



Community Development  
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Lebanon, Oregon 97355

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**NOTICE OF DECISION**  
**Planning File No. MLP-20-01**  
(Minor Land Partition)

February 28, 2020

**I. BACKGROUND**

**APPLICANT:** Antonio Birrueta

**PROPERTY LOCATION:** The subject property is generally located on the west side of S 12<sup>th</sup> Street, north of W Vine Street. The current property address is 422 S 12<sup>th</sup> Street, and the County Assessors map identification is within Township 12 South, Range 2 West, Section 10BC, Tax Lot 3600.

**PARCEL SIZE:** Current parcel – approximately 14,810 square feet.

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

**EXISTING DEVELOPMENT:** The site is currently improved with a single residential dwelling and parking pad. As part of the application, the dwelling would be demolished.

**ADJACENT ZONING AND LAND USES:** All surrounding properties are zoned Residential Mixed Density (Z-RM). Surrounding uses all include low density residential uses.

**REQUEST/PROJECT SUMMARY:** The Applicant is requesting approval to Partition the property into two parcels:

- The current parcel is proposed to be divided into two equal sized lots, both approximately 7,310 square feet in size, with approximately 50 feet of street frontage along S 12<sup>th</sup> Street.
- For lot size and dimension, Section 16.05.090 of the Lebanon Development Code identifies the minimum lot widths and area for different residential developments. As there is no specific development identified as part of the land partition, the application has been reviewed to ensure the minimum standards for residential duplex development can be met. The minimum property width for a duplex is 50 feet, and the minimum lot area is 7,000 square feet. Both proposed parcels would meet this minimum standard for development. It is assumed with the minimum width and lot size, that a duplex development on each parcel would be possible and would be able to meet

the minimum development setbacks. Upon development application, all development standards for parking, internal property access and setbacks shall be compliant with the development code standards identified in Chapters 16.05, 16.12, 16.13, and 16.14). (Criteria #1, Section 16.22.090.A)

- The is no proposed plat name identified as part of the proposal as the project is not inclusive of a subdivision. (Criteria #2, Section 16.22.090.A)
- City Sanitary Sewer, Storm drain and Water utilities are currently available to be accessed by each parcel. S 12<sup>th</sup> Street is fully improved with sidewalk, curb and gutter, and two travel lanes, with a bicycle path. The new parcels are of sufficient width to provide for a second driveway cut to provide vehicular access to the second site. (Criteria #3, Section 16.22.090.A)
- There are no proposed common areas or improvements identified in the preliminary plat (Criteria #4, Section 16.22.090.A)
- 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 #5, Section 16.22.090.A)
- The public right-of-way is located within the City of Lebanon and is fully improved. Water service is available, and upon development application, the Lebanon Fire District would determine whether improvements, such as a fire hydrant would be required to provide appropriate fire suppression to the site. The Engineering Division has provided conditions of approval for any proposed improvements within the public right-of-way. (Criteria #6, Section 16.22.090.A)
- 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 #7, Section 16.22.090.A)
- As there is no development proposed, and there is no proposed creation of blocks or public streets, all criteria identified in Section 16.22.090.B.1-7 are satisfied.

**REVIEW CRITERIA:** The City's review criteria for a Land Partition are found in Chapter 16.22 – Land Divisions. 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 13, 2020. The public comment period remained open until 5:00pm on Thursday, February 27, 2020. The City received one public comment on the proposed partition. The resident indicated there was no objection to the proposed partition, but requested a new heavy-duty fence be constructed around the perimeter of the property. As this application is limited to a Minor Land Partition, with no proposed development, there is no nexus to require fence construction at this time. Upon application for development, a condition may be added to require fence upgrades if deemed appropriate.

### 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 Chapter 16.22 of the Lebanon Development Code. City staff concludes the proposal complies with the provisions for a 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. The applicant shall apply for all necessary planning applications for the proposed development of the parcels. This approval is limited to the Land Partition and does not constitute approval of any proposed development.
- C. Engineering Conditions for the partition include, but may not be limited to:
  - a. Residential site plan will be required for each parcel, submit with each building permit.
  - b. All damaged public improvements must be replaced or repaired to City standards, including sidewalks that are deteriorating.
  - c. Driveways must be hard surface. Each lot will require its own driveway access. Width must be 24 feet max, 12 feet min.
  - d. The existing lot has only 1 sewer lateral connection an additional lateral will be required for the 2<sup>nd</sup> parcel.
  - e. The existing lot had only 1 water meter and service line an additional service will be required for the 2<sup>nd</sup> parcel.
  - f. Right-of-way permit will be required for all work in the rights-of-way.
  - g. 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.
- D. 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 Monday, March 16, 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

February 28, 2020  
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Date