-feet tall at maturity and sight-obscuring year-round with a 6-foot tall sight obscuring fence (i.e., chain link with slats, wood, etc.) shall be installed prior to issuance of a certificate of occupancy.
5. A landscape plan shall be provided for review and approval prior to issuance of building permits. The landscape plan shall comply with Chapter 16.15 (Landscaping) of the Lebanon Development Code.
6. The children's play equipment shall comply with the International Play Equipment Manufacturers Association standards.
7. A minimum of 35 vehicle parking spaces shall be maintained on-site at all times, with a maximum of 20% of the spaces designed for compact vehicles.
8. A minimum of 12 covered bicycle spaces and 24 uncovered spaces shall be permanently maintained on-site. If any bicycle parking spaces are removed, additional vehicle parking spaces shall be provided on-site in compliance with Chapter 16.14 of the development code.
9. The required common open spaces as identified on the approved site plan shall be permanently maintained in a manner in which the open space is usable to all residents of the development. The common open space shall not be converted to non-usable space, or private open space.
10. Provide the location of all bicycle parking areas on the site plan. The location, covering, dimension, and lighting shall all conform to the requirements in Section 16.14.120 of the Development Code.

B. 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.

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

1. General Conditions:

a. All public improvements shall:

- i. conform to the latest "City of Lebanon Standards for Public Improvements."
- ii. require completion of a Drawing Review Application and a Public Improvements Permit prior to beginning construction.
- iii. be designed by a professional engineer registered in the State of Oregon.
- iv. Prior to final plat approval, a bond or other approved form of assurance is required for all incomplete public improvements.

b. An engineered site plan shall be submitted for review and approval for the site. The site plan must be submitted with an Application for Site Plan Review and associated fee. The site plan shall detail all site improvements necessary for the proposed development together with a grading and drainage plan.

c. 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.

d. All private, onsite utilities must be reviewed and approved by the City Building Official.

e. Provide a landscape and illuminate plan as part of the engineering site plan review plan set.

2. Transportation Conditions:

a. Comply with Linn County requirements for design review and construction along Primrose, Alder, and Taylor Streets.

b. Obtain a permit from Linn County for any utilities or improvements located in Linn County rights-of-way.

c. Sidewalks, paths and driveway approaches must comply with ADA requirements.

d. Provide City standard sidewalks and ADA access ramps access along lot frontage of Primrose, Alder & Taylor Streets.

e. 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>).

f. With engineering drawings, indicate the location of street and path lights, mailboxes, utility pedestals, signs.

g. Mailbox locations must be also be reviewed and approved by the Postmaster.

h. Site lighting shall not glare or shine onto adjacent public streets or neighboring

properties.

- i. 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.

3. Water Conditions:

- a. Identify any on-site wells on the engineered drawings. Back flow prevention devices will be required on any lot that is also served by the city water system.
- b. 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.
- c. Extend the existing 8" ductile iron water main along the property's frontage on Primrose, Alder and Taylor Streets.

4. Sewer System Conditions:

- a. Identify any on-site septic systems on the engineering drawings.
- b. Construct 8" PVC sanitary sewer system along the property's frontage on both Alder and Taylor Streets.

5. Storm Drainage Conditions:

- a. 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.
- b. 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.
- c. Provide verification of Oregon DEQ NPDES 1200C permit issuance and all condition of permit issuance prior to construction
- d. 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.
- e. With engineering drawings provide a construction erosion prevention plan.
- f. Design PVC storm drain system along the property's frontage on Primrose,

Alder and Taylor Streets. New storm main should be designed to accommodate future development.

6. Landscaping Conditions:

- a. Submit a landscape and irrigation plan. 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.
  - b. Vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys 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.
- D. Permits for improvements in the rights-of-way shall be obtained through the Linn County Road Department prior to initiation of any work in the rights-of-way.
- 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, September 15, 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

August 31, 2020

Date