



Community Development
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Lebanon, Oregon 97355

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NOTICE OF DECISION
Planning File No. MLP-20-04
(Minor Land Partition)

May 18, 2020

I. BACKGROUND

APPLICANT: Ken Marshall

PROPERTY LOCATION: The subject property is generally located on the north side of E Airport Road, to the east of the Safeway shopping center. The current property address is 225 E Airport Road, and the County Assessors map identification is within Township 12 South, Range 2 West, Section 14BC, Tax Lot 9100.

PARCEL SIZE: Current parcel – approximately 5.74 acres.

ZONING: Mixed Use (Z-MU).

EXISTING DEVELOPMENT: The site is currently improved with three industrial buildings and is used for a number of miscellaneous businesses.

ADJACENT ZONING AND LAND USES: To the west is the Safeway Shopping Center in the Mixed Use (Z-MU) zone. To the south are vacant properties in the MU zone. To the north across the canal are residential properties in the Residential Mixed-Density (Z-RM) zone, and to the east, across the railroad tracks are residential properties in County unincorporated area within the City's Urban Growth Boundary with a Comprehensive Plan designation of Residential Mixed-Density.

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 parcels, the eastern parcel would be approximately 4.40 acres, and the western parcel would be 1.34 acres.
- For lot size and dimension, Section 16.06.100 of the Lebanon Development Code identifies the minimum lot widths and area for commercial and industrial developments. As the property is currently improved with existing industrial buildings, the lot lines were drawn to meet the minimum setback requirements for the industrial zone in accordance with Section 16.06.100. The properties would be accessed from a single driveway on

the eastern parcel to ensure appropriate circulation and traffic clearance in the public right-of-way. A reciprocal access easement will be required as a condition to ensure maintained access for both parcels. Both parcels would have frontage on Airport Road, which meets the minimum legal requirement for the creation of a parcel. (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 proposed parcel. E Airport Road is fully improved with sidewalk, curb and gutter, and two travel lanes, with a bicycle path. As such, there is sufficient utility infrastructure to service the 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 upon development. (Criteria #6, Section 16.22.090.A)
- The subject property is located within the 500-year floodplain area. There is no development restriction for sites within the 500-year floodplain area, as such, no conditions or restrictions have been placed on the property. There is a potential that a small portion of the northern area of each parcel is located within a flood zone associated with the canal. Any future development proposal will be required to indicate the location of the floodplain in coordination with the property and apply for any necessary permits if a floodplain is identified and development would occur within the area. (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 criteria in Chapter 16.22 can be met.

II. PUBLIC NOTIFICATION

The City issued a public notification in compliance with the Lebanon Development Code and State regulations on April 30, 2020. The public comment period remained open until 5:00pm on Thursday, May 14, 2020. The City did not receive any public comment on the application.

III. DECISION AND CONDITIONS OF APPROVAL

Based on the project summary and the record, the Minor Land 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. A reciprocal access easement shall be recorded as part of the final plat process. The access easement may only be revoked upon the creation of an alternative access as approved by the Engineering Department.
- C. 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.
- D. Engineering Conditions for the partition include, but may not be limited to:
 - 1. Upon redevelopment of either parcel, an engineered site plan and potentially public improvements drawings may be required to comply with development and fire code.
 - 2. Right-of-way permit will be required for all future 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

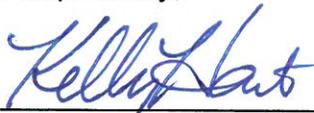
This action is final unless appealed to the Lebanon Planning Commission within fifteen (15) calendar days from the date of this notice. **The appeal must be submitted to the Community Development Department by 5:00 PM on Tuesday, June 2, 2020.** Only the applicant and/or a party receiving a copy of this 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

May 18, 2020
Date