



Community Development
925 S. Main Street
Lebanon, Oregon 97355

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NOTICE OF DECISION
Planning File No. VAR-20-04
(Class I Minor Adjustment)

June 18, 2020

I. BACKGROUND

APPLICANT: Donna Brewer

PROPERTY LOCATION: The subject property is generally located on northeast corner of Kees Street and S 12th Street. The current property address is 1099 Kees Street, and the County Assessors map identification is within Township 12 South, Range 2 West, Section 15CB, Tax Lot 1000.

PARCEL SIZE: The project area is approximately 0.14 acres.

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

EXISTING DEVELOPMENT: There is an existing single-family residence located on the property.

ADJACENT ZONING AND LAND USES: Surrounding properties to the north, south, east and west are zoned Residential Mixed-Density (Z-RM) and consist of single-family residences.

PROJECT SUMMARY/REVIEW CRITERIA: The Applicant is requesting approval of a Class I Adjustment for the fence height in the street side setback area.

- There is currently a 6-foot tall fence located along the street side (S 12th Street) that is currently setback approximately 8-feet from the property line. The applicant is requesting to construct the street side fence at 6 to 8 feet in height along the property line. The portion of the fence that would be the 6 to 8 feet in height would be setback approximately 20-feet from the front property line, outside the vision clearance areas.
- A Class I Adjustment requires the following decision criteria to be met in order to authorize the adjustment:
 - The City's Planning Official may grant a minor adjustment to height limitations and/or setback requirements on fences and walls, if such variations do not infringe upon the clear vision triangle requirements at intersections of streets or at intersections of driveways and streets. *Section 16.12.030.H.4.a of the Lebanon Development Code*

requires the clear vision area for corner lots to be 20 feet along the right-of-way in each direction. As the fence would not be installed until at least 20-feet from the corner of the property, the fence would be outside of the clear vision area, and is therefore eligible for approval of the Class I Adjustment.

The City's review criteria for a Class I Minor Adjustment in Chapter 16.29 – Variances and Adjustments. The Project summary above provides the data for the basis of review and the decision criteria. Based on the proposal, the project complies with all other required development standards per Chapter 16.05 of the Development Code, and all required findings can be met.

II. DECISION AND CONDITIONS OF APPROVAL

Based on the project summary and the record, the Class I Minor Adjustment proposal meets all the required development criteria set forth in Chapter 16.05, and the required decision criteria in Chapters 16.29 of the Lebanon Development Code. City staff concludes the proposal complies with the provisions for a Class I Minor Adjustment and **APPROVES** the application subject to the following Conditions:

- A. The fence shall be installed as indicated on the submitted site plan.
- B. Building permits shall be required for any portion of the fence exceeding 6-feet in height.

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

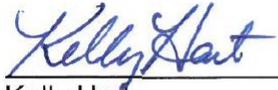
This action is final unless appealed to the Lebanon Planning Commission within fifteen (15) calendar days from the date of this notice. **The appeal must be submitted to the Community Development Department by 5:00 PM on Friday, July 3, 2020.** Only the applicant and/or a party receiving a copy of this 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

June 18, 2020

Date