

REQUEST FOR PROPERTY LINE ADJUSTMENT

Applicant: Lincoln County School District  
PO Box 1110  
Newport, OR 97365

Agent: Yaquina Law, LLC  
Traci P. McDowall, Attorney at Law  
PO Box 1987, Newport, OR 97365  
(541) 272-5500

Property IDs: Parcel I: 07-11-24-AC-00500-00  
Parcel II: 07-11-24-AC-00400-00

Situs Address: 3780 SE Spyglass Ridge Dr., Lincoln City, OR 97367

Property Location: In Lincoln City, travel east on SE High School Dr. from Highway 101, north on SE Spyglass Ridge Dr., subject property is on the right.

Comprehensive Plan Designation: Residential Urban Low Density (RULD)

Zoning District: Single-Unit Residential (R-1-7.5)

Current Parcel Size:  
Parcel I: 20 acres  
Parcel II: 0.33 acres

Ending Parcel Size:  
Parcel I: 20.33 acres  
Parcel II: 0 acres – no longer existing

Current Parcel Development:  
Parcel I: Developed as school property with several structures.  
Parcel II: Developed as a parking lot.

Surrounding Land Uses and Zones:  
North: Residential Houses – Single-Unit Residential (R-1-7.5)  
South: School and Residential Houses – Single-Unit Residential (R-1-7.5)  
East: Vacant City Land – Open Space (OS)  
West: Vacant City Land – Open Space (OS), and  
Undeveloped Land – Single-Unit Residential (R-1-7.5)

Proposal: Request to adjust a common boundary line between the two parcels, resulting in the elimination of TL 400.

**Background:** The subject property includes two parcels. Parcel I contains an existing school and other related structures. Parcel II contains a developed parking lot. The site does not contain any bluff erosion hazards, aesthetic resource, floodway, flood hazard areas, or natural resource overlays. The site is surrounded by another school, single-unit dwellings, which are also zoned R-1-7.5, and open space. The parcels comprising the subject property are owned by the same entity. The property owner seeks to combine the two parcels into one parcel and is choosing a property line adjustment application as the chosen method for land use approval. The site has frontage on SE Spyglass Ridge Dr. and SE High School Dr. The property line adjustment requested by this application will not change the setbacks of any structures or effect any existing utility services, pipes, lines, or easements.

**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.

**Applicable Substantive Criteria:**

- LCMC Chapter 16.08 Procedure, Article III Property Line Adjustment
- LCMC Chapter 17.16 Single-Unit Residential (R-1-7.5)
- LCMC Section 17.76.110 Application Submittal and Completeness Review
- LCMC Section 17.76.040 Type II Procedure

**Analysis:**

LCMC Chapter 16.08 Procedure, Article III Property Line Adjustment

*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*

**Proposed Finding:** Each of the tax lots that comprise the site are legal lots/parcels. The property owner seeks to eliminate the common boundary line between the lots/parcels and combine them as one parcel. This criterion is met.

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

**Proposed Finding:** The application consists of two legal units of land before the adjustment, and one unit 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.*

**Proposed Finding:** The site is located in the R-1-7.5 zone. There are no maximum lot size standards in the R-1-7.5 zone, there is a minimum lot size standard of 7,500 square feet. There are minimum setback requirements of 5 feet for single-story structures. Consolidation of the parcels into one will result in a lot that is above the minimum size for the zone. The front, side and rear setbacks remain in conformance. This requirement 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:*

**Proposed Finding:** A completed application, signed by the property owner, 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.*

**Proposed 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.*

**Proposed Finding:** The application included a map of the site depicting the current and proposed configuration. This criterion is met.

#### LCMC Chapter 17.16 Single-Unit Residential (R-1-7.5)

*17.16.010 Purpose. 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.*

*17.16.020 Permitted Uses. The following uses are permitted:*

*A. Residential.*

- 1. Single-unit dwellings;*
- 2. Attached single-unit dwellings;*

3. Duplex;
4. Cottage housing developments, subject to the provisions of LCMC [17.80.120](#);
5. Manufactured homes and prefabricated structures;
6. A recreational vehicle used during construction of a permitted use for which a building permit has been issued, but not exceeding one year;
7. Residential homes;
8. Four-flat dwellings, subject to the provisions of LCMC [17.80.150](#);
9. Attached single-unit dwellings developments, subject to the provisions of LCMC [17.20.050](#);
10. Single-room occupancy with one such structure allowed per lot or parcel and a maximum of six single-occupancy room units in the structure;
11. Emergency shelters, subject to LCMC [17.80.220](#) and as defined in LCMC [17.08.010](#);
12. Mobile home parks or manufactured dwelling parks subject to the provisions of LCMC [17.80.040](#).

*B. Commercial.*

1. Bed and breakfast accommodations, subject to the standards set forth in LCMC [17.80.060](#);
2. Short-term rentals in the R1-5 zone, subject to LCMC [17.80.050](#) and to the license requirements of Chapter [5.14](#) LCMC.

*C. Other.*

1. Essential emergency communications, early warning and associated emergency facilities;
2. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC [17.80.080](#);
3. Public parks, playgrounds and other similar publicly owned recreation areas;
4. Transportation uses, defined in Chapter [17.08](#) LCMC.

*17.16.030 Accessory Uses. The following accessory uses are permitted:*

- A. Guest houses, not rented or otherwise conducted as a business and provided there are no cooking facilities in the guest house;*
- B. Home occupations, subject to the provisions of LCMC [17.52.010](#);*
- C. Gardens and animals, subject to the provisions of LCMC [17.80.080](#);*
- D. Accessory dwelling units, subject to the provisions of LCMC [17.80.110](#);*
- E. Repealed by Ord. 2023-24;*
- F. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use;*
- G. Family child care home;*
- H. Special event that is accessory to a conditional use allowed in the zone, provided the allowed conditional use has conditional use approval.*

*17.16.040 Conditional Uses. The following conditional uses may be permitted subject to a receipt of a conditional use permit:*

- A. Places of worship, and accessory uses set forth in LCMC [17.80.160\(A\)](#);*
- B. Public or private schools (kindergarten through twelfth grade, educational institutions, nursery schools and child care centers);*

- C. Community meeting buildings, fraternal and social organizations, and recreation centers;
- D. Public or private golf courses, except driving ranges or miniature courses operated as a business;
- E. Repealed by Ord. 2023-26;
- F. Temporary real estate offices in legally recorded subdivisions;
- G. Cemeteries;
- H. Utility substations, but not wireless communications facilities;
- I. Radio or television transmitters or towers, but not wireless communications facilities;
- J. Government buildings;
- K. Hospitals, sanitariums, rest homes, nursing homes and assisted living facilities;
- L. Docks, subject to the provisions of LCMC [17.44.040](#).

**Proposed Finding:** The applicant uses the subject property as a public school as conditionally permitted under LCMC 17.16.040(B).

*17.16.050 Restrictions. Repealed.*

*17.16.060 Maximum building height. The maximum building height shall be 35 feet, except as provided in LCMC [17.52.190](#) and [17.52.200](#).*

**Proposed Finding:** This criterion is met.

*17.16.070 Lot requirements. The map designations R1-5, R1-7.5, and R1-10 create separate single-unit residential zoning classifications as though separately listed in LCMC [17.12.010](#). Lot requirements for the zoning classifications designated on the zoning map shall be as follows: [as applicable to this application]*

<i>REQUIRED MINIMUMS FOR R-1-7.5 ZONE</i>	
<i>Lot Area</i>	<i>7,500 sqft</i>
<i>Lot Width</i>	<i>70' detached, 35' attached</i>
<i>Lot Depth</i>	<i>80'</i>
<i>Front Setback</i>	<i>5'</i>
<i>Side Setback</i>	<i>5' or 0' for common wall of attached dwellings</i>
<i>Street Side Setback</i>	<i>5'</i>
<i>Rear Setback</i>	<i>5'</i>
<i>Maximum Building Coverage</i>	<i>35%</i>

**Proposed Finding:** The subject property meets or exceeds all applicable required minimums for the R-1-7.5 zone This criterion is met.

*17.16.075 Landscaping. Landscaping shall be provided in accordance with Chapter [17.55](#) LCMC.*

*17.16.080 Signs. Signs shall be allowed subject to the provisions of Chapters 9.34 and 17.72 LCMC.*

*17.16.090 Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.*

**Proposed Finding:** The subject property meets or exceeds all requirements related to landscaping, signs, and off-street parking and loading. These criteria are met.

LCMC Section 17.76.110 Application Submittal and Completeness Review

*A. Application Forms and Checklists.*

*1. Forms for the submittal of all land use applications shall be available in the department. The department shall ensure that these forms comply with applicable standards in state law and city code.*

*2. Land use applications may include checklists or information sheets detailing specific information and plans to be contained in that application, including document formats.*

*B. Fees. A fee schedule for land use applications and other department services provided by the city shall be adopted by resolution of the city council. Required fees shall be paid at the time of application submittal or at the time of request for a particular service.*

*C. Application Submittal. Land use applications or permits shall be submitted on the appropriate forms from the department.*

**Proposed Finding:** The application was submitted utilizing the appropriate property line adjustment application form provided by the department. This criterion is met.

*D. Application Materials. All of the following items must be submitted to initiate the 30-day completeness review of the application, and all information supplied shall be complete and correct as to the applicable facts:*

*1. Completed application form, including the signature of all property owners shown on the most current recorded deed, and, if applicable, the signature of all prospective purchases shown on the purchase contract;*

**Proposed Finding:** The application form was complete, including the signature of all property owners shown on the most current recorded deed. This criterion is met.

*2. Payment in full of the appropriate land use application or permit fee(s), based on the fee schedule in effect on the date of application submittal;*

**Proposed Finding:** The appropriate land use application fee was paid in full at the time the application was submitted. This criterion is met.

*3. A written narrative listing the criteria and development standards applicable and relevant to the application and stating the evidence demonstrating the application's compliance with each criterion and standard. If compliance with a criterion or standard is stated to be demonstrated in a plan, drawing, or technical study in the application, the*

*citation in the narrative to the demonstration must be sufficiently specific to allow convenient reference;*

**Proposed Finding:** This narrative contains all of the relevant criteria and applicable standards relevant to the application and includes all necessary evidence demonstrating compliance with the criteria and standards. This criterion is met.

*4. Required plans and drawings for the particular type of application as noted on the application checklist. Such plans generally include, but are not limited to, the following:*

- a. Existing conditions plan;*
- b. Site plan;*
- c. Building elevations;*
- d. Landscaping plan;*
- e. Exterior lighting plan;*
- f. Grading and erosion control plan; and*
- g. Public infrastructure and utilities plan;*

**Proposed Finding:** The required plans and drawings were submitted with this application. This criterion is met.

*5. Required technical reports, analyses, assessments, etc., for the particular type of application as noted on the application checklist (e.g., traffic impact analysis, floodplain or wetland delineation, significant natural resource report, geotechnical report, tree survey, noise study, etc.) and/or as required by city code;*

**Proposed Finding:** No technical reports are necessary for this particular application. This criterion is met.

*6. Upon written request by the applicant prior to application submittal, the director may modify application requirements based on the nature of the proposed application, development, site, or other factors. Any such waiver must be specifically approved by the director in writing prior to submittal.*

**Proposed Finding:** No waiver has been requested. This criterion is met.

*E. Determination of Completeness and Commencement of Review.*

*1. To be deemed complete, an application must include all materials, information, and fees listed in subsections (D)(1) through (D)(6) of this section, unless a specific waiver has been granted by the director under subsection (D)(6) of this section.*

**Proposed Finding:** This application contains all information required under LCMC Section 17.76.110(D)(1) through (6) and is deemed a complete application ready for review on its merits. This criterion is met.

2. *The department shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 days after the department receives the submittal.*
3. *If the application is deemed complete, the completeness notice shall advise the applicant of the commencement of application review and the date of the public hearing if required by the particular application.*
4. *Determination that an application is complete indicates only that the application is ready for review on its merits, not that the city will make a favorable decision on the application.*
5. *If an application is deemed to be complete upon initial submittal, approval or denial of the application shall be based on the code standards and criteria that were in effect on the date of submittal. See subsection (F)(4) of this section for incomplete applications upon initial submittal.*
6. *Pursuant to ORS 227.178, the city will reach a final decision on an application within 120 days from the date the application is determined to be or deemed complete unless the applicant agrees to extend the 120-day timeline or unless state law provides otherwise.*
7. *Pursuant to ORS 227.178, the 120-day timeline may be extended at the written request of the applicant. The total of all extensions may not exceed 245 days beyond the first 120-day extension, or 365 days from the date the application was deemed complete.*

*F. Determination of Incompleteness.*

1. *If an application is determined to be incomplete, that determination shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant approval criteria or development standards, or failure to supply the required signatures, information, documents listed on the application, application checklist, or in city code. A determination of incompleteness shall not be based on differences of opinion as to the quality or accuracy of the application.*
2. *If an application is deemed incomplete, the incompleteness notice shall list what information is missing and allow the applicant to submit the missing information. The incompleteness notice shall also include a statement to the applicant of the need to indicate to the director whether or not the applicant intends to amend or supplement the application.*
3. *If an application is deemed incomplete upon initial submittal, it shall be deemed complete for purposes of this section when the city receives the following:*
  - a. *All of the missing information listed in the completeness notice; or*
  - b. *Some of the missing information, together with written notice from the applicant that no other information will be provided, and a request to proceed with review of the application; or*
  - c. *Written notice from the applicant that none of the missing information will be provided, and a request to proceed with review of the application.*
4. *If the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based on the code standards and criteria that were in effect at the time the application was first submitted.*
5. *The application will be deemed void if it has been on file with the city for 181 days or more and the applicant has not submitted, pursuant to subsection (F)(3) of this section, some or all of the required additional information and/or a request to proceed with application review. (Ord. 2020-15 § 1)*

LCMC Section 17.76.040 Type II Procedure

*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).*

**Proposed 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.*

**Proposed Action/Finding:** The Planning and Community Development Department should find that a complete application was received and mail the public notice of a complete application to the parties noted in LCMC 17.76.040(E)(1)(a – d) and subsequently find that the required public notices were mailed.

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.*

**Proposed Action/Finding:** The Planning and Community Development Department should mail the public notice of a complete application to the parties noted in LCMC 17.76.040(E)(1)(a – d) containing all of the information required by LCMC 17.76.040(E)(2 – 4) and subsequently find that the written public notice contained all the information required in LCMC 17.76.040(E)(2 – 4).

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

**Proposed Action/Finding:** The Director should review the submitted Type II application and upon review find that the Director did review 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.*

**Proposed Finding:** The Director should approve the submitted application based on the relevant approval criteria addressed in detail throughout this narrative.

*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.*

**Proposed Action/Finding:** Within seven days after the Director has issued a decision, the notice of that decision should 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:*
- a. A brief description of the request;*
  - b. A statement of the decision and the applicable approval criteria used in making the decision;*
  - c. The street address or other easily understood geographical reference to the subject property;*
  - d. A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*
  - e. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
  - f. A statement that the complete file is available for review; and*
  - g. The name of a department staff member to contact and the telephone number where additional information may be obtained.*

**Proposed Action/Finding:** The Planning and Community Development Department should issue the notice of decision approving the requested property line adjustment, and that notice should contain all the information noted in LCMC 17.76.040(G)(3)(a – g).

Conclusion:

Based upon the above analysis of the application against the applicable criteria, staff should conclude that all criteria have been or will be met, and approve the requested property line adjustment subject to the following conditions:

1. The owner of the subject property should prepare and record a conveyance in accordance with ORS 92,190(4), together with a copy of the approval from the City of Lincoln City, showing that the resultant lot is one legal parcel.
2. A copy of the recorded conveyance should be delivered to the City of Lincoln City Planning and Community Development Department.