



Community Development
925 S. Main Street
Lebanon, Oregon 97355

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NOTICE OF DECISION
Planning File No. MLP-24-04
(Land Partition)

May 13, 2024

I. BACKGROUND

APPLICANT: Barndo Builders

PROPERTY LOCATION: The subject property is generally located on the southern side of East Grant Street and east of Berlin Road. The property does not have an assigned address. The Linn County Tax Assessor Map number is 12S02W12C 00206.

PARCEL SIZE: Total 1.80 acres

ZONING: Residential Mixed Density (Z-RM)

EXISTING DEVELOPMENT: The site is currently vacant and unimproved.

ADJACENT ZONING AND LAND USES: Surrounding the property are detached single-family dwellings to the west and east, and vacant residential properties to the north and south.

PROJECT SUMMARY/DECISION CRITERIA: The applicant is requesting to partition tax lot 00206 into two parcels. Parcel 1 = 0.63 acres and Parcel 2 = 1.17 acres. Both parcels will access E Grant Street via a shared access easement.

- 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 also 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 27,846 square feet; and the southern parcel (Parcel 2) would be approximately 51,152 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.

- 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: A 14-inch water main is available in Grant Street and would be accessible to each parcel. The site would be serviced by private septic systems for the sewer service. As such, there is sufficient utility infrastructure to service the site. Grant Street is identified as a local road with a required public right-of-way width of 60-feet. The existing right-of-way is 60-feet, as such, no land dedication would be required as part of the partition. As no land dedication is required, and there is sufficient utility infrastructure to service the partition properties, this criterion 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 proposed common areas or improvements required or identified in the preliminary plat. An access easement that would be utilized by all parcels has been identified on the preliminary plat. A condition of approval for a reciprocal access and maintenance agreement has included. With the access easement identified on the preliminary plat and the conditions of approval, this criterion has been 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 through an established access easement to Grant Street. The Engineering Department has reviewed the proposed partition and has not identified any additional improvements required to the public street. Conditions have been included to stipulate required improvements to the property and utilities if a development were to occur in the future. 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: A portion of the property is located within the Steep Slope Overlay with an average slope of 24.1 percent (average slope of potential development area is 20.7 percent). Based on the submitted plan, there is no development proposed within the over 30% slope area. For density authorized in a steep slope overlay, the Applicant has chosen to evaluate the density based on the mean slope calculation identified in Section 16.11.040.D of the Development Code. Per The slope exhibit submitted, the average slope on the property is 24.1 percent. Per Section 16.11.040.D, with an average slope between 20 to 25 percent the minimum lot size per dwelling unit would need to be 15,000 square feet, with a minimum frontage per lot of 100 feet. Both proposed parcels are well over 15,000 square feet and the frontage provided via an easement is over 245-feet, meeting the requirements of the development code. The Fire District has reviewed the preliminary plat and determined fire protection service could be provided, subject to the development of the site meeting the Fire Code. The parcels are not located within any flood hazard, or riparian protection zone, 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 25, 2024. The public comment period remained open until 5:00pm on Friday, May 10, 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:

- 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.
 4. Mailbox locations must also be reviewed and approved by the Postmaster.
 5. Identify any on-site wells on the engineered drawings. Backflow prevention devices will be required on any lot that is also served by the city water system.
 6. Due to elevation changes, creating different pressure zones, water meter locations shall be no higher than the 422-foot elevation mark along E Grant Street. Potentially each home will have to have a booster pump to allow for adequate pressure to the home sites.
 7. Proof of approval of septic system by Linn County shall be provided to the City for verification prior to signing the final plat.
 8. 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.
 9. With each residential site plan, 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 engineered drawings must provide a detailed design (including calculations) of the drainage improvements and mitigation of any impacts to adjacent properties.
 10. See attachment A for Fire District comments.
- 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 Tuesday, May 28, 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, identify specific criteria that 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, 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

may 13, 2024
Date

Concurrence by:


Kelly Hart
Community Development Director

5/13/24
Date



Lebanon Fire District Development Requirements

Applicant Name: Barndo Builders

Date: 4/25/2024

Address or Location: E Grant St.

WHERE PLANS AND DESIGN SUBMITTALS ARE REQUESTED, THEY SHALL BE PREPARED BY, AND BEAR THE STAMP OF, A REGISTERED DESIGN PROFESSIONAL. (2022 OFC 104.8.2)

NOTE: THE REQUIREMENTS OF THIS LETTER ARE BASED ON THE 2022 OREGON FIRE CODE (OFC). WHERE A NUMBERED ITEM HAS LETTERS LISTED BENEATH IT; ALL LETTERS APPLY AS REQUIREMENTS.

1. The applicant/owner/occupant shall comply with all requirements of the Oregon Fire Code as they pertain to this occupancy or development. (OFC 104.1)
2. Fire apparatus access roads (including driveways) shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. (OFC 503.1.1)
 - A. Plans for the fire apparatus access roads shall be submitted to the Fire Marshal for review and approval during land use planning and prior to construction. (OFC 501.3)
 - B. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC 503.2.1 and D103.1)
 - C. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Dead end fire apparatus roads in excess of 500 or 750 feet in length are subject to the requirements of OFC Appendix D Table D103.4. (OFC 503.2.5 & D103.4)
 - D. Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than a 75,000-pound live load (gross vehicle weight). Documentation from a registered engineer that the finished construction is in accordance with the approved plans, or the requirements of the fire code may be requested. (OFC 503.2.3 & D102.1)
 - E. Fire apparatus access roads shall not exceed 10 percent in grade. For fully paved fire access roads the maximum grade is to be 12 percent. For fully sprinklered one- or two-family dwellings maximum grade is 15 percent. Intersections and turnarounds shall be level. (OFC 503.2.7 & D103.2)
 - F. The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)
 - G. When access roads are subject to run-off damage, approved drainage shall be provided. (OFC D103.7)

3. Where fire apparatus access roads are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "NO PARKING – FIRE LANE" signs shall be installed on one or both sides of the roadway and in turnarounds. (OFC 503.3 & D103.6)
 - A. Fire apparatus access roads 20 to 26 feet wide shall be posted every 50 feet on both sides as a fire lane. (OFC D103.6.1)
 - B. Fire apparatus access roads more than 26 feet wide to 32 feet wide shall be posted every 50 feet on one side of the road as a fire lane. (OFC 503.3 & D103.6.2)
 - C. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters and border on a white reflective background. (OFC 503.3 & D103.6)
 - D. Private fire apparatus access roadway curbs shall be painted red and stenciled "NO PARKING - FIRE LANE" every 25 feet. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3 & D103.6)
4. The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less. For commercial structures and single-family dwellings with vaulted ceilings a fire flow calculation compliant with Appendix B (city) or NFPA 1142 (rural/county) is required to be provided by a design professional (OFC 507.3 & Appendix B & OFC 104.8.2)
5. Required fire apparatus access roads, water supplies, fire hydrants and water mains shall be installed and made serviceable prior to and during the time of onsite combustible construction. (OFC 501.4)
6. An approved rapid entry lock shall be installed on all commercial AND residential locking gates or similar barriers. Approved locks are the Knox Padlock (Model 3770) with 2" shackle length, and the Knox Gate & Key Switch (Model 3501) with dust cover, 2-position toggle, and one signal per lock. (OFC 506.1.1)
7. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch. Flag lot addresses shall be posted on a minimum 4 x 4 post at the entrance to the driveway from the public street. Large commercial structures will require an increased minimum number size relative to the size of the structure. Contact the Fire Marshal's office for further guidance. (OFC Sec. 505.1)

IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT/DEVELOPER/OWNER TO PROVIDE THE FIRE DISTRICT WITH THE APPROPRIATE PLANS AND DOCUMENTATION FOR REVIEW AND APPROVAL *PRIOR* TO CONSTRUCTION OF THE ACCESS ROADS AND WATER SUPPLIES. SUCH PLANS SHALL BEAR THE STAMP OF AN OREGON REGISTERED DESIGN PROFESSIONAL AS CERTIFICATION THAT PLANS COMPLY WITH THE OREGON FIRE CODE REQUIREMENTS AND SPECIFICATIONS.

Respectfully,



Ken Foster
Division Chief of Fire & Life Safety – Fire Marshal
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