



Community Development
925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@lebanonoregon.gov
www.lebanonoregon.gov

NOTICE OF DECISION
Planning File No. MLP-24-01 & PLA-24-01
(Administrative Review)

February 29, 2024

I. BACKGROUND

APPLICANT: Johnny Horner

PROPERTY LOCATION: The subject property is located west of South 2nd Street and north of C Street. The property address is 163, 169, 173 & 177 W C Street, and the Linn County Tax Assessor Map number is 12S02W10DD 04001, 04300 & 04400.

PARCEL SIZE: Total .76 acres

ZONING: Residential High Density (Z-RH)

EXISTING DEVELOPMENT: Tax Lot 4001 & 4400 each contain a fourplex. Tax Lot 4300 is currently vacant.

ADJACENT ZONING AND LAND USES: Surrounding the properties are detached single-family dwellings to the north and east, a utility substation and canal to the west and an assisted living facility to the south.

PROJECT SUMMARY/DECISION CRITERIA: The proposal includes an adjustment of the common interior property line between tax lot 4001 and 4300 resulting in the transfer of approximately 1,408 square feet to tax lot 4300. Subsequent to the property line adjustment, the applicant is requesting to partition tax lot 4300 into two parcels. Parcel 1 = 5,802 square feet and Parcel 2 = 5,112 square feet. Parcel 1 has frontage along C Street. Parcel 2 will access C Street via a shared access easement on tax lot 4400 with no frontage along C Street.

PROPERTY LINE ADJUSTMENT FINDINGS:

- Section 16.22.160.C.1. – Parcel Creation. No additional parcel would be created by the property line adjustment.
- Section 16.22.160.C.2. – Parcel and Lot Standards. Both parcels are located within the city limits and within the Residential High Density (Z-RH) zone. The Z-RH zone requires a minimum lot area of 5,000 square feet for single family and duplex lots with a 50-foot property width. Both properties maintain over 50-feet of property width and over 5,000 square feet of lot area after the adjustment, exceeding the minimum standard.

- Section 16.22.160.C.3. – Access and Road authority standards. All lots conform to the standards or requirements of Chapter 16.12, and all applicable road authority requirements are met. The Adjustment does not create new streets or result in new development that would trigger any potential need for future roadway dedication or street improvements. The Engineering Department has determined that no additional right-of-way dedication would be required as part of this application.
- Section 16.22.160.C.4. – Nonconforming. If a lot or parcel is nonconforming to any City standard, it shall not be made less conforming by a property line adjustment. The adjusted parcels exceed area and dimension requirements and do not expand on the nonconforming setbacks of tax lot 4001.

LAND PARTITION FINDINGS:

- Section 16.22.090.A.1. – The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall comply with the relevant Sections of Chapter 16.29.

FINDINGS: The adjusted property is proposed to be divided into two parcels: the south parcel (Parcel 1) would be approximately 5,802 square feet; and the northern parcel (Parcel 2) would be approximately 5,112 square feet of net lot area. Parcel 2 will share an existing 30-foot easement on tax lot 4400 for access.

For lot size, dimension, and development standards, Section 16.05.090 of the Lebanon Development Code identifies Residential Site Standards. The development standards for detached single-unit dwellings and duplexes include a minimum 5,000 square feet of site area, minimum property width of 50 feet, maximum 60% lot coverage, and a maximum building height of 40 feet. For setbacks, the front setback shall be 10-feet, with minimum 5-foot side setbacks and 20-foot rear setbacks.

As proposed, each property maintains over 5,100 net square feet exceeding the minimum requirement, each parcel maintains an average property width of over 50 feet, exceeding the minimum standard. Lot coverage and setbacks for the properties will be verified at time of development. The lots meet the minimum width and lot area standards identified to reasonably accommodate the residential use including the minimum required parking, as such, the current proposal meets this criteria.

- Section 16.22.090.A.2. – The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92 and the County Surveyor.

FINDINGS: There is no proposed plat name identified as part of the proposal as the project is not inclusive of a subdivision.

- Section 16.22.090.A.3. - The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and of partitions already approved or

adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

FINDINGS: There is an existing sanitary sewer main and water main in C Street, both mains would be able to serve the site. C Street is identified as a local road with a required public right-of-way width (including street, parking, sidewalk, and landscape buffer) of 60-feet. The existing right-of-way is 60-feet, as such, no land dedication would be required as part of the partition. Upon any development proposal, improvements to the public right-of-way may be required. As no land dedication is required, and there is sufficient utility infrastructure to service the partition properties, this criteria can be met.

- Section 16.22.090.A.4. – All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

FINDINGS: There are no identified or required common areas proposed as part of the partition. A shared access easement for Parcel 2 has been identified on the preliminary plat, as such this criteria can be met.

- Section 16.22.090.A.5. – Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the city for review.

FINDINGS: 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.

- Section 16.22.090.A.6. – Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

FINDINGS: Upon completion of the partition, all parcels would maintain access to C Street, either directly, or through an access easement. The Engineering Department has reviewed the proposed partition and has not identified any additional improvements required to the public street or the public utility infrastructure. There is an existing fire hydrant on S 2nd Street within the appropriate hose pull distance for the Fire District. As such, this criterion has been met.

- Section 16.22.090.A.7. – If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

FINDINGS: 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.

- 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 Property Line Adjustment and 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 16.05 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 14, 2024. The public comment period remained open until 5:00pm on Wednesday, February 28, 2024. The city received no public comments on this application.

III. DECISION AND CONDITIONS OF APPROVAL

Based on the project summary and the record, the Property Line Adjustment and Land Partition meet the required decision criteria in Chapter 16.22 and Staff concludes the proposal complies with the provisions for a Property Line Adjustment and 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.
 - 3. No onsite grading shall adversely impact storm water run-off from adjacent properties. Grade site to drain all storm water run-off to the street or provide a grading plan for review.
 - 4. Driveways must be hard surface to each dwelling unit.
 - 5. Each newly created parcel shall have their own sewer and water service.
 - 6. A reciprocal access and maintenance agreement shall be recorded for the shared access and maintenance of the recorded easement. The agreement shall be recorded on each parcel as part of the final map process.
- B. Compliance with these conditions, and the applicable requirements of the Lebanon Development Code, City Public Works Standards, City Engineering 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 Thursday, March 14, 2024.** 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 or cdc@lebanonoregon.gov, 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,



Tammy Dickey
Senior Building and Planning Technician

Feb 29, 2024
Date

Concurrence by:


Kelly Hart
Community Development Director

2/29/24
Date