



Community Development
925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

NOTICE OF DECISION
Planning File No. MLP-20-07
(Minor Land Partition)

October 6, 2020

I. BACKGROUND

APPLICANT: Western Sky Holdings, LLC

PROPERTY LOCATION: The subject property is generally located on the south side of Walker Road, west of South Main Road. The current property address is 88 Walker Road, and the County Assessors map identification is within Township 12 South, Range 2 West, Section 15DD, Tax Lot 1800.

PARCEL SIZE: Current parcel – approximately 36,172 (0.83 acres).

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

EXISTING DEVELOPMENT: The property is improved with a single-family residence and three sheds. There is currently no development proposal associated with this application, and no proposal has been identified for the demolition of existing structures.

ADJACENT ZONING AND LAND USES: Properties to the north are zoned Highway Commercial (Z-HCM) and include the post office. To the east, south and west are single family residences in the Mixed Density Residential (Z-RM) zone.

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:

- Parcel 1 would be located in the northwest corner of the property, totaling 7,020 square feet, with access from Walker Road. Parcel 2 would be located in the northeast portion of the property, totaling 5,267 square feet, with access from Walker Road. Parcel 3 would be located to the south of Parcel 1 and 2 and would total 23,885 square feet. Street access for the parcel would be from a 30-foot wide easement with access

through a separate property under same ownership (12S 02W 15DD, tax lot 2200), with access from S Main Road.

- For lot size and dimension, Section 16.05.090 of the Lebanon Development Code (LDC) for the Residential Mixed-Density standards, the minimum lot size for a single-family home is 5,000 square feet, 7,000 square feet for a duplex, and 9,000 square feet for a multi-family development. Parcel 1 would be 7,020 square feet, meeting the minimum requirement for a duplex; Parcel 2 would be 5,267 square feet, meeting the minimum requirement for a single-family property; and Parcel 3 would be 23,885 square feet, exceeding the minimum requirements for a multi-family development.

The minimum lot width requirement is 50-feet for a single-family residence and duplex property, and 60-feet for multifamily. Parcel 1 provides a 65-foot width, and Parcel 2 provides a 55-foot width, both exceeding the minimum requirements for a single-family or duplex property. Parcel 3 maintains a 120-foot width, exceeding the minimum requirements for a multifamily development.

There is no development proposal associated with the application, as such, the maximum height, fencing, parking, and landscaping standards are not applicable.

For setbacks, Parcel 2 and 3 each contain structures. Parcel 2 maintains an existing single-family residence. The structure is legal nonconforming in terms of the side setback on the existing eastern property line. For the remaining setbacks, the front setback exceeds the 10-foot minimum, the west side setback exceeds the 5-foot minimum, and the rear setback meets the 20-foot minimum as demonstrated on the submitted map. As such, the creation of the parcels meet the setback minimums, and does not exacerbate the existing nonconformity. For Parcel 3, the existing structures are all accessory shed structures with a minimum 60-feet from a street, and 3-feet from the property line in compliance with Section 16.05.150.B of the LDC.

For Parcel 1 and 3, both parcels are less than one acre in size and eligible for development. Per Section 16.05.110.B of the LDC, infill standards apply only to sites that are one acre in size or less in an existing residential neighborhood. The partition would create parcels subject to the infill development standards upon development proposal. Parcel 2 maintains a single-family residence and only meets the lot size requirement for a single-family development, and as such, is not subject to the infill standards. Finally, upon development, if a multifamily project is proposed for Parcel 3, all the standards for multifamily development and open space would be required to be met at time of development application.

For access, in compliance with Chapter 16.12, Parcels 1 and 2 would be accessed from driveways off Walker Road. Upon development proposal, access in compliance with the development code requirements would need to be constructed including driveway width, location, clear vision requirements, and spacing. For Parcel 3, access would be granted to the site through a 30-foot access and utility easement. The LDC and fire code requires a 20-foot access road be provided for a multi-family development through

the easement with 5-feet on either side not required to be improved. As such, the 30-foot easement would meet the minimum access standard. Upon development application, the easement would be required to be improved.

Based on the information above, the proposal complies with Articles Two and Three of the Lebanon Development Code. (Criteria #1, Section 16.22.090.A, Criteria #1, 2, & 3 Section 16.22.090.B)

- 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, and Storm drain utilities are currently available along Walker Road and S Main Road and are available to service the parcels. The water lines are 8 inches in Walker Road, and 12 inches in S Main Road. Sewer lines are 18 inches in both Walker and S Main Roads, and the storm drainage is 12 inches in S Main Road, and 24 inches in Walker Road. Per the existing facility master plans, these existing facilities are appropriate to accommodate the development growth in the area.

The adopted Transportation System Plan identifies Walker Road as a Collector Road. Collector Roads typically require a minimum of 60 feet of right-of-way. The existing right-of-way is 50-feet. The Engineering Department reviewed the existing street condition and existing development in the area and determined it to be infeasible to expand the existing street from its current width to a Collector designation. As such, the Engineering Department determined no land dedication would be required for the right-of-way expansion as part of the partition.

For Fire access, there is no development proposal included as part of the consideration of the partition. 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 & 7, Section 16.22.090.B)

- There are no proposed common areas or improvements identified in the preliminary plat. 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 a 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 3 and the adjacent parcel to the west under same ownership are proposed to share a 30-foot access easement along the northern boundary line of the adjacent parcel to provide access to Parcel 3. 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. Upon any development proposal, if wetlands exist on the site, they would need to be delineated and either proposed to be mitigated or preserved in place (Criteria #5, Section 16.22.090.A)
- The proposed land partition was circulated for review to the Engineering Department, and Lebanon Fire District for review and conditioning. The Engineering Department is the review authority for the public utilities and the streets of Walker Road and S Main Road. Linn County Road authority does not have jurisdiction to any of the rights-of-way adjacent to the project site. A public notice for the proposal was issued in compliance with ORS 197.763 to all outside agencies with potential interest in the partition. The public notice is included as part of the record. No comments were received by any interested agencies, and the Fire District and Engineering Department declined to place conditions or improvement requirements associated with the partition application. As such, the decision criteria has been met. (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 September 18, 2020. The public comment period remained open until 5:00pm on Friday, October 2, 2020. The City received one public comment on this partition application from Kari Storkson requesting an 8-10 foot privacy fence to be placed at the owner's expense if building or parking will be within 100-feet of their property. As this proposal does not include development, this request is recorded, but no action may be taken. In the future, any development proposal larger than a duplex will require public notification, and the public comment may be registered again associated with the development proposal.

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. A reciprocal access easement shall be recorded for the identified 30-foot shared access for Parcel 3 and Lot 12S02W15DD2200 as part of the final partition map approval.
- C. The applicant shall apply for all necessary planning applications for future proposed development of the parcels. This approval is limited to the Land Partition and does not constitute approval of any proposed development.
- 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 Wednesday, October 21, 2020.**

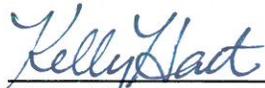
Only the applicant and/or a party receiving a copy of this decision may appeal this land use decision. The appeal must state the purpose of the appeal, identifying specific criteria which the application fails to meet, and include the required appeal fee of \$375.00.

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

October 6, 2020

Date