



Community Development
925 S. Main Street
Lebanon, Oregon 97355

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NOTICE OF DECISION
Planning File No. VAR-24-01
(Class I Variance)

January 4, 2024

I. BACKGROUND

APPLICANT: Richard Barnett

PROPERTY LOCATION: The subject property is located on the west side of South Fifth Street between Kees Street and Walker Road. The property address is 2430 S 5th St, and the County Assessor map locates the parcel within Township 12 South; Range 2 West; Section 15DC; Tax Lot 207.

PARCEL SIZE: 0.31 acres

ZONING: Residential Low Density (Z-RL)

EXISTING DEVELOPMENT: The site currently contains a single-family dwelling.

ADJACENT ZONING AND LAND USES: The project site is surrounded by residential properties in the Residential Low Density (Z-RL) zone.

PROJECT SUMMARY/REVIEW CRITERIA: The Applicant is requesting approval of a Class I Adjustment for construction of a fence above the maximum height permitted within the setback area adjacent to Kelm Place.

- The proposed fencing subject to the Class I Variance would be located within the street side setback on Kelm Place, outside the vision clearance areas of any intersections.
- 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 as established in Section 16.12.030.H of the Lebanon Development Code. The clear vision triangles for the intersection of private driveways and public streets measure 20 feet along the street right-of-

way and 10 feet along the private access driveway as required in the LDC. The clear vision triangles for the intersections of the public streets measure 20 feet along the street rights-of-way. The proposed location of the fence is not within the limits of a clear vision triangle and does not block street intersection safe stopping sight distance, required line of sight for an intersection or driveway. As such, with the vision and site distance triangle compliance, the application meets the criteria for a Class I Variance.

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 maximum fence height permitted shall be eight feet. Any additional fencing proposed shall be compliant with the Lebanon Development Code, or subject to a new variance application.
- B. Any fencing height seven feet or taller is subject to a building permit.

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 January 19, 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

Date

Concurrence by:



Kelly Hart
Community Development Director

1/24/2024
Date