

Staff Report

Case File PLA 2022-04 Meyers

Date: May 12, 2022

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Property Owners: Peter and Frances Meyers

Situs Address: 1105 NW Inlet Ave
Unaddressed

Location: West side of NW Inlet Ave, approximately 200 feet south of NW 12th St/NW Inlet Ave intersection

Tax Map and Lot: 07-11-10-DC-09800-00
07-11-10-DC-09900-00

Comprehensive

Plan Designation: High-Density Residential District (R-M)

Zoning District: Multiple-Unit Residential (R-M) Zone

Site Size: 07-11-10-DC-09800-00 = 8,276.4 square feet prior to adjustment, 20,037.6 square feet after
07-11-10-DC-09900-00 = 11,761.2 square feet prior to adjustment, 0 square feet after

Proposal: Request for combining two lots into one lot through a property line adjustment

Surrounding Land Uses and Zones:

North: Single-family dwellings; R-M
South: Single-family dwellings, undeveloped lots; R-M
East: Single-family dwellings, commercial uses; R-M, G-C
West: Single-family dwellings, hotels; R-M



Authority: Section 16.08.180 of the Lincoln City Municipal Code (LCMC) gives the Planning and Community Development Director the authority to review the application and determine whether or not the proposed adjustment appears to comply with the provisions of Title 16 and other applicable city ordinances, and thereupon provide a notice of decision pursuant to LCMC 17.76.040.

Procedure: The application was received on April 13, 2022. The application was deemed complete on April 20, 2022. Notice of receipt of the application was mailed by the Planning and Community Development Department to the owners of all properties within 250 feet of the site on April 21, 2022, with a request for written comments to be received no later than May 5, 2022, at 5:00 PM. No written comments were received.

Applicable Substantive Criteria: LCMC Chapter 16.08 Procedure
LCMC Chapter 17.20 Multiple-Unit Residential (R-M) Zone
LCMC Section 17.76.040 Type II Procedure

BACKGROUND

The subject property (site) comprises two lots, one developed with a single-family dwelling, and the other undeveloped. Both lots are owned by the same individuals. Both lots legally exist as part of Block 7 of the plat known as Mrs. Whites First Addition at Devils Lake – one is Lot 4 and the other is Lot 5 of Block 7 of the Mrs. Whites plat. The property owners are seeking to combine the two platted lots into one lot and are choosing to do this using a property line adjustment as the chosen method for combination, rather than a minor re-plat.

ANALYSIS

16.08.160 Applicability

This procedure may be utilized, as an alternative to partition or replatting procedures, under the following circumstances:

- A. The size, shape or configuration of two existing units (lots or parcels) of land, each of which is a legal lot or parcel, is to be modified by the relocation of a common boundary between the parcels; and*

Finding: Each of the existing tax lots that comprise site are legal lots. The property owners seek to eliminate the common boundary line between the two tax lots and combine as one legal tax lot. This criterion is met.

- B. An additional unit of land is not created; and*

Finding: The application consists of two legal tax lots before the adjustment, and one legal tax lot after the adjustment. This criterion is met.

- C. Adjustment of the property line shall not cause or increase any nonconformity with any applicable zoning or other requirement of the City of Lincoln City to a greater extent than prior to the adjustment.*

Finding: Tax lot 9800 is currently developed with a single-unit dwelling and is roughly 8,276 square feet in area. Tax lot 9900 is approximately 11,761 square feet and is currently not developed. There are no maximum lot size standards for single-unit dwellings in the R-M zone, provided the dwelling and the lot upon which the

dwelling sits existed lawfully prior to September 9, 2020, pursuant to LCMC 17.20.020.D. The house and tax lots all lawfully prior to September 9, 2020. This standard has been met.

16.08.170 City approval required

Any person desiring to carry out a property line adjustment shall submit to the planning and community development director an application, together with such fee as established by city council resolution. The property line adjustment application shall be upon such form as shall be approved by the planning and community development director, and shall include at least the following information:

Finding: A completed application that was signed by the property owners was submitted, along with the applicable fee. This criterion is met.

- A. *A legal description (by lot and block or by metes and bounds) of the units of land as they exist prior to the proposed property line adjustment, and as they would exist after the adjustment.*

Finding: Legal descriptions of the units of land as they currently exist and as proposed were provided in the application submittal. Staff notes that the legal descriptions are by lot and block (MRS WHITES FIRST ADDITION AT DEVILS LAKE, BLOCK, 7, LOT 4, and MRS WHITES FIRST ADDITION AT DEVILS LAKE, BLOCK 7, LOT 5) and that the lot consolidation will result in a combination of Lot 4 and Lot 5 as the resulting legal description. The county recorder, county assessor, and/or county surveyor will make an assessment if a metes and bounds description is required to officially combine and record the combination for one resulting lot.

- B. *A map (a tax map, survey, or equivalent) depicting the configuration of the units of land prior to and after the proposed adjustment. This information may be depicted on the same map.*

Finding: The application included a map of the site depicting the current and future configuration. As part of final approval, the recorded record of survey map must be submitted reflecting the proposed adjustment. This criterion is or can be met.

Chapter 17.76 Procedures

17.76.040 Type II procedure

- A. *General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.*
- B. *When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required for Type II procedures.*
- D. *Application Requirements. Type II applications shall:*
- 1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 - 2. Be accompanied by the required fee as adopted by city council resolution.*
 - 3. Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted on April 13, 2022. The application was deemed complete on April 20, 2022. Notice of receipt of the application was mailed by the Planning and Community Development Department to the owners of all properties within 250 feet of the site on April 21,

2022, with a request for written comments to be received no later than May 5, 2022, at 5:00 PM. No written comments were received.

E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.

- 1. After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:
 - a. The applicant and applicant's representative;*
 - b. The owners of record of the subject property;*
 - c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
 - d. Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.**

Finding: The Planning and Community Development Department mailed the public notice of receipt of a complete application to the parties noted in LCMC 17.76.040.E.1.a through d.

- 2. The written public notice shall include the following:
 - a. A brief description of the request;*
 - b. The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. The street address or other easily understood geographical reference to the subject property;*
 - d. Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
 - e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.**
- 3. An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.*
- 4. Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

Finding: The written public notice contained all the information required in LCMC 17.76.040.E.2 through 4.

F. Review Authority. The review authority for Type II applications shall be the director.

Finding: The Director reviewed the submitted Type II application.

G. Decision.

1. *Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

Finding: The relevant approval criteria are addressed in detail earlier in this document. No written comments were received before the close of the comment period.

2. *The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *The owners of record of the subject property;*
 - c. *Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
 - d. *Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

Finding: Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by Lincoln City Planning and Community Development, pursuant to LCMC 17.76.040.G.2.

3. *The notice of the decision shall include the following:*

Finding: Lincoln City Planning and Community Development will issue the notice of decision that shall contain all the information noted in subsection 17.76.040.G.3.a through g.

DECISION

Based upon an analysis of application against applicable criteria, staff concludes all criteria have or will be met, and thus **APPROVES WITH CONDITIONS** the requested property line adjustment to consolidate Lots 4 and 5 into one lot, subject to the following conditions:

1. The owners of the properties involved in the property line adjustment lot consolidation shall prepare and record a conveyance or conveyances in accordance with ORS 92.190(4), attaching a copy of the notice of city approval.
2. The owners shall obtain a survey of the adjusted property line lot consolidation, monuments shall be placed, and the survey shall be filed with the county surveyor, as required by ORS 92.060(7).
3. Copies of the recorded conveyances and the recorded record of survey map shall be emailed to Lincoln City Planning and Community Development at planning@lincolncity.org.

Prepared by: Weston Fritz, Associate Planner

Approved by:



Anne Marie Skinner
Director, Planning & Community Development

May 16, 2022
Date