



Community Development
925 S. Main Street
Lebanon, Oregon 97355

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NOTICE OF DECISION
Planning File No. MLP-24-03
(Minor Land Partition)

April 25, 2024

I. BACKGROUND

APPLICANT: 3Lifestyle Holdings

PROPERTY LOCATION: The subject property is located at the northwest corner of Cascade Drive and Wagon Wheel Drive. There is no property address assigned. The Linn County Tax Assessor Map number is 12S02W23B02002.

PARCEL SIZE: Total 0.39 acres

ZONING: Residential Low Density (Z-RL)

EXISTING DEVELOPMENT: Property is currently vacant.

ADJACENT ZONING AND LAND USES: The properties to the north and south contain detached single-family dwellings in the county's jurisdiction. To the west is a detached single-family dwelling in the Residential Low Density Zone, and to the east a commercial contractor's shop in the Highway Commercial Zone along with a detached single-family dwelling in the Residential Mixed Density Zone.

PROJECT SUMMARY/DECISION CRITERIA: The applicant is requesting to partition tax lot property into two parcels. Parcel 1 = 9,164 square feet and Parcel 2 = 7,721 square feet. Parcel 1 will maintain frontage along Cascade Drive and Parcel 2 will maintain frontage along Wagon Wheel Drive and Cascade Drive.

- 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 north parcel (Parcel 1) would be approximately 9,164 square feet; and the southern parcel (Parcel 2) would be approximately 7,721 square feet of net lot area.

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, 5,500 square feet for corner lots, 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 5,000 net square feet exceeding the minimum requirement, each parcel maintains an average property width of well 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 criterion.

- 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, as such this criterion is not applicable.

- 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 Cascade Drive and a sewer main in Wagon Wheel Drive. The water main is required to extend from Cascade Drive along the frontage of Parcel 2. Once extended, both sites can be served. As such, there is sufficient utility infrastructure to service the site and 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 criterion 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, Parcel 1 will maintain access to Cascade Drive and Parcel 2 will have access to Wagon Wheel Drive. The Engineering Department has reviewed the proposed partition and has identified additional improvements required to the public street and public utility infrastructure. Half street improvement and waterline and storm drainage improvements will be required along Wagon Wheel for the length of the property. There is an existing fire hydrant on Cascade Drive within the appropriate hose pull distance for the Fire District. As such, with the engineering conditions, 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 has been met

- 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 April 10, 2024. The public comment period remained open until 5:00pm on Wednesday, April 24, 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 Land Partition and **APPROVES** the application, subject to the following conditions:

1. The Planning Department conditions include, but may not be limited to:
 - 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.
2. The Engineering conditions included, but may not be limited to:

GENERAL

- a. All public improvements shall:
 - (1) conform to the latest "City of Lebanon Engineering Design Standards for Public Improvements."
 - (2) require completion of a Drawing Review Application and a Public Improvements Permit prior to beginning construction.
 - (3) be designed by a professional engineer registered in the State of Oregon.
 - (4) Prior to final plat approval, a bond or other approved form of assurance is required for all incomplete public improvements.
- c. All elevations shown on plans submitted to the City must be on the NAVD 88 vertical datum to provide compatibility with the City computer aided mapping system.
- d. All private, onsite utilities must be reviewed and approved by the City Building Official.

Transportation

- a. Construct City standard full depth half street improvement along Wagon Wheel the length of the lot frontage. All sidewalks and driveway approaches must comply with ADA requirements.
- b. Driveway locations shown must be located furthest away from the intersection.
- c. Provide City standard street trees in compliance with the City of Lebanon street tree policy. See the policy and approved street tree list at (<http://www.ci.lebanon.or.us/index.aspx?page=117>).
- d. With engineering drawings, indicate the location of street and path lights, mailboxes, utility pedestals, signs.
- e. Mailbox locations must also be reviewed and approved by the Postmaster.

WATER

- a. Identify any on-site wells on the engineered drawings. Back flow prevention devices will be required on any lot that is also served by the city water system.
- b. Extend 8" ductile iron water main from Cascade Dr the full length of the lot frontage.

STORM DRAINAGE

- a. With the engineering drawings, provide a grading plan for the sites that indicates existing and proposed elevations. Drainage improvements (ditches and or piping) may be required at the site boundaries to prevent adverse impacts. The engineering drawings must provide a detailed design (including calculations) of the drainage improvements and mitigation of any impacts to adjacent properties.
- b. Construct a PVC storm drain system along Wagon Wheel Rd the length of the lot frontage. The new storm main should be designed to accommodate future development.
- c. With engineering drawings provide a construction erosion prevention plan.

LANDSCAPING

- a. Any landscaping proposed in the public right of way shall have a maximum mature height of no more than 24 inches above the street grade and at least 3 feet from any fire hydrant. All landscaping proposed in the yard setback areas adjacent to public streets shall have a maximum mature height of no more than 36 inches above the street grade.
 - b. Vision clearance areas shall be provided at intersections of all streets and at intersections of driveways with streets to promote pedestrian, bicycle, and vehicular safety per Subsection 16.12.030.H of the Lebanon Development Code. A clear-vision area shall contain no plantings, fences, walls, structures, utility pedestals, or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb.
 - c. Fences along street sides shall comply with setback and intersection site distance requirements per AASHTO.
3. 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 Friday, May 10, 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-24-03

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

April 25, 2024
Date

Concurrence by:


Kelly Hart
Community Development Director

4/25/24
Date