



Community Development
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NOTICE OF DECISION
Planning File No. MLP-20-06
(Minor Land Partition)

August 10, 2020

I. BACKGROUND

APPLICANT: Farmworker Housing Development Corporation

PROPERTY LOCATION: The subject property is generally located at the western terminus of Weldwood Drive. The current property address is 200 Market Street 271, and the County Assessors map identification is within Township 12 South, Range 2 West, Section 23B, Tax Lot 1701.

PARCEL SIZE: Current parcel – approximately 9.51 acres.

ZONING: Mixed Use (Z-MU).

EXISTING DEVELOPMENT: The property is currently vacant. There is a development proposal under consideration by the City for the construction of a 24-unit apartment complex on one of the proposed parcels, but no decision has been made on the development proposal.

ADJACENT ZONING AND LAND USES: Properties to the north and east are zoned Mixed-Use and include commercial development in the Walmart shopping center, a mobile home park and a vacant parcel. To the southeast are residential properties in the Residential-Mixed Density zone. To the west are properties in the Residential Mixed-Density zone and include a condominium complex. To the south, in the County unincorporated area include single-family residential units and the properties hold a comprehensive plan designation of Low-Density Residential and Residential Mixed-Density.

REVIEW CRITERIA: The City's review criteria for a Land Partition are found in Chapter 16.22 – Land Divisions. The Project summary below provides the data for the basis of review and the decision criteria and identifies the specific review criteria addressed.

REQUEST/PROJECT SUMMARY: The Applicant is requesting approval to Partition the property into three parcels, including a dedication of public right-of-way:

- Parcel 1 would generally be in the western portion of the property and include 4.29

acres. Parcel 2 would be in the southeast portion of the property and contain 1.39 acres. The northern boundary line of the proposed Parcel 2 would follow along the proposed dedication for the public right-of-way for the expansion of Weldwood Drive associated with the proposed development application currently under review. The City would only accept the dedication of right-of-way as part of the final partition map if the development proposal were approved, and right-of-way improvements were constructed or bonded. Parcel 3 would be in the northern portion of the property and would consist of 3.41 acres.

- For lot size and dimension, Section 16.06.100 in the Mixed-Use development standards, commercial and industrial uses do not identify a minimum lot size or dimension. For residential uses, the minimum lot size and dimensions shall be consistent with the Residential Mixed-Density (Z-RM) zone. The minimum lot area for multi-family uses within the Z-RM zone is 9,000 square feet and minimum lot width is 60 feet. Parcel 1 maintains street frontage from the extension of Weldwood Drive, a width of 191 feet, and an area of 4.29 acres. Parcel 2 maintains 315 feet of street frontage along the Weldwood Drive extension, a minimum property width dimension of 161 feet, and 1.39 acres. Parcel 3 maintains 270 feet of frontage along the Weldwood Drive extension, an approximate 432-foot property width, and 3.41 acres. As each proposed parcel exceeds the minimum standards for lot width and size, the required setbacks for development is able to be observed. There is no variance requested and the proposal complies with Articles Two and Three of the Lebanon Development Code. (Criteria #1, Section 16.22.090.A, Criteria #1 & 2, Section 16.22.090.B)
- There 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, and Storm drain utilities are currently available at the current western terminus of Weldwood Drive, and there is existing water line infrastructure on portions of the property to provide water service. With the extension of Weldwood Drive as proposed in the Plat, utility infrastructure would be extended through Parcel 2 to provide utility access to Parcels 1 and 3. The public right-of-way dedication is for a 60-foot right-of-way. The Engineering Department reviewed the proposal and identified the width to be adequate to build out a local street design, which has been identified as the appropriate street design based on the site's location. For Fire access, there is no development proposal included as part of the consideration of the partition. Parcel 2 is being considered for development under a separate application and review authority. Upon any future development, the site parcels shall provide appropriate access and circulation per the Fire District (Criteria #3, Section 16.22.090.A, Criteria #3 & 5, Section 16.22.090.B)
- There are no proposed common areas or improvements identified in the preliminary plat. Parcel 2 has a proposed development application currently under review through a separate land use application and hearing process. The partition proposal does not include designated lots for private common areas and improvements associated with a homeowner association development. As such, no such areas are identified on the partition map. For landscape screening requirements, the application of these standards are upon development application. As there is no development proposed as part of this application, there is no landscape standards to be applied. (Criteria #4, Section 16.22.090.A, Criteria #4, Section 16.22.090.B)

- Parcel 1 and 2 are proposed to share a 30-foot access easement along the western/eastern boundary lines between the two parcels. This access easement is noted on the plans and will be required to record the access easement as part of the final partition map. (Criteria #6, Section 16.22.090.B)
- 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. 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 based on the current FIRM maps, or the City's Riparian or Steep Slope Overlay zones. Information has not been provided as part of this application to determine the location of wetlands on the site. However, the City is aware of the potential existence of wetlands on portions of Parcel 1 and 3 based on documentation provided in the public record of a separate application. Upon any development proposal, the wetlands would need to be delineated and either proposed to be mitigated or preserved in place (Criteria #5, Section 16.22.090.A)
- The public right-of-way is located within the City of Lebanon and is fully improved to the eastern boundary line of the subject property. As part of the partition, a 60-foot right-of-way is to be dedicated for approximately 315-feet to the western boundary line of Parcel 2. This extension of the public right-of-way provides access to each of the proposed parcels and would meet the minimum width standard of a local street design. 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. Sewer service is currently available in Weldwood Drive and would be required to be extended through the right-of-way extension. (Criteria #6, Section 16.22.090.A)
- The subject property has not been subject to a previous Planned Development application. In addition, the subject property is not located in any identified Overlay zone as identified in Chapter 16.11 of the Development Code and has not been included in any Special Area Plan or District. As currently designed, the partition meets all applicable engineering design standards for streets, utilities, and easements. (Criteria #7, Section 16.22.090.A)

Based on the proposal, the project complies with the required development standards per Chapter 16.05 of the Development Code, and all required decision 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 July 23, 2020. The public comment period remained open until 5:00pm on Thursday, August 6, 2020. The City received one public comment on this partition application from the Linn County Road Department which stated that no access will be granted to Lebanonite Drive. As no access is proposed to Lebanonite Drive, this partition application is meets the stipulations of this comment.

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 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 for the identified 30-foot shared access for Parcel 1 and 2 as part of the final partition map approval.
- 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:
 - a. The right-of-way improvements shall be constructed, or a full construction cost bonded prior to the final partition plat being signed and accepted.
- 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, August 25, 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

August 10, 2020

Date