

# Partition Staff Report, Decision, and Conditions of Approval Case File PAR 2023-05

**Date:** October 2, 2023

**Case File:** PAR 2022-05 Alpha Building Ventures

**Property Owners:** Alpha Building Ventures

**Situs Address:** Unaddressed

**Location:** Approximately 240 ft south of the intersection of NE 55<sup>th</sup> Pl and NE Voyage Ave

**Tax Map and Lot:** 06-11-35-CD-06700-00 and 06-11-35-CD-06600-00  
**Comprehensive Plan Designation:** Single-Family Residential District (R-1-7.5)

**Zoning District:** Single-Unit Residential (R1-7.5) Zone

**Site Size:** 55,627 square feet

**Proposal:** Request to combine two lots into one

**Surrounding Land Uses and Zones:**  
North: Single-unit dwellings, undeveloped land; R1-7.5  
South: Single-unit dwellings, undeveloped land; R1-7.5  
East: Undeveloped land; OS  
West: Single-unit dwellings, undeveloped land; R1-7.5

**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 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 20, 2023. The application was deemed complete on September 21, 2023. On September 22, 2023 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 II Partition and Minor Replat  
LCMC Chapter 17.16 Single-Unit Residential (R1-7.5) Zone  
LCMC Section 17.76.040 Type II Procedure



**BACKGROUND**

The subject properties (site) are identified as Assessor’s Map 06-11-35-CD-06700-00 and 06-11-35-CD-06600-00. The site is undeveloped and unaddressed.

The site does not contain any bluff erosion hazards, aesthetic resource, floodway, or flood hazard areas. The site does have some mapped wetlands along the eastern property line.

The site is surrounded by R1-7.5 and Open Space zoning.

The property owners propose combining the two platted lots into one platted lot using the minor re-plat process. This will result in one lot of approximately 55,627 square feet. The site has frontage on NE 55<sup>th</sup> Pl.

**COMMENTS**

No comments were received.

**ANALYSIS**

*16.08.090 Inspection and processing fee*

**Finding:** The property owners paid the required processing fee at the time of submitting the partition application.

*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 combine two platted lots into one platted lot. 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 both existing platted lots front NE 55<sup>th</sup> Pl for 25 feet. After the replat, the single lot will front NE 55<sup>th</sup> Pl for 50 feet. This requirement is met.

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

**Finding:** This application is for a replat, and not a partition. This criterion is not applicable.

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

**Finding:** The site is located in the RM zone. Permitted uses are listed in LCMC 17.20.020. Lot requirements are listed in LCMC 17.20.050, and are as follows:

<b>Standard</b>	<b>Required</b>	<b>Parcel 1 Provided</b>	<b>Parcel 2 Provided</b>	<b>Requirement Met</b>
Lot Area	Not applicable	Not applicable	Not applicable	Yes
Lot Width	Not applicable	Not applicable	Not applicable	Yes
Lot Depth	Not applicable	Not applicable	Not applicable	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 application is to combine two platted lots into one platted lot through the re-plat application process. Both lots were platted as a part of the Lincoln Palisades Phase 5 subdivision. Both lots met all requirements at the time of the subdivision. There are no maximum lot sizes in the underlying zone, or other applicable regulations that would create a non-conformity. This requirement has been met.

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

**Finding:** The application and required fees were submitted on September 20, 2023.

*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 Alpha Building Ventures. 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 NE 55<sup>th</sup> Pl as the west boundary of the site.

GIS information indicates sewer is available adjacent to the site.

GIS information indicates water is available on or adjacent to the property.

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:** 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 replat.

*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 being combined into one lot. 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:** No comments were received by the city engineer; 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 requirement is a condition of approval.

*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 two-parcel partition request, 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. 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.
3. Record the plat map within two years of the date of this decision.
4. A copy of the recorded plat map shall be emailed to [planning@lincolncity.org](mailto:planning@lincolncity.org) within 30 days of the recording date.

Prepared by: Weston Fritz, Associate Planner

Approved by:



Digitally signed by Anne Marie Skinner  
Date: 2023.10.17 14:36:08-07'00'

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Anne Marie Skinner  
Director, Planning and Community Development

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Date