

Staff Report, Decision, and Conditions of Approval

Case File PAR 2022-02

Date: April 27 2022

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Property Owners: John Dennis (deceased) and Joan G. Dennis
Christine F. Reinhart (personal representative of the will and estate of the decedent)
3109 NE 26th St #408
Lincoln City OR, 97367

Contract	Sonja Sweek	Jackie Draper
Purchasers:	342 8 th St NE Washington, DC	2630 Hayden Island Dr Slip 56 Portland, OR

Situs Address: 1935 NW 51st

Tax Map and Lot: 06-11-35-CC-01703-00

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

Zoning District: Single-Family Residential, Roads End (R-1-RE) Zone

Site Size: Approximately 15,880 square feet

Proposal: Request to divide the existing parcel into two parcels

**Surrounding
Land Uses
and Zones:** North: Houses; R-1-RE
South: Houses; R-1-RE
East: Houses, Undeveloped sites; R-1-RE
West: Houses; R-1-RE

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 April 7, 2022 and was deemed complete on April 7, 2022. Notice of the application was sent to all property owners within 250 feet of the site on April 8, 2022, with a 14-day comment period. One comment was received.



Applicable Substantive Criteria: LCMC Chapter 16.08 Procedure, Article II Partition and Minor Replat
 LCMC Chapter 17.17 Single-Family Residential (R-1-RE) 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 April 7, 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 no public sewer was available to connect to and that a 50 ft extension would be required as a condition of approval. The Lincoln County Surveyor had no comment.

The subject property (site) is one legal tax lot identified as 06-11-35-CC-01703-00. The site is addressed as 1935 NW 51st St and consists of approximately 15,880 square feet. The site is in the Single-Family Residential, Roads End (R-1-RE) zone, and is located about 421 feet West of Logan Rd.

The property owners propose to partition the existing parcel into two parcels. This will result in Parcel 1 of approximately 6,707 square feet and Parcel 2 of approximately 9,173 square feet. There is an existing home on Parcel 1, Parcel two would be undeveloped after the partition.

The site does not contain any bluff erosion hazard zones, natural resource overlays, floodway, flood zone or aesthetic resources.

COMMENTS

One comment letter was received on April 19, 2022, from Peter and Barbara Sozzi. Generally, the couple is concerned with how the partition will change the neighborhood character and add to infrastructure issues, including negatively impacting road conditions. Lincoln City Public Works reviewed the request for compliance with applicable code criteria for a two-parcel partition and sewer will have to be extended 50 feet to serve new construction. There are no code criteria pertaining to neighborhood character.

ANALYSIS

16.08.090 Inspection and processing fee

Finding: The property owners paid the required filing fee at the time of submitting the tentative plan on April 7, 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 preliminary plat shows Parcel 1 has 59.78 feet of street frontage and Parcel 2 has 25 feet of street frontage. This standard has been met.

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 do not show any partitions on the property in the past year. This criterion is met.

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-RE 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	6,707 sf	9,173 sf	Yes
Lot Width	50 (R-1-RE)	59.78	84.78 ft	Yes
Lot Depth	70 (R-1-RE)	117.59 ft	75.15 ft	Yes
Front Yard	20 ft (R-1-RE)	41.96	Not applicable	Not applicable
Side Yard	10 ft/7.5 (R-1-RE)	West= 19.43 East- Existing/NA	Not applicable	Not applicable
Street Side Yard	20 ft (R-1-RE)	Not applicable	Not applicable	Not applicable
Clear Vision	Corner Lots	Not applicable	Not applicable	Not applicable
Rear Yard	10/7.5 ft (R-1-RE)	30 ft	Not applicable	Not applicable
Building Coverage	35% max	23.5%	Not applicable	Not applicable

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

Finding: The application and required fees were submitted on April 7, 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 listed as John Dennis and Joan G. Dennis, with Christine F. Reinhart as the representative. The 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 NW 51st St as the southern boundary of the site. Water and sewer locations are shown on the street. The preliminary 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: The survey provided shows the location of the existing house on Parcel 1. There are no structures on the future Parcel 2 other than a shed, which is shown on the preliminary partition plat. A shed is an accessory structure to the primary structure. With the recording of the partition plat, the site will officially be divided into two parcels. Without a primary structure on Parcel 2, the recording of the partition plat will make Parcel 2 out of compliance with the requirement to have a primary structure prior to placement of an accessory structure. This can be addressed with a condition of approval to remove the shed prior to the signature of the planning and community development director on the final partition plat.

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 site is 15,880 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: The City Engineer commented that the applicant would need to extend the sewer 50 feet to service the property.

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.

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 WITH CONDITIONS** the requested two-parcel partition, subject to the following conditions:

1. Prior to recording the plat map, submit a draft of the plat map to Lincoln City Planning and Community Development.
2. The shed on Parcel 2 shall be removed prior to obtaining the signature of the planning and community development director on the plat map.
3. The 50-foot sanitary sewer extension to the new parcel shall be completed prior to obtaining the signature of the planning and community development director on the plat map.
4. 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 Lincoln City Planning and Community Development for signature.
5. Record the plat map within two years of the date of this decision.
6. A copy of the recorded plat map shall be emailed to planning@lincolncity.org within 30 days of the recording date.

Prepared by Weston Fritz, Associate Planner

Approved by:



Anne Marie Skinner
Director, Planning and Community Development

May 6, 2022

Date