

Partition Staff Report, Decision, and Conditions of Approval

Case File PAR 2025-01 Seabrook

Date: May 2, 2025

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Property Owners: Seabrook Community Foundation

Situs Address: 2240 SE Hwy 101 and 1423 SE 23rd Dr.

Location: East of the intersection of SE Hwy 101 and SE 23rd Dr.

Tax Map and Lot: 07-11-22-AD-02001-00; 07-11-22-AD-02200-00

Comprehensive

Plan Designation: Commercial General (CG); Employment Industrial (EI); Residential Urban High Density (RUHD)

Zoning District: General Commercial(GC); Planned Industrial (PI); Multiple-Unit Residential (R-M)

Site Size: 07-11-22-AD-02001-00= Approximately 101,059 Square Feet
07-11-22-AD-02200-00= Approximately 83,635 Square Feet

Proposal: Request to replat two existing lots by adjusting a common boundary and partitioning an additional lot to create a total of 3 lots.

Surrounding Land Uses and Zones:

North: Commercial Developments, Undeveloped Land; G-C, PI, RM
South: Commercial Developments, Undeveloped Land, Industrial Development; PI
East: Undeveloped Land; R-M
West: Commercial Developments, Undeveloped Land, Hwy 101; PI; GC

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 March 25, 2025. The application was deemed complete on April 10, 2025. On April 11, 2025, 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 17.20 Multiple-Unit Residential (RM)
LCMC Chapter 17.32 General Commercial (GC)
LCMC Chapter 17.36 Planned Industrial (PI)
LCMC Section 17.76.040 Type II Procedure



BACKGROUND

The subject properties are addressed as 2240 SE Hwy 101 and 1423 SE 23rd Dr. Both properties are undeveloped and share a common property line of approximately 270 feet. The property addressed as 2240 NE Hwy 101 has frontage on Hwy 101, and 1423 SE 23rd St has frontage on SE 23rd Street.

The property owner owns both lots and is seeking to replat them as three lots. There are currently three zoning districts that span the two existing lots. The property owner is proposing to adjust the existing property lines and partition one additional lot to align with the existing zoning, so each zone is contained within its own lot. The specific zoning requirements and resulting lot sizes are discussed later in this report. No use changes or structural development permits are included with this request.

The applicant did propose to extend the sewer from HWY 101 up through 1423 SW 23rd to service all three lots, but the Public Works Department cannot permit this. The sewer will need to be extended along SE 23rd Drive in order to serve the new and existing lots. This is detailed in the conditions of approval at the end of the report.

The site does not contain any bluff erosion hazards, aesthetic resources, floodway, flood hazard areas, or significant natural resource overlays. There is a small potential state wetland mapped on both lots.

COMMENTS

One comment was reviewed by the Public Works Department. The comment stated, "Please include a specific note in the staff report summary that the proposed sanitary easement & public main running through the center of the lots is NOT accepted. As noted in the CoA, this extension is required along SE 23rd Dr." The Public Works Department also provided conditions of approval that have been incorporated into this 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 replat/divide two parcels 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 plat shows Parcel 1 has approximately 110.5 feet of frontage on Hwy 101. Parcel 2 has approximately 202.15 feet of frontage on SE 23rd Drive. Parcel 3 has approximately 83.32 feet of frontage on SE 23rd Drive. 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 parcels have been partitioned within the last calendar year. 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 across the GC, PI, and RM zones. The lots requirements for each zone are detailed below:

GC Zone LCMC 17.32.050 Parcel 1

Standard	Required	Parcel 1 Provided	Requirement Met
Lot Area	N/A	19,166.4 sf	Yes
Lot Width	N/A	119 feet	Yes
Lot Depth	N/A	161 feet	Yes

PI Zone LCMC 17.36.040; 050; 080 Parcel 2

Standard	Required	Parcel 2 Provided	Requirement Met
Lot Area	N/A	123, 274 sf	Yes
Lot Width	N/A	196 feet	Yes
Lot Depth	N/A	448 feet	Yes

RM Zone LCMC 17.20.050 for Parcel 3

Standard	Required	Parcel3 Provided	Requirement Met
Lot Area	2,500 sf	41,817.6 sf	Yes
Lot Width	25 feet	73.57 feet	Yes
Lot Depth	NA	526.75 feet	Yes

This requirement is met.

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

Finding: The application and required fees were submitted and processed on March 26, 2025. This requirement is met.

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 Seabrook Community Foundation. 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 submitted maps and replat documents show all of the required information. This requirement has been met.

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 approximately 4.24 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: The City Engineer provided comments and conditions of approval. The applicant provided a proposed sewer extension from HWY running through the existing lots and avoiding extending the sewer along SE 23rd Drive. Public Works has stated this cannot be approved and that the sewer extension will need to be installed along SE 23rd. The full list of conditions is incorporated at the end of this report. This requirement is met with the 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 replat/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 within 30 days of the recording date.

5. The proposed sanitary sewer easement and public sanitary main construction as shown on the preliminary replat will not be accepted. Prior to final plat approval the applicant shall be responsible for the installation of sewer utilities, within SE 23rd Drive, extending the full frontage of parcels 2 and 3 in accordance with LCMC 16.08.140 and 16.16.010.
6. Roadway & drainage improvements shall be a condition of all future development permit approvals, along all right-of-way frontages, in accordance with LCMC 16.08.140, 16.16.010, 16.16.030, & 17.52.230
7. Applicant shall submit a public works permit for the necessary utility and/or right-of-way work in accordance with LCMC 12.12. The submitted application material shall include a sanitary design stamped by a licensed Professional Engineer and demonstrate sanitary sewer construction in accordance with LCMC title 13 and LCPW standards.

Prepared by: Weston Fritz, Associate Planner

Approved by:

Richard Townsend

May 7, 2025

Richard Townsend
Director, Planning and Community Development

Date