

Staff Report, Decision, and Conditions of Approval Case File PAR 2022-01

Date: March 3, 2022

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Property Owners: Robert C. Pillsbury and Maria C. Rios-Pillsbury
2180 34th Ave NE
Salem, OR 97301

Situs Address: 6281 SW Jetty Ave

Tax Map and Lot: 07-11-34-DA-03700-00

**Comprehensive
Plan Designation:** Single-Family Residential District (R-5)

Zoning District: Single-Family Residential (R-1-5) Zone

Site Size: Approximately 11,322 square feet

Proposal: Request to divide the existing parcel into two parcels

**Surrounding
Land Uses
and Zones:** North: Multi-Family Dwellings; R-1-5
South: Single-Family Dwellings; R-1-5
East: Single-Family Dwellings; R-1-5
West: Single-Family Dwellings; R-1-5

Authority: Section 16.08.100 of the Lincoln City Municipal Code (LCMC) gives the Planning and Community Development Director the authority to review the application and determine whether the proposed minor replat or partition appears to comply with the provisions of Chapter 16.08 and other applicable city ordinances, and thereupon provide a notice of decision pursuant to LCMC 17.76.020.

Procedure: The application was received on January 28, 2022, and was deemed complete on February 2, 2022. Notice of the application was sent to all property owners within 250 feet of the site on February 9, 2022, with a 14-day comment period. No comments were received.



Applicable Substantive Criteria: LCMC Chapter 16.08 Procedure, Article II Partition and Minor Replat
 LCMC Chapter 17.16 Single-Family Residential (R-1-5) Zone
 LCMC Section 17.76.040 Type II Procedure

BACKGROUND

An application for a two-parcel partition was received in the Planning and Community Development Department on January 28, 2022. Staff reviewed the materials and determined that the required items were contained in the submittal. Staff requested comments from the Lincoln City Public Works Department and the Lincoln County Surveyor. The Public Works Department commented that there was both water and sewer at the property line. The Lincoln County Surveyor had no comment.

The subject property (site) is one legal tax lot identified as 07-11-34-DA-03700-00. The site is addressed as 6281 SW Jetty Ave and consists of approximately 11,322 square feet. The site is in the Single-Family Residential (R-1-5) zone, and is located at the southwesterly terminus of SW Jetty Ave.

The property owners propose to partition the existing parcel into two parcels. This will result in Parcel 1 of approximately 5,002 square feet and Parcel 2 of approximately 6,320 square feet. There are no existing structures on the site.

The site does not contain any bluff erosion hazard zones, natural resource overlays, floodway, or aesthetic resources. However, the site is in the AE Flood Zone. While this is not pertinent to the partition application, it is noted because all development will require that a Floodplain Development Permit be obtained prior to submitting any building permit applications and prior to any site development work.

ANALYSIS

16.08.090 Inspection and processing fee

Finding: The property owners paid the required filing fee at the time of submitting the application on January 28, 2022.

16.08.100 Review and approval procedure

- A. *When a proposed partition contains three or fewer parcels, the city staff may approve the partition when all of the following conditions are met:*

Finding: The application proposes to divide one parcel into two parcels. This requirement is met.

1. *All parcels front on an existing road or street as required by LCMC 17.52.030.*

Finding: The proposed partition plat shows Parcel 1 has 30.00 feet of street frontage and Parcel 2 has 36.65 feet of street frontage.

2. *No parcels have been previously partitioned from said tract during the last calendar year, calculated from the date of application*

Finding: Review of Lincoln County records indicate that no other partitions have been filed in the last year.

3. *All parcels conform to the provisions of the city comprehensive plan and LCMC Title 17.*

Finding: The site is located in the R-1-5 zone. Permitted uses are listed in LCMC 17.20.020. Lot requirements are listed in LCMC 17.20.050, and are as follows:

Standard	Required	Parcel 1 Provided	Parcel 2 Provided	Requirement Met
Lot Area	5,000 (R-1-5)	5,002 sf	6,320 sf	Yes
Lot Width	50 ft (R-1-5)	65.2 ft	50.1 ft ft	Yes
Lot Depth	70 ft (R-1-5)	78.9 ft	124.9 ft	Yes
Front Yard	Not applicable	Not applicable	Not applicable	Not applicable
Side Yard	Not applicable	Not applicable	Not applicable	Not applicable
Street Side Yard	Not applicable	Not applicable	Not applicable	Not applicable
Clear Vision	Not applicable	Not applicable	Not applicable	Not applicable
Rear Yard	Not applicable	Not applicable	Not applicable	Not applicable
Building Coverage	Not applicable	Not applicable	Not applicable	Not applicable

The partition will create two parcels. No uses have been proposed. The lot requirements are met as indicated above. This requirement is met.

B. An application for approval, together with required fees...

Finding: The application and required fees were submitted on January 28, 2022.

C. Upon receipt of the application for minor replat or partition, the planning and community development director shall review the application and determine whether the proposed...

Finding: This staff report comprises the review of the application and concludes with a determination of whether the proposed partition appears to comply with the provisions of Chapter 16.08 and other applicable city ordinances.

16.08.110 Required data

A. Name and address of the owner or owners of record;

Finding: The owners are identified as Robert C. Pillsbury and Maria C. Rios-Pillsbury. Their address is listed on the application.

B. For land adjacent to and within the parcel to be partitioned, show locations, names and existing widths of all streets and easements of way; location, width and purpose of all other existing or proposed easements; and location and size of sewer and water lines, drainage ways and power poles;

Finding: The partition plat shows SW Jetty Rd as the southwesterly boundary of the site.

The Public Works comment indicates sewer is available adjacent to the site.

The Public Works comment indicates water is available on or adjacent to the property.

The proposed partition plat shows no drainage ways or power poles on the site.

C. *Outline and location of existing buildings to remain in place within the proposed partitioning and directly adjacent;*

Finding: There are no existing buildings on the site.

D. *Appropriate identification clearly stating the plan as a minor replat or partition.*

Finding: The map is identified as a partition plat.

16.08.120 Disposition of approved tentative plans

When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval.

Finding: No comment necessary.

16.08.130 Large parcels may require subdivision procedure

If the parcel of land to be partitioned exceeds five acres and is being partitioned into more than two parcels within a year, any one of which is less than one acre, full compliance with all requirements...

Finding: The subject site is 11,322 square feet; therefore, this requirement is not applicable to this application.

16.08.140 Approval conditions

Approval may be conditioned upon extension or assurance of public improvements as described in LCMC 16.16.010 through 16.16.100.

Finding: Comments were received by the city engineer; no conditions were imposed; therefore, this standard is not applicable.

16.08.150 Final plat – Filing – Time limit

Within two years of the tentative plan approval, the applicant shall submit to the city a final plat for the minor replat or partition that is consistent with the tentative plan and state law. A signature block...

Finding: This subsection is a condition of approval.

Any future development must be preceded by submittal of a Floodplain Development Application and subsequent issuance of the required Floodplain Development Permit.

DECISION AND CONDITIONS OF APPROVAL

Based upon an analysis of the application against applicable criteria, staff concludes all criteria have or will be met, and thus **APPROVES** the requested two-parcel partition, subject to the following conditions:

1. Prior to recording the final partition plat, email a draft of the final partition plat to wfritz@lincolncity.org in the Lincoln City Planning and Community Development Department.

2. Once Lincoln City Planning and Community Development has confirmed consistency with the approval and all conditions of approval have been met, submit the plat map to the director of Lincoln City Planning and Community Development for signature.
3. Record the plat map within two years of the date of this decision.
4. A pdf of the recorded plat map shall be emailed to planning@lincolncity.org within 30 days of the recording date.
5. Any future development must be preceded by submittal of a Floodplain Development Application and subsequent issuance of the required Floodplain Development Permit.

Prepared by Weston Fritz, Associate Planner

Approved by:



Anne Marie Skinner
Director, Planning and Community Development

March 8, 2022
Date