



Community Development
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Lebanon, Oregon 97355

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NOTICE OF DECISION
Planning File No. MLP-20-03
(Minor Land Partition)

March 20, 2020

I. BACKGROUND

APPLICANT: Larry Spires

PROPERTY LOCATION: The subject property is generally located west of Hwy 20, at the northern terminus of the planned N 5th Street extension. There currently is no property address assigned, and the County Assessor's map identification is within Township 12 South, Range 2 West, Section 3A, Tax Lot 1200.

PARCEL SIZE: Current parcel – approximately 19.78 acres.

ZONING: Mixed Use (Z-MU).

EXISTING DEVELOPMENT: The site is currently vacant.

ADJACENT ZONING AND LAND USES: Property to the north is located within the City's UGB with a comprehensive plan designation of Residential Mixed Density (C-RM) and includes single-family residential. Property to the south and east is currently vacant land in the Mixed-Use zone and is identified for development as part of the Planned Development for the Mill Race project. Property to the west is farmland within the City's UGB with a comprehensive plan designation of C-RM.

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 lots, Parcel One would be split off from the large existing lot at the intersection of N 5th Street and Laredo Way, and would front Village Loop. The parcel size for Parcel One would be 2.59 acres and Parcel Two would be remainder of the existing parcel at 17.19 acres.
- For lot size and dimension, Section 16.06.100 of the Lebanon Development Code identifies there is no minimum lot widths and area for commercial development, while minimum lot area and width for a residential development is 9,000 square feet for a multi-family development, with a minimum width of 60 feet. Parcel One is slated for

commercial use as part of the previously approved planned development for the site, therefore, there are no minimum standards to be met. For Parcel Two, the minimum width provided is over 200 feet, with the parcel size exceeding the minimum 9,000 square foot minimum. 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 with facilities available in Laredo Way and Village Loop. Upon development of the site, all public improvements to complete the street access would be required to be installed. (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 partially improved. Upon development, all planned public rights-of-way with access to the site would need to be 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. (Criteria #6, Section 16.22.090.A)
- The parcels are not located within any flood hazard, riparian protection, or steep slop 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 16.06 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 26, 2020. The public comment period remained open until 5:00pm on Wednesday, March 11, 2020. The City received one public comment on the proposed partition from the Linn County Road Department indicating access to Gore Drive at the north of the property would not be permitted by the County. There is no action to be taken with this comment at this time as no development is proposed. The comment is incorporated as part of the record.

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 16.06, 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 any future proposed development of the parcels. This approval is limited to the Land Partition and does not constitute approval of any development.
- C. 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, April 6, 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 20, 2020

Date