

Property Line Adjustment Staff Report, Decision, and Conditions of Approval Case File PLA 2022-11

Date: September 29, 2022

Case File: PLA 2022-11 Lincoln Sands

Property Owners: Lincoln Sands Hotel Partners LLC

Situs Address: 1067 NW 5th Ct; Unaddressed; Unaddressed; Unaddressed

Location: Northwest corner of NW 5th Ct/NW Inlet Ave intersection

Tax Map and Lot: 07-11-15-AB-08700-00; 08800-00; 10200-00; 10300-00

Comprehensive Plan Designation: Commercial-Recreation District (R-C)

Zoning District: Recreation-Commercial (R-C) Zone

Site Size:
07-11-15-AB-08700-00 = 5,760 square feet
07-11-15-AB-08800-00 = 4,500 square feet
07-11-15-AB-10200-00 = 4,500 square feet
07-11-15-AB-10300-00 = 4,500 square feet

Proposal: Adjustment to eliminate boundary lines between 08800, 10200, and 10300 to consolidate into one; adjust east line of 08700 farther to the east

Surrounding Land Uses and Zones:
North: Hotel; R-C
South: Hotels; R-C
East: Houses, Multi-Unit Residential Development; R-M
West: Pacific Ocean

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 September 2, 2022. The application was deemed complete on September 13, 2022. On September 13, 2022, pursuant to LCMC 17.76.040.E, the Planning and Community Development Department mailed a notice of application to property owners within 250 feet of the subject property.

Applicable Substantive Criteria: LCMC Chapter 16.08 Procedure, Article III Property Line Adjustment
LCMC Chapter 17.28 Recreation-Commercial (R-C) Zone
LCMC Section 17.76.040 Type II Procedure



BACKGROUND

The subject property (site) comprises four platted lots (Lots 6, 7, 8, and 9, Block 7, DeLake). Lot 9, which is Tax Map 07-11-15-AB-08700-00, contains an existing structure and is addressed as 1067 NW 5th Ct. Lots 6, 7, and 8 (identified as Tax Map 07-11-15-AB-10300-00, 07-11-15-AB-10200-00, and 07-11-15-AB-08800-00, respectively) are unaddressed and developed as a parking lot. The applicant seeks to combine Lots 6, 7, and 8 into one, as well as adjusting the east line of Lot 9 by moving it 15 feet to the east. This will result in Lot 9 being 7,110 square feet and the combination of Lots 6, 7, and 8 being 12,181 square feet.

The site does not contain any aesthetic resource, floodway, flood hazard areas, or natural resource overlays. Lot 9 and a sliver of the western portion of Lot 8 do contain bluff erosion hazards.

The site is surrounded by Recreation Commercial and Multiple-Unit Residential zoning. The existing uses surrounding the site are hotels and multiple-unit and single-unit residential development.

COMMENTS

No comments were received.

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 tax lots that comprise the site are legal platted lots from Block 7, DeLake. This application seeks to eliminate the common boundary line between Lots 6, 7, and 8 of Block 7, DeLake. The application also seeks to shift the common boundary line between Lots 8 and 9, Block 7, DeLake, by moving it 15 feet to east. The standard has been met.

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

Finding: The application consists of four legal units of land before the adjustment, and two units of land 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: The site is located in the R-C zone. There are no minimum lot sizes except for motels and resorts, which shall have a minimum lot area of 10,000 square feet per LCMC 17.28.060. There are no maximum lot sizes in the R-C zone. The easterly-most lot will be more than 10,000 square feet and the westerly lot will increase in size, is already developed, and has no new construction proposed. Additionally, the westerly lot is increasing in size, rather than decreasing, and said increase serves to decrease rather than increase any size nonconformity. Tax lots 07-11-15-AB-08800; 10200; and 10300 are legal lots of record. Combining these lots does not create any nonconformities. Tax lot 07-11-15-AB-08700 is also a legal lot of record with an existing structure, and the 15-foot adjustment of the eastern boundary line of this lot will increase the side setback area to 17.9 feet from the current 3.2 feet. This decreases the nonconforming side setback by making it conform. Staff does not find any nonconformities being created as a result of the adjustment. This standard is 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: The appropriate application was completed and submitted, along with the 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: The applicant provided legal descriptions of the units of land as they currently exist and as proposed. This criterion is met.

- 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 proposed configuration. This criterion is 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, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110.D and E.

- 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 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. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.*
- 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 throughout this staff report.

- 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 the Planning and Community Development Department, pursuant to LCMC 17.76.040.G.2.

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

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

DECISION

Based upon an analysis of the submitted application and accompanying materials against applicable criteria, the Director concludes that all criteria have been or will be met and thus **APPROVES WITH CONDITIONS** the property line adjustment request, subject to the following conditions:

1. The owner(s) of the properties involved in the property line adjustment 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 owner(s) shall obtain a survey of the adjusted property line, monuments shall be placed, and the map shall be filed with the county surveyor, as required by ORS 92.060(7).
3. Copies of the recorded conveyances and the recorded map shall be emailed to Planning and Community Development at planning@lincolncity.org.

Prepared by: Weston Fritz, Associate Planner

Approved by:



Anne Marie Skinner
Director, Planning and Community Development

October 10, 2022
Date