



Community Development
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NOTICE OF DECISION
Planning File No. MLP-24-02
(Administrative Review)

March 22, 2024

I. BACKGROUND

APPLICANT: Ivan Tipikin

PROPERTY LOCATION: The subject property is located on the east side of N. Hansard Avenue. The property address is 511 N. Hansard Avenue, and the Linn County Tax Assessor Map number is 12S02W03C 00800.

PARCEL SIZE: Current parcel - 3.92 acres

ZONING: Industrial (Z-IND)

EXISTING DEVELOPMENT: The site is currently improved with a detached single-family dwelling.

ADJACENT ZONING AND LAND USES: Surrounding the properties are detached single-family dwelling to the north, veteran's housing to the east, an industrial building to the west and the property to the south is vacant.

PROJECT SUMMARY/DECISION CRITERIA: The applicant is requesting to partition tax lot 00800 into two parcels. Parcel 1 = .31 acres and Parcel 2 = 3.61 acres. Both parcels will have access along N. Hansard Avenue.

REVIEW CRITERIA:

- 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 3.61 acres; and the northern parcel (Parcel 2) would be approximately .31 acres.

For lot size, dimension, and development standards, Section 16.09.050 of the Lebanon Development Code identifies Residential Site Standards in the Industrial Zone. The existing single-family dwelling is a nonconforming use in the Industrial Zone but is allowed to remain if the lot requirements in Section 16.05.040 Residential Mixed Density (Z-RM) of the Lebanon Development Code are met.

In the Z-RM zone, lot size, dimensions 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. In the Z-IND zone, there is no minimum or maximum lot size, property width, lot coverage, or height. For setbacks in the Z-IND zone, the front/street side setback shall be a minimum 20-foot, with no side or rear setbacks unless abutting residentially zoned property.

As proposed, each property maintains over 13,503 net square feet exceeding the minimum requirement, Parcel 1 maintains a property width of 80 feet, exceeding the minimum standard. For lot coverage, Parcel 1 with the existing dwelling would cover less than 20%, exceeding the minimum standard. For setbacks, Parcel 1 will maintain a 35-foot front and 80-foot rear setback, a 38-foot northern side setback, and a 10-foot southern side setback, as such, the 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.

FINDINGS: There is an existing sanitary sewer main and water main in N. Hansard Avenue, both mains would be able to serve the site. N. Hansard Avenue is identified as a Collector roadway without parking with a required public right-of-way width (including street, parking, sidewalk, and landscape buffer) of 60-feet. The existing right-of-way is 65-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, the proposal meets this criteria.

- 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, as such this criteria is not applicable.

- 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. As such, this criteria is not applicable.

- 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 direct access to N. Hansard Avenue. 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 N. Hansard Avenue within the appropriate hose pull distance to the single-family dwelling 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 such, this criterion is not applicable.

- 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 16.05 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 March 6, 2024. The public comment period remained open until 5:00pm on Wednesday, March 20, 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 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. Each newly created parcel shall have their own sewer and water service. The existing well and septic tank and drain field for the existing single-family dwelling cannot encroach on the Parcel 2 and will need to be abandoned and connections to city utilities will be required prior to final plat.

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 Monday, April 8, 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.

SIGNATURE PAGE FOR MLP-24-02

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

3/22/2024
Date

Concurrence by:


Kelly Hart,
Community Development Director

3/22/24
Date