

# Staff Report, Decision, and Conditions of Approval Case File PAR 2024-02

**Date:** October 29, 2024

**Case File:** PAR 2024-02

**Property Owners:** Michael D Philips Trustee

**Situs Address:** Unaddressed

**Location:** West side of SE 51<sup>st</sup> St, approximately 360 feet south of the S Schooner Creek Rd/SE 51<sup>st</sup> St intersection

**Tax Map and Lot:** 07-11-27-DD-00201-00

**Comprehensive Plan Designation:** Medium-Density Residential District (R-7.5)

**Zoning District:** Single-Family Residential (R-1-7.5) Zone

**Site Size:** Approximately 157,589 Square Feet

**Proposal:** Request to divide the existing parcel into three parcels

**Surrounding Land Uses and Zones:**  
North: Single-family dwellings, undeveloped land; R-1-7.5  
South: Single-family dwellings, undeveloped land; R-1-7.5, G-C  
East: Single-family dwellings, undeveloped land; R-1-7.5  
West: Single-family dwellings, undeveloped land; R-1-7.5

**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 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 September 27, 2024, and was deemed complete on October 03, 2024. Notice of the application was sent to all property owners within 250 feet of the site on October 04, 2024, with a 14-day comment period.

**Applicable Substantive Criteria:** LCMC Chapter 16.08 Procedure, Article II Partition and Minor Replat  
LCMC Chapter 17.16 Single-Family Residential (R-1) Zone  
LCMC Chapter 17.46 Natural Resource Overly (NR) Zone  
LCMC Section 17.76.040 Type II Procedure



## **BACKGROUND**

An application for a three-parcel partition was received and 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 Lincoln City Public Works Department had no comment. The Lincoln County Surveyor commented about the property owner shown in their records.

The subject property (site) is an unaddressed legal tax lot identified as 07-11-27-DD-00201-00. The site is in the Single-Family Residential (R-1-7.5) zone, and is located on the west side of SE 51<sup>st</sup> St about 360 feet south of the S Schooner Creek Rd/SE 51<sup>st</sup> St intersection.

The request is to partition the existing parcel into three parcels. This will result in Parcel 1 of approximately 13,967 square feet, Parcel 2 of approximately 43,691 square feet, and Parcel 3 of 99,931 square feet. There are no existing structures on the site.

The site does not contain any bluff erosion hazard zones, designated trails, or aesthetic resource. The eastern portion of the site is in the floodway. The entire site is in the AE flood hazard zone. The western portion of the site is in the natural resources overlay zone with mapped significant wetlands. Lincoln City's GIS information shows a public easement running through the site from east to west.

## **COMMENTS**

One comment was received from the County Surveyor regarding the ownership of record. The ownership has been updated to reflect this comment.

## **ANALYSIS**

*Chapter 16.08 Procedure*

*16.08.090 Inspection and processing fee*

*A filing fee established by city council resolution shall be paid at the time of submitting the tentative plan.*

**Finding:** The required filing fee was paid at the time of submitting the tentative plan.

*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 three 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 partition plat shows proposed Parcel 1 and Parcel 2 have 28 feet of frontage on SE 51<sup>st</sup> St and Parcel 3 has 163 ft of frontage on SE 48<sup>th</sup> Pl. Parcel 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 recorded within the past year for the site. There was a partition on the subject parcel that was filed on December 28, 2022. This requirement 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-1-7.5 zone. Permitted uses are listed in LCMC 17.16.020. Lot size and dimension standards are listed in LCMC 17.20.070, and are noted as follows:

<b>Standard</b>	<b>Required</b>	<b>Parcel 1 Provided</b>	<b>Parcel 2 Provided</b>	<b>Parcel 3</b>	<b>Requirement Met</b>
Lot Area	7,500 sf	13, 967 sf	43,691 sf	99,931 sf	Yes
Lot Width	70 feet	Approx. 86 feet	Approx. 186 feet	Approx. 726 feet	Yes
Lot Depth	80 feet	Approx. 128 feet	Approx. 203 feet	Approx. 102 feet	Yes
Front Yard	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Side Yard	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Street Side Yard	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Clear Vision	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Rear Yard	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Building Coverage	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

As stated previously in the background portion of this report, the eastern portion of the site is in the floodway, the site is in the AE flood hazard area, and the western portion of the site is in the natural resources overlay zone. The act of partitioning the site does not necessitate any floodway, flood hazard area, or natural resources overlay zone reviews or applications. However, prior to any development on, of, or to the site (including but not limited to disturbances to the site, removal of trees or vegetation, excavating, grading, removing or depositing soils, construction, etc.) the applicable applications must be submitted and approvals and permits obtained to show compliance with those portions of the municipal code and the comprehensive plan that are applicable to the floodway, flood hazard area, and the natural resources overlay zone.

LCMC 17.46.080 states *Any lot or parcel created must contain sufficient building area outside the natural resource overlay zone to allow for development without requiring reduction of the natural resource area. Lots or parcels created or modified after the effective date of the ordinance codified in this chapter so as to no longer contain sufficient buildable area outside the natural resource overlay zone to allow for development without requiring reduction of the natural resource area are not eligible for the small lot exclusion reduction or variance provided for in LCMC 17.46.060.* Staff has reviewed the Partition Plat and the Natural Resource Overlay maps, and due to the size and configuration of the parcels, all lots will have a sufficient buildable area outside of the Natural Resource Overlay Zone to accommodate the allowed uses onsite, without a small lot exclusion or variance..

This requirement is either met or will be met with a condition of approval for applicable applications to be submitted and approvals and permits obtained showing compliance with those portions of the municipal code and comprehensive plan that are applicable to floodway, flood plain, and the natural resources overlay zone.

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

**Finding:** The application was submitted on September 27, 2024 along with the required application fee.

*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 Michael D Philips Trustee. 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 the location and extent of the site.

Lincoln City's GIS information indicates sewer is available adjacent to the site.

Lincoln City's GIS information indicates water is available on or adjacent to the site.

The preliminary partition plat includes a sewer easement running through the lot, but shows no drainage ways or power poles on the site, but the site is in the natural resources overlay zone with mapped significant wetlands , which indicates part of the site may act as a drainage area.

*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 submitted with the application 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 less than 5 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:** No comments were received by the city engineer requiring the extension or assurance of public improvements; therefore, such a condition of approval is not needed.

*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.

**DECISION AND CONDITIONS OF APPROVAL**

Based upon an analysis of the application against applicable criteria, staff concludes all criteria have been 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. 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.
5. Prior to any development of any kind, Floodplain Development Permits shall be obtained showing compliance with LCMC 15.56.
6. Prior to any development of any kind, the necessary approvals and permits pertaining to the natural resources overlay zone shall be obtained, as applicable.

Prepared by Weston Fritz, Associate Planner

Approved by:

*Richard Townsend*

October 29, 2024

Richard Townsend

Date

Director, Planning and Community Development