

Partition Staff Report, Decision, and Conditions of Approval Case File PAR 2024-01

Date: May 16, 2024

Case File: PAR 2024-01 Hallie Development

Property Owners: Hallie Development

Situs Address: Unaddressed

Location: East side of NW Keel Ave, south side of NW 25th St

Tax Map and Lot: 07-11-10-AC-08400

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

Zoning District: Single-Unit Residential (R1-5) Zone

Site Size: 10,095 square feet

Proposal: Request to divide the existing parcel into two parcels

Surrounding Land Uses and Zones:
North: Single-Unit Dwellings; R1-5
South: Duplex, Single-Unit Dwellings; R1-5
East: Undeveloped, Single-Unit Dwellings; R1-5
West: Single-Unit Dwellings; R1-5

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 April 19, 2024. The application was deemed complete on April 30, 2024. On May 1, 2024, 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 (R-1-5) Zone
LCMC Section 17.76.040 Type II Procedure



BACKGROUND

The subject property (site) is identified as Assessor's Map 07-11-10-AC-08400-00. The site is unaddressed and undeveloped.

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

The site is surrounded by R1-5 zoning. Most development is single-unit residential, although a duplex is to the south of the site. The parcel directly to the east of the property is undeveloped.

The property owners propose dividing the site into two parcels. This will result in Parcel 1 of approximately 5,047 square feet and Parcel 2 of approximately 5,048 square feet, according to the Tentative Plat. The site's eastern frontage is on NW Keel Ave; the northern frontage is on NW 25th St.

COMMENTS

Comments were received from the Lincoln City Public Works Department. These have been incorporated as conditions of approval at the end of this staff report.

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 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 65.9 feet of frontage on NW Keel Ave and Parcel 2 has 71.0 feet of frontage on NW Keel Ave and 68.7 feet of frontage on NW 25th St. 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: A review of Lincoln County records shows that no partitions have been completed in the subject tract during the last calendar year.

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

Finding: The site is located in the R1-5 zone. Permitted uses are listed in LCMC 17.16.020. Lot requirements are listed in LCMC 17.16.070, and are as follows:

Standard	Required	Parcel 1 Provided	Parcel 2 Provided	Requirement Met
Lot Area	5,000 sf	5,047 sf	5,048 sf	Yes
Lot Width	50 feet	65.4 feet	71.7 feet	Yes
Lot Depth	70 feet	77.3 feet	70.5 feet	Yes
Front Setback	5 feet	Not applicable	Not applicable	Not applicable
Side Setback	5 feet	Not applicable	Not applicable	Not applicable
Street Side Setback	5 feet	Not applicable	Not applicable	Not applicable
Clear Vision	Corner Lots	Not applicable	Not applicable	Not applicable
Rear Setback	5 feet	Not applicable	Not applicable	Not applicable
Building Coverage	35% max	Not applicable	Not applicable	Not applicable

The purpose of the R1-5 zone is to promote and encourage a suitable environment for residential living and to protect and stabilize the residential characteristics of the zone. The R1 zone is intended to provide primarily for single-unit dwellings. 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 April 19, 2024.

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 owner is identified as Hallie Development. 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 NW Keel Ave as the west boundary of the site and NW 25th St as the north boundary.

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. GIS maps show a power pole in NW 25th ROW near the intersection with NW Keel.

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 less than five acres; 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 received from the city engineer are included as conditions of approval.

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:

General Planning

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 within 30 days of the recording date.

Public Works

1. The existing NW Keel right-of-way along the proposed partition's frontage does not meet the minimum right-of-way width in accordance with Lincoln City's Transportation System Plan. Dedication of the required right-of-way in accordance with LCMC 16.12.030 would result in lots <5,000 square feet in area, and eliminate the applicant's ability to partition. In lieu of a right-of-way dedication the applicant shall dedicate a sidewalk & utility easement along the western 6' of both lots, running parallel & perpendicular to the NW Keel property frontage, in accordance with LCMC 16.16.010. The required easement shall be shown and recorded on the final partition plat.
2. Construction of sidewalk, curb, and gutter along NW Keel and NW 25th St shall be required for both lots in accordance with the Lincoln City Municipal code and Lincoln City's Transportation System Plan. Improvements may be deferred and installed as a requirement of building permit approval in accordance with LCMC 16.16.020, LCMC 16.16.060, & LCMC 17.52.230.
3. In accordance with LCMC 16.16.030 & LCMC 17.52.230: Construction of underground storm drainage, from existing facilities on NW Keel up to NW 25th, will be required. Improvements may be deferred and installed as a requirement of building permit approval in

accordance with LCMC 16.16.020, LCMC 16.16.060, & LCMC 17.52.230. Easements required for the anticipated improvement shall be shown on the final plat.

Prepared by: Weston Fritz, Associate Planner

Approved by:



05 / 20 / 2024

Daphnee Legarza
Director, Planning and Community Development

Date

Title	PAR 2024-01 Staff Report
File name	PAR_2024-01_Staff_Report.pdf
Document ID	8c03cb992b006ccaef55aa19c880222bed53de9a
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



SENT

05 / 17 / 2024
08:27:52 UTC-7

Sent for signature to Daphnee Legarza
(dlegarza@lincolncity.org) from mphillips@lincolncity.org
IP: 206.192.237.34



VIEWED

05 / 20 / 2024
08:40:33 UTC-7

Viewed by Daphnee Legarza (dlegarza@lincolncity.org)
IP: 206.192.237.34



SIGNED

05 / 20 / 2024
09:48:39 UTC-7

Signed by Daphnee Legarza (dlegarza@lincolncity.org)
IP: 206.192.237.34



COMPLETED

05 / 20 / 2024
09:48:39 UTC-7

The document has been completed.