



# AGENDA

Lincoln City Planning Commission  
Tuesday, February 21, 2023, 6:00 PM  
Council Chambers,  
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**
2. **MINUTES**
  - 2.1. Planning Commission - Regular Meeting - Feb 7, 2023 6:00 PM
  - 2.2. Planning Commission - Workshop - Feb 7, 2023 6:30 PM
3. **FINAL ORDERS & FINAL RECOMMENDATIONS**
4. **PUBLIC HEARINGS/DELIBERATIONS**
  - 4.1. SUB 2022-01\_P NW 40th subdivision
5. **DIRECTOR'S UPDATE**
6. **FUTURE AGENDA ITEMS & NEXT MEETINGS**
7. **ADJOURN**

*All information for this meeting is available on the City of Lincoln City website at [www.lincolncity.org](http://www.lincolncity.org), and this meeting will be televised live on Charter Channel 4 Lincoln City and rebroadcast at various times. Planning Commission meetings are streamed live on the Internet through a link on the City of Lincoln City website, and can also be viewed following the meeting. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder, at 541-996-1203.*

**LINCOLN CITY PLANNING COMMISSION  
MINUTES  
February 7, 2023**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Brian Bunnett	Commissioner	Late	6:04 PM
Mellissa Sumner	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	
Charlsy Affuso	Commissioner	Late	6:27 PM

**2. MINUTES**

**2.1. Planning Commission - Regular Meeting - Jan 17, 2023 6:00 PM**

**MOTION:** Approve the minutes for the January 17, 2023 meeting, as written  
**MOVER:** Sumner  
**SECONDER:** Baker  
**AYES:** Sumner, Baker, Vincent, Blackerby  
**ABSTAIN:** Bunnett, Affuso  
**RESULT:** Passed

**2.2. Planning Commission - Workshop - Jan 19, 2023 1:30 PM**

**MOTION:** Approve the minutes for the January 19, 2023 work session, as written  
**MOVER:** Baker  
**SECONDER:** Blackerby  
**AYES:** Sumner, Baker, Vincent, Blackerby  
**ABSTAIN:** Bunnett, Affuso  
**RESULT:** Passed

**3. FINAL ORDERS & FINAL RECOMMENDATIONS**

There were no Final Orders or Final Recommendations.

**4. PUBLIC HEARINGS/DELIBERATIONS**

**4.1. SUB 2022-01\_P NW 40th subdivision CONTINUED to 2/21/2023**

**5. DIRECTOR'S UPDATE**

**5.1. Director's Update**

Director Anne Marie Skinner updated the Planning Commission on relevant land use applications, department projects, and attendance.

Director Skinner provided an update of the Lincoln Palisades Phase VI (PUD 2020-02). Commissioner Blackerby stated that he believed development activities had already started at the end of NE Wave Lane. Director Skinner requested that he send her an email so that the City could assure that all appropriate permits have been obtained.

Director Skinner presented the Planning Commission attendance report for 2022, stating that Lincoln City Code requires the presentation of such a report on an annual basis.

The review of department projects was an overview of the progress to-date on the Comprehensive Plan Update. Work was initiated in September 2021 with a request from the Director to the Planning Commission for each member to identify their top 5 priority goals from the Statewide Planning Goals. Public outreach, including fourteen discussion sessions and the first community survey occurred during spring 2022, with a second community survey taking place in the summer of 2022. Director Skinner outlined the work done by the Planning Commission drafting initial plan components through work sessions on the Introduction and Vision and the Housing goal.

## 6. FUTURE AGENDA ITEMS & NEXT MEETINGS

Director Skinner stated that there are no pending land use applications other than SUB 2022-01\_P. Commissioner Bunnett asked if there were any updates regarding the open vacancy on the Planning Commission. Director Skinner replied that she had not heard of any actions taken by the City Council or additional applications submitted.

## 7. ADJOURN

Chair Vincent closed the meeting.

Respectfully submitted,

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Anne Marie Skinner  
Planning Director

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Robert Vincent  
Chair

**LINCOLN CITY PLANNING COMMISSION WORK SESSION  
MINUTES  
February 7, 2023**

**I. CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Brian Bunnett	Commissioner	Present	
Mellissa Sumner	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	
Charlsy Affuso	Commissioner	Present	

**II. COMPREHENSIVE PLAN COMPONENTS**

**2.1. 2043 Comprehensive Plan Review**

Director Skinner introduced John Morgan who would be serving as a resource and facilitator for the work session. She then presented the draft Comprehensive Plan outline which was included with the agenda packet.

Director Skinner provided an overview of the anticipated process for developing and finalizing each chapter of the update. Each of the five focus areas identified by the Planning Commission was noted. In addition, Director Skinner emphasized to the Planning Commission that Comprehensive Plan components that are not fully updated within this current process could be identified for future discussion in the next plan update to occur in 5 years.

**2.2. Chapter 8 Housing Rough Draft**

Commissioner Blackerby stated that he had received feedback about the possibility of increased allowable building heights, and wondered if that was part of any recommendations under consideration. Although there had been discussion at an earlier work session no actions have been taken by the Planning Commission and nothing has been included in the draft Housing policies.

Commissioner Baker reminded the Planning Commission that they had discussed reorganizing the policies in categories, and reducing redundancies. She suggested the following headlines, including: Comprehensive, Affordability, Sheltering, Accessibility, Safety, and Neighborhoods. She also expressed interest in adding a policy to reflect the significant community input regarding addressing short-term rentals. In relation to draft policy/objective #2 she suggested adding more details regarding the transient population to be served. She also supported an objective to develop a local count of unsheltered individuals.

Mr. Morgan commended Ms. Baker on her aspirations for the community, but stated that the detailed level of her comments fall outside of the purview of the Planning Commission and the land use planning process.

Commissioner Blackerby asked for clarification regarding the two versions of the Housing chapter included in the packet. Director Skinner noted that the original draft produced as a result of the November 2022 work session was provided as pages 10 and 11, and the revised draft that resulted from the January 2023 work session was on pages 8 and 9.

Commissioner Affuso asked about the efforts the City has made to solicit qualified developers of affordable housing. Director Skinner stated that she works in partnership with Alison Robertson, Urban Renewal Director, on such activities, and that the affordable housing projects currently in development were a direct result of this work.

Commissioner Baker supported adding a policy included in the Housing Analysis about establishing a City vacant property registry and to encourage housing rehabilitation efforts.

Director Skinner restated the need to provide less detailed language, and not to develop specific policies or action items. Mr. Morgan generally concurred, suggesting the Planning Commission consider which broad objectives would best serve to catalyze the types of work Commissioner Baker was describing. By being overly specific the plan would actually serve to limit future implementation actions.

Commissioner Affuso shared her concern that any implementation of affordable housing depends on the availability of willing developers. Director Skinner assured the Planning Commission that the City was already conducting significant outreach with potential partners, which is why two affordable housing projects are under construction, which will result in more than 150 additional affordable housing units.

Commissioner Baker asked if the plan could include recommendations to encourage single-room occupancy, co-housing, and conversions from single-unit housing to duplexes, triplexes, and other middle-housing types for long-term rentals.

Mr. Morgan suggested that the Planning Commission affirm whether or not they supported the use of categories to organize the housing objectives. He recommended that some of the more specific recommendations might be included as sub-bullets or examples under a larger category.

Commissioner Bunnett asked if the plan needed to be consistent throughout the document, so that adopting a format for the Housing chapter would require that all of the Chapters would also need to be organized under subheadings.

Commissioner Blackerby referenced a website that described a policy framework with four key pillars that could be used to organize the Lincoln City comprehensive plan chapter on housing, including: Create and preserve dedicated affordable housing units; Align housing supply with market and neighborhood housing conditions; Help households access and afford private-market homes; and Protect against displacement and poor housing conditions. Commissioner Affuso also found the website and the format useful.

Director Skinner asked how the Planning Commission would like to proceed with this idea.

Commissioner Baker hoped to discuss the overall structure of the document in order to better inform the preferred structure for the Housing chapter. Director Skinner advised that each chapter

could have its own type of structure depending on the content, and Mr. Morgan shared that the Housing discussion was likely the most complex topic the Commission would be considering.

Commissioner Affuso shared information regarding current practices for establishing transient population counts. Commissioner Baker suggested that the issue of an accurate count relates to the ability to develop performance measures that might indicate whether or not community objectives were being met. Mr. Morgan stated that particular strategies and performance measures are more appropriate for inclusion in a Strategic Housing Plan, which could be identified as a Comprehensive Plan goal.

Responding to a question from Commissioner Bunnett, Mr. Morgan stated that he felt the proposed outline for the Comprehensive Plan and the draft structure appeared quite typical of comp plans elsewhere. He suggested that the draft Housing objectives were appropriately broad, although there may be more objectives than are practicable for the community to address. Commissioner Bunnett added that the City of Newport is currently in the process of creating a visioning document.

Director Skinner and Mr. Morgan suggested that the next iteration of the Housing chapter organize the objectives under major headlines and include some of the more detailed recommendations as examples to use under each heading.

Commissioner Baker asked for additional Planning Commission discussion on the Housing objectives, including the draft edits she had prepared. She shared her frustration at not being able to work productively as a group to create a draft. She was hoping that more time could be devoted to consideration of the overall process and schedule.

Commissioner Bunnett and Commissioner Blackerby suggested that additional work session discussions were needed to finalize the Housing chapter. Commissioner Bunnett supported the development of an updated Housing draft that reflected the organizational changes discussed.

Commissioner Blackerby asked what had been included in the email Commissioner Baker sent, and requested further discussion of her comments. Director Skinner and Chair Vincent concurred.

Commissioner Bunnett would like the Planning Commission to focus more on the content, and not spend work session time on wordsmithing.

Director Skinner urged any Planning Commissioners who have written comments to make copies and distribute them at the beginning of each meeting.

Commissioner Baker reviewed her comments. She asked if the Comprehensive Plan or the Housing Assessment included all of the necessary components, such as vacancy rates and units capable of being rehabilitated. Director Skinner stated that she would inquire with DLCD whether or not this information was required or available. Commissioner Bunnett asked about the definition of rehabilitate in reference to housing.

Commissioner Baker suggested adding language to the Housing chapter that provided an overview of Current Housing Trends and Needs, taken from the existing Housing Analysis document. There was general consensus to add this language to the housing introductory paragraphs, with some revisions to ensure that the document is not immediately out-of-date.

Commissioner Baker encouraged the commission to seek ways to make the comprehensive plan more completely reflect the public input that was received, and to make it a more accessible and friendly document.

Mr. Morgan asked the Commission if there were any more substantive comments that should be discussed. Commissioner Baker asked if a goal could be added to encourage more fully sustainable neighborhoods within the housing chapter. Commissioner Blackerby suggested that it be combined with the existing objective for sustainable neighborhoods. Commissioner Baker also suggested that the Planning Commission consider a separate section or chapter on Sustainability that would also include the proposed language under consideration by the Sustainability Committee. Director Skinner stated that sustainability could likely be included within each of the proposed chapters.

Commissioner Bunnett suggested moving objective #7 to the transportation chapter. There was general consensus to make that change. In addition, the Commission agreed to revisions to objective #12 that remove the reference to various income levels.

Director Skinner provided a summary of the recommended changes to the Housing chapter. There was general consensus that the Planning Commission supported the revisions as discussed.

Chair Vincent asked for clarification about short-term rental (STR) policies. Director Skinner stated that there are existing caps on full-time short-term rentals in Lincoln City in the R-1-5 and R-1-RE zones. Commissioner Baker supported acknowledging the relationship of short-term rentals to housing somewhere within the Comprehensive Plan. She noted that significant public comment had been received relating to the negative impacts on residential neighborhoods. Director Skinner stated that she would draft an objective relating to STRs within the housing chapter, and that further discussion would also be included in the Land Use Categories chapter.

#### **NEXT STEPS**

Chair Vincent moved the discussion to scheduling time for the next work session. Director Skinner requested information about Commissioners' availability the weeks of February 20th or February 27th. Following a discussion, a tentative day and time of Tuesday, February 28th at 6 pm was decided upon for the next Planning Commission work session. The meeting will be held in the Northwest Conference Room and be available via zoom. Commissioner Blackerby asked about timelines for receiving the revised drafts and for submitting comments. Director Skinner will try to get everyone the draft materials by February 14th. The topics will include finalizing the Housing component and beginning the Public Facilities and Services section. A draft Transportation chapter will also be included in subsequent meeting materials.

The meeting concluded with a discussion of a non-agenda item regarding public involvement for the Comprehensive Plan. Director Skinner advised that citizen involvement is Chapter 1 of the Comprehensive Plan and will be an agenda item for a future work session.

Respectfully submitted,

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Anne Marie Skinner  
Planning Director

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Robert Vincent  
Chair

# Planning Commission Communication

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## SUB 2022-01\_P NW 40th St subdivision

Meeting Date: February 21, 2023      Primary Staff Contact: AnneMarie Skinner  
Department: Planning Commission      E-Mail: ASkinner@lincolncity.org  
Secondary Dept:      Secondary Contacts:  
Approval:      Estimated Time:

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### See attached Staff Report

#### Attachments:

SUB 2022-01\_P Staff Report      (PDF)  
SUB 2022-01\_P Application Redacted      (PDF)  
SUB 2022-01\_P Preliminary Plat      (PDF)  
SUB 2022-01\_P Deed      (PDF)  
SUB 2022-01\_P Title Report      (PDF)  
SUB 2022-01\_P Applicant Narrative      (PDF)  
SUB 2022-01\_P Utility Plan (PDF)

## Subdivision – Preliminary Plat

### Staff Report Planning Commission Public Hearing on February 21, 2023

### Case File SUB 2022-01\_P

<b>Date:</b>	February 13, 2023
<b>Case File:</b>	SUB 2022-01_P
<b>Property Owner:</b>	Nathan S. Knott and Angie S. Knott, trustees of Nathan and Angie Knott Family Trust
<b>Situs Address:</b>	Unaddressed, unaddressed, 1938 NW 40 <sup>th</sup> St
<b>Location:</b>	North side NW 40 <sup>th</sup> St, approximately 330 feet west of NW 40 <sup>th</sup> St/Hwy 101 intersection
<b>Tax Map and Lot:</b>	07-11-03-A0-02400-00, 07-11-03-A0-02401-00, and 07-11-03-A0-02402-00
<b>Comprehensive Plan Designation:</b>	Commercial-Recreation District (RC)
<b>Zoning District:</b>	Recreation-Commercial (RC) Zone
<b>Site Size:</b>	1.89 acres
<b>Proposal:</b>	Request for preliminary plat approval for a 12-lot subdivision
<b>Surrounding Land Uses and Zones:</b>	North: Chinook Winds Casino; RC South: Undeveloped; RC East: Rite Aid, Safeway; GC West: Chinook Winds Casino; RC
<b>Authority:</b>	Lincoln City Municipal Code (LCMC) 17.76.020 states that all land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application. Table 17.76.020-1 in LCMC Chapter 17.76 lists a subdivision preliminary plat as a Type III procedure with the Planning Commission as the review authority.
<b>Procedure:</b>	The application was received on November 2, 2022. The application was deemed complete on November 14, 2022. On November 14, 2022, pursuant to LCMC 17.76.050(E), the Planning and Community Development Department mailed a notice of public hearing to property owners within 500 feet of the subject property. The <i>News Guard</i> published the public hearing notice on November 22, 2022. The applicant continued the hearing to January 17, 2023, and then to February 7, 2023, and then to February 21, 2023 and waived the 120-day rule.
<b>Applicable Substantive Criteria:</b>	LCMC Title 16 Subdivisions LCMC Chapter 17.28 Recreation-Commercial (RC) Zone LCMC Section 17.76.050 Type III Procedure



## **BACKGROUND**

The subject property (site) is identified as Assessor's Map 07-11-03-A0-02400-00 (unaddressed), 07-11-03-A0-02401-00 (unaddressed), and 07-11-03-A0-02402-00 (addressed as 1938 NW 40<sup>th</sup> St). The site is in the process of being developed with a single-unit dwelling on the portion addressed as 1938 NW 40<sup>th</sup> St.

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

Chinook Woods Casino borders the site to the north and west. East of the site is a shopping complex that includes Rite Aid and Safeway. The site's south boundary is NW 40<sup>th</sup> St and south of that is an undeveloped area in the RC zone. The site is in the RC zone and the properties to the north, south, and west are in the RC zone. The property to the east of the site is in the GC zone.

The project proposes division of the 1.89-acre site into 12 lots for residential development. Residential development on the lots will be a mix of detached and attached single-unit dwellings. A private street is proposed for access.

## **COMMENTS**

Comments were received from the Historic Preservation Office of the Confederated Tribes of the Grand Ronde Community of Oregon, via email, on November 17, 2022. The comments state the following: "The Historic Preservation Office of the Confederated Tribes of Grand Ronde Community of Oregon have no additional information to provide at this time for this project. We defer further comment on this project to primacy Tribes of the project area."

Comments were received from North Lincoln Fire & Rescue District #1, via email, on November 15, 2022. The comments reference the requirement for the project to be compliant with 2022 Oregon Fire Code D102.1, D103.1, D105.1, D105.2, D105.3, 503.2.4, D103.2, D103.4, Table D103.4, D103.6.1, D103.6, B105, 507.5.1, Table C102, Table C102.1 H, 507.4, and 507.5.2. The full text of the comments is incorporated as a part of the staff report and attached hereto.

Comments were received from North Lincoln Sanitary Service, via email, on November 28, 2022. The comments state the following: "I have reviewed the plat and added some red line chicken scratch to the plat, and it looks like we are able to negotiate our trucks around to all the houses. I know it says on the plat there won't be any on street parking, but just wanted to reiterate that for us we would likely have a really tough time making the turns if there were any cars near the intersections. For the cul de sacs, we would either pull in back, in, or turn around at the hammer heads. That's my only comment."

Comments were received from Public Works, via email, on January 20, 2023. The comments consisted of requested conditions of approval, which are included at the end of this staff report under the "recommended conditions of approval" section.

## **ANALYSIS**

*Chapter 16.08 Procedure*

*16.08.020 Lot sale or transfer – Approval required.*

*The sale or transfer of lots is prohibited by this title and ORS Chapters 92 and 93, as amended, until approval is obtained.*

**Finding:** As a condition of approval, no lots may be sold or transferred until the final plat is recorded.

*16.08.030 Compliance required.*

*A lot or parcel may be used, subdivided, partitioned or adjusted, and a structure or part of a structure constructed, reconstructed, altered, occupied or used only in accordance with this title, LCMC Title 17, and any other applicable ordinances or standards of the city.*

**Finding:** The property owner is requesting preliminary plat approval for a subdivision of the site. Pursuant to 16.08.030, the subdivision is allowed provided compliance with this title and Title 17, and provided that other applicable ordinances or standards are met in the development of the subdivision.

*16.08.050 Approval authority*

*Subdivision plats shall be approved by the planning commission in accordance with these regulations. All partition plats and property line adjustment maps shall be approved by the city staff in accordance with these regulations. The city council delegates its authority to the planning commission, and to the city staff, respectively, to approve or disapprove the subdivision, partition of land and property line adjustments, except for appeals.*

**Finding:** The preliminary subdivision plat shall be approved by the Planning Commission in accordance with the regulations of Title 16.

*16.08.210 Inspection and processing fee*

*A subdivision inspection and processing fee shall be submitted as established by city council resolution.*

**Finding:** The fee established by City Council resolution for a subdivision preliminary plat was paid as part of the application process.

*16.08.220 Tentative plan – Submission*

*The subdivider shall file 15 prints of the tentative plan with the department of community development; the tentative plan will be scheduled for planning commission review at a public hearing after the application is deemed complete and notice is provided. The public hearing shall be in accordance with LCMC 16.20.050.*

**Finding:** The subdivider filed the required tentative plan, and the public hearing was scheduled along with public notice of the public hearing.

*16.08.230 Tentative plan – Preliminary review*

- A. *Within 10 days after being submitted by the subdivider, the department of community development shall furnish one print to the State Highway Department (when development is adjacent to a state highway and access to the highway is desired by the subdivider), and one print each to cable TV. Power, gas, and telephone companies. These agencies will be given at least 10 days to review the plank, suggest revisions and return the plans to the department of community development.*

**Finding:** Applicable public agencies and utilities were notified of the preliminary plat request. Replies were received from North Lincoln Fire & Rescue District #1, North Lincoln Sanitary Service, and Lincoln City Public Works. The comments are listed at the beginning of this staff report.

- B. *The department of community development and the department of public works, in reviewing the tentative plan, shall consider and provide information to the planning commission on the following:*
1. *Location in the adjoining streets or property of existing sewers and water mains, culverts and drain pipes, electrical conduits, or lines, proposed to be used on the property to be subdivided, and invert elevations of sewers at points of proposed connections and any other pertinent information;*

**Finding:** City GIS information shows that existing public sanitary sewer facilities, and the associated utility easement, run across the proposed Lots 9 through 12. An existing 12-inch water main exists within NW 40<sup>th</sup> St, and an existing 6-inch water main exists running parallel to the east of the site. City GIS does not have information on electrical conduits or lines or invert elevations of sewers at points of proposed connections.

2. *Planning and zoning on and adjacent to the tract, if any;*

**Finding:** Staff noted at the beginning of this staff report, and notes again here, that the zoning adjacent to the site to the north, south, and west is Recreation Commercial (RC) zone. The zoning adjacent to the east of the site is General Commercial (GC). The area north and west of the site is Chinook Winds Casino Resort. Directly south of the site is NW 40<sup>th</sup> St, and south of the street is an undeveloped site. East of the site is a shopping center.

3. *Conformance to other applicable city ordinances.*

**Finding:** Conformance to applicable city ordinances is addressed throughout this staff report, with conditions of approval recommended at the end of the report to ensure ongoing compliance with city rules and regulations.

16.08.240 *Tentative plan – Approval*

- A. *The planning commission will review the plan and the reports of the agencies listed above and shall give tentative approval of the plan in its preliminary form, as submitted, or as it may be modified. If disapproved, the planning commission shall express its disapproval and its reasons therefor in writing. The applicant may appeal such decision to the city council in accordance with LCMC 16.20.020.*

**Finding:** The Planning Commission is charged with reviewing the plan and the comments received and shall give tentative approval of the plan as submitted, tentative approval with conditions of approval, or disapprove. If disapproved, the Planning Commission must cite the criteria that are not being met.

16.08.250 *Tentative plan – Required data*

- A. *Preparation. The subdivider shall prepare a tentative plan, together with improvement plans and other supplementary material, as may be required, to indicate the general program and objectives of the project. To assure knowledge of existing conditions, and to obtain compliance with existing city development plans, the subdivider may confer with the department of community development and department of public works prior to preparation of the tentative plan.*

**Finding:** The application submittal included a preliminary plat, a preliminary utility plan, and a narrative. This requirement is met for purposes of this application review.

- B. *Scope. The tentative plan need not be a finished drawing, but it should show all pertinent information to scale, in order that the planning commission may properly review the proposed development.*

**Finding:** The submitted preliminary plat included the information necessary for staff to prepare the staff report. This requirement is met.

- C. *Partial Development. Where the area to be subdivided contains only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets and parcels in the unsubdivided portion.*

**Finding:** The entire site will be developed. This requirement is not applicable.

*D. Information Required. The tentative plan shall include the following information:*

*1. Detailed Map.*

**Finding:** The site size is 1.89 acres. The provided preliminary plat is drawn at a scale of 1 inch = 20 feet, which provides greater detail than the minimum requirement of 1 inch = 50 feet. This requirement is met.

*2. General Information. The following information shall be shown on the tentative plan:*

*a. Proposed name of the subdivision.*

**Finding:** The preliminary plat lists the proposed name of the subdivision as Knottworks Construction. This name can be changed. The name must be approved by Lincoln County and shall be done so as part of the final platting process. This requirement is met.

*b. Date, north point and scale of drawing;*

**Finding:** The preliminary plat provides a north arrow, a scale, and a date. This requirement is met.

*c. Appropriate identification clearly stating the drawing as a tentative plan;*

**Finding:** The preliminary plat is identified as a site plan, but the application and narrative clearly state and indicate Sheet A1.00 is a preliminary plat.

*d. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract, and the tract designation or other description according to the real estate records of the county assessor;*

**Finding:** The section, township, and range are listed on the application.

*e. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent property boundaries and land uses;*

**Finding:** Sheet A1.00 does not include a vicinity sketch map, but a vicinity sketch map is not necessary to ascertain compliance with the requirements of Title 16.

*3. Existing Conditions.*

**Finding:** The site is cleared and flat in preparation for building one new detached single-unit dwelling.

*4. Proposed Plan of Land Subdivision.*

**Finding:** Sheet A1.00 shows the proposed lot division of the site.

*5. Area Coverage. Area coverage of existing and proposed structures, lots, streets or other changes anticipated;*

**Finding:** Sheet A1.00 shows the proposed structures and building coverage, lot layout, streets, and landscaped areas.

*6. Explanatory Information. Any of the following information which may be required by the planning commission, and which may not be shown practicably on the tentative plan, may be submitted in separate statements accompanying the tentative plan:*

- a. *Proposed deed restrictions in outline form;*

**Finding:** No deed restrictions are proposed.

- b. *Approximate existing centerline profiles showing the finished grades of all streets, as approved by the city engineer, included in the proposed subdivision;*

**Finding:** Street profiles were not included in the preliminary package, but will have to be included as part of the final construction drawing submittal.

- c. *Typical cross sections of proposed streets, showing widths of roadways, curbs, location and width of sidewalks and the location and size of utility mains;*

**Finding:** Sheet A1.00 and Sheet C4.0 provide the preliminary details for the proposed streets, street improvements, and utilities. Final details shall be included as part of the final construction drawing submittal.

- d. *Approximate plans and profiles of proposed sanitary sewers, storm drains and water distribution system, showing pipe sizes and the location of valves and fire hydrants, all to conform to city standards;*

**Finding:** Sheet C4.0 is the preliminary utility plan. A detailed utility plan shall be included as part of the final construction drawing submittal.

- e. *A general description of property intended to be dedicated to the city or public, other than street rights-of-way, including proposed dedication restrictions.*

**Finding:** No dedications to the city or public are shown, nor are any required.

#### *Chapter 16.12 Design Standards*

##### *16.12.010 Design standards and principles of acceptability*

*Subdivisions and partitions shall be in conformity with the comprehensive plan, LCMC Title 17 and other applicable ordinances of the city. Subdivisions and partitions shall conform with the requirements of state laws and the Land Conservation and Development Commission's statewide goals, until such time as the city's comprehensive plan has been approved by the Land Conservation and Development Commission.*

**Finding:** Titles 16 and 17 of the Lincoln City Municipal Code implement the comprehensive plan, so conformance with Titles 16 and 17 equals conformance with the comprehensive plan. This staff report addresses the project's compliance with applicable portions of Titles 16 and 17 and provides conditions of approval for those items that need to be addressed during the review of the final construction plans.

##### *16.12.020 Streets – General requirements*

*The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Where location is not shown in a development plan, the arrangement of streets in a subdivision...*

**Finding:** The south boundary of the site is NW 40<sup>th</sup> St, upon which access is achieved for the proposed development. The site does not have any designated street connections in the city's master plans. A private street is proposed to provide access for the proposed 12 lots. Width and grade of the proposed street must meet design standards addressed later in this report. The location of the proposed street is sufficient for the proposed development.

*16.12.030 Streets – Right-of-way and roadway widths*

*Unless otherwise approved by the planning commission, the width of streets and roadways in feet shall be as shown in the cross sections in the city's 2015 Transportation System Plan, Volume 1, Standards section, starting on page 45, and Public Works/Engineering Standards.*

**Finding:** The Lincoln City Transportation System Plan (TSP) identifies NW 40<sup>th</sup> St as a collector and a high-use street. The proposed internal street is a local, low-use street. Page 52 of the TSP provides the cross section for a local, low-use street as follows: street width of 20 to 34 feet; right-of-way of 33 to 47 feet; driving lane width of 20 feet; optional on-street parking on either side of 7 feet; 6-inch curb on each side; and a 6-foot-wide sidewalk on each side. The submitted materials do not provide street cross sections to know if the requirements of the TSP are being met. As a condition of approval, final construction plans shall include detailed street profiles and cross sections showing conformance and compliance with the TSP and Public Works/Engineering Standards, including a 20-foot-wide driving surface with a 6-inch curb and 6-foot-wide sidewalk on each side of the driving surface, for a total 33-foot-wide right-of-way.

*16.12.040 Streets – Reserve strips*

*Reserve strips or street plugs controlling access to streets will not be approved unless such strips are necessary for protection of the public welfare...*

**Finding:** The project does not propose any reserve strips or street plugs.

*16.12.050 Streets – Alignment*

*All streets, other than minor streets or culs-de-sac, shall, so far as practical be in alignment with existing streets by continuations of the centerlines thereof. In no case shall the staggering of streets make "T" intersections so designed that a dangerous jog is produced. Jogs of less than 100 feet on such streets, measured along the centerline of the intersected street, must be adjusted by curves or diagonals so that the alignment across the street is continuous.*

**Finding:** There are no adjacent existing streets or existing streets on the site that need to be continued or aligned, so this requirement is not applicable.

*16.12.060 Streets – Future expansion*

- A. Where a subdivision or partition adjoins undeveloped property, streets which, in the findings of the planning commission, should be continued in the event of the subdivision or partitioning of the undeveloped property will be required to be provided through the boundary lines of the tract.*
- B. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Reserve strips...*
- C. If, in the opinion of the city engineer, a traffic, pedestrian or safety hazard temporarily exists by the construction of a dead-end street, he [sic] may direct that a barricade of adequate design be installed as one of the required items for the subdivision or partition.*

**Finding:** The site adjoins developed property to the north, west, and east, and the developed property does not contain any streets to which connections need to be provided. The south property line of the site is NW 40<sup>th</sup> St. This requirement is not applicable.

*16.12.070 Streets – Intersection angles*

*Streets shall intersect one another at an angle as near to a right angle as practical, and no intersections of streets at angles of less...*

**Finding:** The submitted preliminary plat shows a near right angle where the proposed street intersects with NW 40<sup>th</sup> St. This requirement is met.

*16.12.080 Existing streets*

*Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or partitioning.*

**Finding** There are no existing streets adjacent to or within the site other than NW 40<sup>th</sup> St, which is the site's south boundary line. NW 40<sup>th</sup> St has an existing 60-foot-wide right-of-way. No additional right-of-way is needed for NW 40<sup>th</sup> St.

*16.12.090 Half-streets*

*Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition, when in conformity with other requirements of this title; and when the planning commission finds it will be practical to require dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs...*

**Finding:** The project does not propose any half-streets.

*16.12.100 Culs-de-sac*

- A. A cul-de-sac shall be as short as possible and shall, in no event, be more than 600 feet long, nor serve more than 18 single-family dwellings.*
- B. All culs-de-sac shall terminate with an approved turnaround.*

**Finding:** The project is not proposing any streets ending in a cul-de-sac.

*16.12.110 Street names*

**Finding:** Street names will be determined at the time of final engineering plans and final plat and shall be reviewed for compliance with 16.12.110 as part of the final platting process.

*16.12.120 Streets – Grades and curves*

- A. Grades shall not exceed six percent on major streets, 10 percent on collector streets, or 12 percent on any other street, without approval of the department of public works.*

**Finding:** The site is flat. No major streets or collector streets are proposed. The local street proposed will be nowhere near a 12% grade.

- B. In flat areas, finished street grades shall have a minimum slope of one-half percent.*

**Finding:** A detailed street improvement plan showing finished street grade, street profiles, and cross-sections was not submitted with the preliminary plat submittal. As a condition of approval, a detailed street improvement plan shall be submitted with the final construction plans showing compliance with the minimum slope requirement.

- C. Centerline radii of curves shall not be less than 300 feet on major streets, 200 feet on collector streets, or 100 feet on other streets.*

**Finding:** The preliminary plat shows three centerline radii. Two of the radii meet the 100-foot minimum. The third, however, showing as 40 feet 6 inches does not. As a condition of approval, final construction plans shall show compliance with the requirement of centerline radii of all curves being no less than 100 feet.

*16.12.130 Streets – Planting easements*

*Where approval of streets less than 60 feet in width is granted, additional easements for street trees, shrubs, sidewalks and utilities may be required.*

**Finding:** The preliminary plat shows a driving surface width of 20 feet. Utility easement requirements are addressed earlier in this staff report and listed as conditions of approval. It has already been noted in this staff report that the submitted final construction plans shall show compliance with the TSP. The TSP provides a cross-section for low-use streets. The cross-section in the TSP includes sidewalks. Planting easements are not shown in the TSP for low-use streets.

*16.12.140 Marginal access streets*

*Where a subdivision or partition abuts or contains an existing or proposed major street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

**Finding:** The site does not abut or contain any existing or proposed major streets. This requirement is not applicable.

*16.12.150 Alleys*

- A. Location. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the planning commission.*
- B. Intersection. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than 12 feet.*

**Finding:** The site, while in the RC zone, is intended for residential use. Chapter 17.56 provides that on-site, off-street parking spaces are required for detached and attached single-unit dwellings. The preliminary plat shows provisions for such required off-street parking on each of the lots. Loading facilities are not required for residential development. Accordingly, alleys are not required.

*16.12.160 Blocks – General requirements*

*The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for convenient access circulation, control and safety of street traffic, and limitation and opportunities of topography.*

**Finding:** The proposed use of the site is a residential development. A proposed low-use local street will begin at NW 40<sup>th</sup> St and run north through the site, turning to the east and ending in a hammerhead turnaround. The proposed street will provide access to the 12 lots. The preliminary plat shows lot and block layout with adequate building sites for each lot, as well as required off-street parking spaces and landscaped area. Staff feels the general layout generally meets the intent of the block design general requirement.

*16.12.170 Block sizes*

*Block sizes shall conform to the access spacing standards in the table below, unless topographical or other existing or planned conditions justify a variation. Where a variation is necessary, the city engineer and the planning director will determine the spacing.*

**Finding:** The preliminary plat does not label the blocks, but Lots 1 through 6 and the landscape tract comprise Block 1, with Block 2 comprising Lots 7 and 8 and a landscape tract, and Block 3 contains lots 9 through 12. The minimum block size from street to street is 265 feet and the maximum is 530 feet. Block 3 does not appear to meet the minimum requirement, but the applicant has stated the following: “The design does not affect any higher order streets (arterials or collector). The proposed design is for a private street to

intersect with an existing local street; this section establishes that there is no minimum spacing requirement, and the proposed street connection will be over 300 feet from any other intersection.” The city engineer and the planning director have reviewed the preliminary plat and approve the block sizes shown with the condition of approval that the new street meet all requirements of the TSP. This condition has been previously stated in this staff report.

*16.12.180 Easements – Utility lines*

*Easements for electric lines or other public utilities are required. Easements for utilities shall be a minimum of 12 feet in width and centered on all rear and side lot lines, unless specifically waived by the planning commission. Front lot line utility easements up to six feet in width behind the property lines may be required if the need can be demonstrated. No permanent structures will be allowed within such easements.*

**Finding:** The preliminary plat shows no easements have been provided on the rear, side, or front lot lines. Rather, the private street is being proposed as a public utility easement and no provisions have been made for private utility easements. Accordingly, a six-foot-wide public and private utility easement shall be placed behind the front property line of every lot on the final plat, and the private street shall be both a public and private utility easement. Easements for utilities along the rear and side lot lines are not necessary and shall be specifically waived by the Planning Commission, with the condition that a) the private street is shown as a public and private utility easement on the final plat; and b) a six-foot-wide public and private utility easement behind the front property line of every lot is shown on the final plat.

*16.12.190 Easements – Watercourses*

**Finding:** The site is not traversed by a watercourse, drainage way, channel, or stream. No stormwater easement or drainage right-of-way is therefore necessary.

*16.12.200 Easements – Pedestrian and bicycle access ways*

- A. Developers shall make the following pedestrian and bicycle connections:*
- 1. From the head of a cul-de-sac to the nearest street;*

**Finding:** The project is not providing any streets ending in a cul-de-sac, so this requirement is not applicable.

- 2. Between streets on either side of a block more than 750 feet in length, with at least one access way for every 530 feet in block length;*

**Finding:** The project does not contain any blocks more than 750 feet in length, so this requirement is not applicable.

- 3. From or between existing or approved pedestrian and bicycle access ways; and*

**Finding:** The project does not contain any existing or approved pedestrian and bicycle access ways for which connection is required, so this requirement is not applicable.

- 4. Other connections as determined necessary by the planning commission.*

**Finding:** The Planning Commission may determine if any pedestrian and bicycle access ways are necessary.

*16.12.210 Lots – General requirements*

*The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.*

**Finding:** The proposed lots meet the specific lot requirements given in Title 16, Chapter 17.16, and Chapter 17.20. This requirement is met.

*16.12.220 Minimum lot sizes*

- A. *The lot sizes, in addition to conformance with LCMC Title 17, shall not be less than as given in the following table:*
- B. *In the case of irregular lots, the widths measured at a building line must be not less than 70 feet.*
- C. *Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street loading and parking facilities required by the type of use and development contemplated.*

**Finding:** The lot widths and depths are not shown on the submitted preliminary plat, so it is unclear if interior lots are 50 feet wide with an average depth of 70 feet or if corner lots are 60 feet wide with an average depth of 80 feet. As a condition of approval, conformance with 16.12.220 shall be shown on the construction plans.

*16.12.230 Through lots*

- A. *Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation.*
- B. *A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other disadvantageous use.*

**Finding:** Per Title 16, the definition of a through lot means a lot having frontage on two parallel, or approximately parallel, streets other than alleys. Lots 1 through 4 are shown on the preliminary plat as having NW 40<sup>th</sup> St as their south boundary and a shared driveway as the north boundary. The shared driveway is not a street, so Lots 1 through 4 are not through lots. Lots 5 and 6 have frontage on the proposed street and back up to the shared driveway for Lots 1 through 4. Again, the shared driveway is not a street, so by definition Lots 5 and 6 are not through lots. Lots 7 and 8 have frontage along the proposed street on both their front and rear; however, a landscape tract is proposed along the south boundary of these lots. As a condition of approval, the portion of the landscape tract immediately adjacent to the south boundary of Lots 7 and 8 shall be at least 10 feet wide and platted with a restriction that no vehicular access is allowed to any lots through any landscape tracts.

*16.12.240 Lot side lines*

*The side lines of lots shall run at right angles to the street upon which the lots face. On curved streets they shall be radial to the curve.*

**Finding:** The side lot lines generally run at right angles to the proposed street.

*16.12.250 Lots – Resubdivision*

**Finding:** The entire site is being divided. The project does not propose any large lots which at some future time are likely to be subdivided or partitioned, so these requirements are not applicable.

*16.12.260 Lots – Residential building setback lines*

*If special building setback lines are to be established in the subdivision or partition, they should be shown on the subdivision or partition plan or included in the deed restriction.*

**Finding:** The application is not proposing any special building setback lines.

*16.12.270 Public open spaces*

- A. *Due consideration shall be given by the subdivider or partitioner to the allocation of suitable areas for schools, parks and playgrounds to be dedicated for public use as per the city comprehensive plan.*

**Finding:** The comprehensive plan does not designate any portion of the site for schools, parks, or playgrounds, so this requirement is not applicable.

- B. *Where a proposed park, playground, school or other public use shown in a tentative plan is located in whole in part in a subdivision or partition, the planning commission may request the dedication or reservation of such area within the subdivision or partition in those cases in which the planning commission deems such requirements to be reasonable with the approval of the city council.*

**Finding:** The site does not contain a proposed public park, playground, school, or other public use, so this requirement is not applicable.

*Chapter 16.16 Improvements*

**Finding:** This chapter provides a listing of all required improvements. As a condition of approval, development of the site shall comply with Chapter 16.16.

*17.28.050 Setback requirements*

**Finding:** This application is for preliminary plat approval, not for issuance of any structural permits. All setback requirements will be reviewed for compliance as part of the structural permitting process. This report notes that, if the applicant proceeds with detached and attached single-unit dwellings, the minimum setbacks for detached single-unit dwellings are those in the R-1 zone. Specifically, the front, rear, sides, and street side setback requirements under the current code are a minimum of 5 feet for single-story structures and a minimum of 7 ½ feet for two- or three-story structures, with a 20-foot setback for garage entrances.

The submitted Sheet A1.00 indicates that Lots 5, 6, 7, and 8 are tentatively proposed for detached single-unit dwellings. Noting that this review is not a review or approval of structures shown on Sheet A1.00, the concept shows the minimum setback requirements can be met with a two- or three-story dwelling on Lot 5 and a detached garage; a two- or three-story dwelling on Lot 6 and a detached garage; a two- or three-story dwelling Lot 7 with a single-story detached garage; and a single-story dwelling on Lot 8 with a detached garage. Again, these are conceptual footprints and are not being reviewed or approved for construction, meaning that the actual footprint may change when a structural permit application is submitted. Conceptual footprints on Lots 5, 6, 7, and 8 show that the minimum setback requirements can be met.

Lots 1, 2, 3, 4, 9, 10, 11, and 12 are shown on Sheet A1.00 conceptually for attached single-unit dwellings. Setback requirements for attached single-unit dwelling developments (four or more attached single-unit dwellings) are outlined in Chapter 17.20. Front, sides, street side, and rear setbacks are 5 feet. The interior common wall side is a 0-foot setback. The garage entrance setback is 20 feet. Noting that this review is not a review or approval of structures shown on Sheet A1.00, the concept shows the minimum setback requirements can be met for an attached single-unit dwelling on each of Lots 1 through 4 and Lots 9 through 12. This requirement is met or not applicable.

*17.28.060 Minimum lot area*

*None required, except for motels and resorts which shall have a minimum lot area of 10,000 square feet.*

**Finding:** As noted in 17.28.060, there are no minimum lot area requirements, except for motels and resorts. The applicant is proposing detached single-unit dwellings and an attached single-unit dwellings development. 17.28.020(E) refers to the standards of the R-1 zone for detached single-unit dwellings and 17.28.020(H)

refers to the standards of 17.20.050 for an attached single-unit dwellings development (four or more attached single-unit dwellings). The R-1-5 zone has a minimum lot area requirement of 5,000 square feet for detached single-unit dwellings and 17.20.050 states that there is no minimum lot area requirement for attached single-unit dwellings developments. The applicant's submitted Sheet A1.00 shows that Lots 5 through 8 exceed the minimum 5,000-square-foot requirement for detached units. Should the applicant proceed with construction of detached units on Lots 5 through 8 and attached units on Lots 1 through 4 and 9 through 12, the minimum lot area requirements are met.

The R-1-5 zone has minimum lot width and depth requirements of 50 feet and 70 feet, respectively. Lot width is the horizontal distance between the side property lines measured at right angles to the lot depth at a point midway between the front and rear property lines. Lot depth is the perpendicular distance measured from the midpoint of the front property line to the midpoint of the opposite property line. The preliminary plat does not label the width or depth distances of Lots 5 through 8. In taking approximate scaling measurements, it appears that Lots 5 through 8 meet the minimum lot width and depth requirements, but as a condition of approval the plat submitted with the final construction plans shall clearly and distinctly show and label the lot widths and depths of Lots 5 through 8 to show compliance with the minimum lot width and depth requirements of 50 feet and 70 feet, respectively. This requirement is either met or will be met with the aforementioned condition.

There are no minimum lot width or depth requirements for attached single-unit dwellings developments.

*17.28.070 Maximum building height*

*Maximum building height shall be 45 feet, except as provided in LCMC 17.52.190 and 17.52.200*

**Finding:** Building height is reviewed for compliance as part of the structural permitting process. Should the applicant proceed with construction of detached and attached single-unit dwellings, the maximum building height for detached is that listed in the R-1 zone, which is 35 feet. The maximum building height for attached is listed in 17.20.050 as 35 feet. The applicant's submitted Sheet A1.00 lists a proposed building height of 30 feet for the attached units, which is less than the maximum. No height is shown for the detached units. The applicant's narrative accurately notes that compliance with maximum height is reviewed with subsequent building permit applications. This requirement is not applicable to a preliminary plat application.

*17.28.075*

*Landscaping shall be provided in accordance with Chapter 17.55 LCMC.*

**Finding:** Chapter 17.55 requires landscaping where buildings, structures, and impervious surfaces are not located. Landscaping required for residential development consists of one tree per 150 of total lot perimeter, one shrub per 30 feet of total lot perimeter, and living or nonliving ground cover over the remaining areas not covered by buildings, structures, or impervious surfaces. This application is for preliminary plat approval, not construction on the individual lots. A landscaping plan will be reviewed for compliance as part of the building permitting process for each lot. This is not applicable to a preliminary plat application.

*17.28.080 Signs*

*Signs shall be allowed subject to the provisions of Chapter 9.34 and 17.72 LCMC*

**Finding:** This request does not include any applications for signs, nor does the submitted plan show any proposed signs. This is not applicable to this application.

*17.28.090 Off-street parking and loading*

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

**Finding:** Compliance with off-street parking and loading requirements is addressed during the building permitting process for each individual lot. There are no overall off-street parking and loading requirements for

a subdivision. A lot with a dwelling unit that is 1,000 square feet or less must contain on the lot at least one off-street parking space. A lot with a dwelling unit that is greater than 1,000 square feet must contain on the lot at least two off-street parking spaces. Sizes, dimensions, and surfacing requirements are those listed in 17.56.070 and will be reviewed for compliance during the review of the building permit application for each lot. This requirement is not applicable to this application.

*17.28.100 Other required conditions*

- A. *No development shall occur in the RC zone unless all city services (sewer and water) are available to serve such development.*

**Finding:** Existing public sanitary sewer facilities, and the associated easement, run across the proposed Lots 9 through 12. An existing 12-inch water main exists within NW 40<sup>th</sup> St, and an existing 6-inch water main exists running parallel to the east of the site. The applicant's submitted Sheet C4.0 is a preliminary utility plan showing city sewer and city water services provided to each new lot. This requirement is met.

- B. *Design Features. All single-unit dwellings to be constructed or located in the RC zone are encouraged to use at least two of the following...*

**Finding:** This application is for preliminary plat approval, not review and approval of building plans for any dwellings; accordingly, this suggestion is not applicable to this application.

*Chapter 17.52 Supplementary Regulations and Exceptions*

*17.52.060 Clear-vision area requirement*

- A. *Requirement to Provide Clear Vision. For public safety purposes, all properties shall have triangular clear-vision areas (aka clear-vision triangles) where streets (public or private) intersect with other streets, commercial alleys and commercial driveways. Clear-vision triangles shall be also be provided for street intersections with commercial driveways as provided herein. Clear-vision areas at local intersections shall meet the requirements in this section, which are meant to be adequate to allow drivers and pedestrians who are stopped or approaching with caution to see intersecting traffic in time to avoid collisions. Clear-vision areas at intersections with Highway 101 must meet with Oregon Department of Transportation approval and comply with the requirements of this section.*

**Finding:** The project proposes a street intersection with another street (new private street intersecting with existing NW 40<sup>th</sup> St). Clear-vision triangles shall be provided for the east and west sides of the new approach. Clear-vision triangles shall be free of obstructions (including but not limited to plantings, fencing, or other temporary or permanent obstruction) from the height of 2 ½ feet to 8 feet above the grade of the street. The submitted plans do not show any obstructions in the clear-vision triangles, and this will be placed as a condition of approval for continued monitoring and compliance throughout the life of the development.

*17.52.120 Utilities*

- B. *In all zones, all electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be placed underground in accordance with city standards.*

**Finding:** While this application request is not specifically for new construction of a building or structure, approval of this application will eventually result in the new construction of houses. Accordingly, all electrical, telephone, and cable television utility service installations or connections shall be placed underground in accordance with city standards.

*17.52.150 Exterior lighting.*

*Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.*

**Finding:** This is an application for preliminary plat approval for future residential development. No exterior lighting is proposed as part of this application.

*17.52.170 Solid waste, garbage, trash, recycling, and composting receptacle storage areas.*

*All solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure which screens the receptacle from the view of adjacent property and from right-of-way, except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured dwelling.*

**Finding:** This is an application for preliminary plat approval for future residential development. No solid waste storage areas are proposed as part of this application.

*17.52.180 Placement and screening of mechanical equipment*

**Finding:** A plan for the placement of mechanical equipment is not required for a subdivision application. Placement and screening requirements, rather, are reviewed for compliance as part of a development review application and/or a building permit application, of which this application is neither. These standards are not applicable to this application.

*17.52.220 Tree protection and removal.*

**Finding:** The site does not contain any trees, protected or otherwise. The site was cleared of all trees as part of a building permit issued for one house to be constructed on the site, prior to submittal of this subdivision application and prior to approval of the three-parcel partition.

*17.52.230 Public infrastructure improvements*

- A. Infrastructure, Easement, and Improvement Requirements. The issuance of a structural permit for a new building or structure in conjunction with any permitted or conditional use within any zone as described in this title, or in connection with a development review approval for development for which development review is required under LCMC 17.77.070, or the review of any project for which development review is required under LCMC 17.77.070 but does not involve the issuance of a structural permit, shall be subject to public works design standards, Lincoln City Transportation System Plan, and LCMC Titles 12 and 13, incorporated herein by this reference. Preliminary plans shall be submitted as part of the development review process. If development review is not required, the plans shall be submitted for review as part of the structural permit or site development permit process.*

**Finding:** The application is for approval of a preliminary plat. No applications for structural permits are included, nor are any required for a preliminary plat review and approval. No applications for development review are included, nor are any required for a preliminary plat review and approval. These requirements are not applicable to a preliminary plat review and approval. However, they are applicable to the new construction of any building or structure to be erected on the future lots and will be reviewed for compliance with these requirements during the building permit process for each building or structure.

*17.52.300 Traffic impact study (TIS) requirements*

*A TIS shall accompany a land use application at the request of the city engineer, if the proposal involves one or more of the following:*

- 1. An amendment to the Lincoln City comprehensive plan or zoning map;*

**Finding:** The project is not an amendment to the Lincoln City comprehensive plan or zoning map.

2. *A new direct property approach road to US 101;*

**Finding:** The project does not involve a new direct property approach road to Hwy 101.

3. *Likely generation of 50 or more p.m. peak-hour trips on US 101, or 100 or more p.m. peak-hour trips on the local transportation system, according to the Institute of Transportation Engineers (ITE) Trip Generation Manual;*

**Finding:** There is a likely generation of 11.88 p.m. peak-hour trips on the local transportation system. This is less than the 100 or more needed to require a TIS.

4. *If use on any street or direct property approach road intersecting with US 101 increases by 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight;*

**Finding:** The project will not generate 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight. The application proposes a residential development for single-unit dwellings and no commercial or industrial uses are proposed that would utilize vehicles exceeding 20,000 pounds in weight.

5. *An existing or proposed access driveway that does not meet minimum spacing or sight distance requirements, or a driveway located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard; or*

**Finding:** The proposed access meets sight distance requirements. There is no apparent reason why vehicles entering or leaving the site will be restricted or likely to queue or hesitate at the access connection to NW 40<sup>th</sup> St.

6. *A change in internal traffic patterns that may cause safety problems, such as back-up onto the highway or traffic crashes in the approach area.*

**Finding:** The site does not have an internal traffic pattern to change. The proposed roadway is long enough for any queuing that may occur with vehicles waiting to turn onto NW 40<sup>th</sup> St.

The city engineer did not request a TIS for the project. A TIS is not required.

#### *Chapter 17.76 Procedures*

##### *17.76.050 Type III procedure*

- A. *General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.*
- B. *When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed in Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.*
- D. *Application Requirements. Type III 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. Notice of Public Hearing.*

1. *After a Type III 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. *Owner 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.*
  - e. *At the discretion of the application, the department also shall provide notice to the Oregon Department of Land Conservation and Development.*

**Finding:** The Planning and Community Development Department mailed the notice of a public hearing to the parties noted in LCMC 17.76.050(E)(1)(a) through (e).

2. *The notice of public hearing shall include the following:*
  - a. *A brief description of the request;*
  - b. *A list of 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. *The date, time, and location of the hearing;*
  - e. *A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Board based on that issue;*
  - f. *The name of a department staff member to contact and the telephone number where additional information may be obtained;*
  - g. *A 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;*
  - h. *A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and*
  - i. *A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.*
3. *The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.*

**Finding:** The public notice of hearing contained all the information required in LCMC 17.76.050(E)(2)(a) through (i).

*F. Public notices for Type III applications shall be mailed a minimum of 20 days prior to the first evidentiary public hearing.*

**Finding:** The public hearing date was originally scheduled for December 6, 2022. The public notice was mailed on November 14, 2022. The applicant continued the hearing to January 17, 2023; February 7, 2023; and finally February 21, 2023. The applicant waived the 120-day Oregon state rule.

## **RECOMMENDATION**

Staff recommends that the Planning Commission hold the required public hearing on the proposed preliminary plat, take public testimony, close the public hearing, and deliberate. Staff concludes that the application meets all required criteria, or can/will with conditions, and recommends the following conditions of approval:

### **General**

1. The property owner shall be responsible for complete knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, policies, and standards in the development of the site.
2. The property owner shall adhere to all requirements of LCMC Chapter 16.16.
3. Pursuant to LCMC 16.16.010(A), the following improvements shall be installed at the expense of the subdivider in accordance with the city requirements:
  - Streets, including drainage adequate to serve the property and streets;
  - Sanitary sewers and services;
  - Water distribution lines and services;
  - Sidewalks;
  - Street name signs and street light poles;
  - Lot, street, and perimeter monumentation;
  - Underground power lines;
  - Underground telephone lines;
  - Underground cable lines.
4. Pursuant to LCMC 16.16.010(B), all improvements shall be constructed to the subdivision boundary.
5. An application for a site development permit shall be obtained prior to any construction on the site. The permit shall be obtained through ePermitting Accela and shall include the plans and reports noted in the conditions below.

### **Planning**

1. Pursuant to LCMC 16.08.020, the sale or transfer of lots is prohibited by Title 16 and ORS Chapters 92 and 93 until the final plat is recorded.
2. Pursuant to LCMC 16.12.180, construction plans shall clearly and distinctly show and label the lot widths and depths to show compliance with the widths and depths noted in LCMC 16.12.180.
3. Pursuant to LCMC 16.12.230, the portion of the landscape tract immediately adjacent to the south boundary of Lots 7 and 8 shall be at least 10 feet wide and platted with a restriction that no vehicular access is allowed to any lots through any landscape tracts.
4. Pursuant to LCMC 17.28.060, construction plans shall clearly and distinctly show and label the lot widths and depths of Lots 5 through 8 to show compliance with the minimum lot width and depth requirements of 50 feet and 70 feet, respectively. If a conflict occurs between 16.12.180 and 17.28.060, the strictest requirement shall apply.
5. Pursuant to LCMC 17.28.100(A), no development shall occur in the RC zone unless all city services (sewer and water) are available to serve such development.
6. Pursuant to LCMC 17.52.060, clear-vision triangles (50 feet long by 10 feet wide) shall be provided on the east and west sides of the new private street approach. At all times, clear-vision triangles shall be free of obstructions (including but not limited to plantings, fencing, or other temporary or permanent obstruction) from 2 ½ feet to 8 feet above the grade of the street.
7. Pursuant to LCMC 17.52.120, all electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be placed underground in accordance with city standards.
8. No construction shall take place across property lines. The footprint of the dwelling under construction shall be shown on the construction plans, along with required setbacks, showing compliance with all Title 16 and Title 17 requirements.

9. Pursuant to LCMC 16.12.180, easements for utilities along the rear and side lot lines are not necessary and shall be specifically waived by the Planning Commission, with the condition that a) the private street is shown as a public and private utility easement on the final plat; and b) a six-foot-wide public and private utility easement behind the front property line of every lot is shown on the final plat.

### Fire

1. Development shall meet the current Oregon Fire Code requirements for access and water supply, as reviewed by North Lincoln Fire & Rescue District #1 through the final construction plans and final platting of the subdivision, and the final plat shall not be signed by the director of Planning & Community Development until confirmation of compliance with the current Oregon Fire Code requirements from the fire marshal is given to the director in writing.

#### Access –

- Minimum 20-foot wide access road with an approved driving surface of supporting 75,000 pounds (2022 OFC D102.1).
- Where a fire hydrant is located on the access road, the minimum road width shall be 26 feet exclusive of shoulders (2022 OFC D103.1).
- If the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided (2022 OFC D105.1).
  - Aerial fire apparatus access shall have a minimum unobstructed width of 26 feet exclusive of shoulders, in the immediate vicinity of the building (2022 OFC D105.2).
  - One of more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side on which the aerial fire apparatus access road is positioned shall be approved by the fire code official (2022 OFC D105.3).
- The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet, respectively, measured from the same center point (2022 OFC 503.2.4 and D103.2).
- Access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4 (2022 OFC D103.4). Access roads shall be 26 feet wide.
- Fire lane signs as specified in D103.6 shall be posted on both sides of the fire apparatus access roads that are 20 to 26 feet wide (2022 OFC D103.6.1).
  - Signs shall be placed as required by the fire code official. Fire apparatus access roads shall be marked with permanent “NO PARKING – FIRE LANE” signs complying with figure D103.6. Signs shall have a minimum dimension of 12 inches wide and 18 inches high and have red letters on a white reflective background (2022 OFC D103.6).

#### Water Supply –

- 2022 Oregon Fire Code requires minimum available fire flow for single-unit dwellings served by municipal water supply shall be 1,000 gallons per minute. If the structure(s) is(are) 3,600 feet or larger, the required fire flow shall be determined according to OFC Appendix B (2022 OFC B105).
- All portions of a new dwelling shall be located within 500 feet of a fire hydrant as measured by an approved route (2022 OFC 507.5.1 Exception 1, reduced by 100 feet for a dead-end street (2022 OFC Table C102)). A new hydrant is required for Lots 7 through 12 due to distance.
- The new hydrant for Lots 7 through 12 shall be located in the southwest corner of Lot 12, east of the driveway (2022 OFC Table C102.1 H).
- Due to the dead-end street and associated access issues, a second hydrant shall be placed in the southeast corner of Lot 5, north of the access road for Lots 1 through 4 (2022 OFC Table C102.1 H).
- Installation of hydrants and piping shall be compliant with the Oregon Fire Code, NFPA 1142, NFPA 24, and all other applicable codes and standards.

- The fire code official shall be notified prior to water supply tests. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to the final approval of the water supply system (2022 OFC 507.4).
- Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations, and servicing shall comply with the approved standards. Records of tests and required maintenance shall be maintained (2022 OFC 507.5.2).

### Public Works

#### Construction Plans:

1. Prior to any public right-of-way or public utility work, including excavation, grading, utility connections, and/or roadway construction or restoration, an application for a combined public works permit shall be submitted and shall be accompanied by complete and detailed construction plans. The construction plans shall be stamped by a professional engineer and work shall be completed as shown on the approved construction plans, in accordance with the 2022 Lincoln City Public Works Design Standards & Details (LCPWDS), local, state, and ADA standards, and the conditions of approval contained herein.
2. The approved construction plans and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed.
3. **Within 30 days after completion of construction**, field-verified, stamped as-built drawings for all public improvements shall be provided to Lincoln City Public Works (LCPW) in AutoCAD format and shall include relevant survey data. All discovered utilities and any changes to the approved construction plans shall be noted with callouts, indicating location, depth, and material. The as-built drawings shall note all installed water and sewer service locations and sewer cleanout depths. **The as-built drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 983 and vertical control of NAVD 88.**

#### Erosion Control:

1. Grading and erosion control plans showing compliance with LCMC 12.08 shall be submitted as part of the application package for the site development permit application in accordance with LCMC 12.08.060. Erosion control plans must be prepared by a registered professional engineer, licensed landscape architect, professional engineering geologist, or a certified professional in erosion sediment and control.
2. Grading plans shall identify the proposed grading, drainage, and stormwater facilities.
3. Approved soil erosion control measures must be in place and inspected by LCPW prior to any construction activities taking place on the site.
4. The property owner is responsible for application for, acquisition of, and compliance with the Oregon Department of Environmental Quality (DEQ) 1200-C Stormwater Permit and any other requirements of DEQ.

#### Streets and Right-of-Way:

1. Pursuant to LCMC 16.12.030, the width of streets and roadways in feet shall be as shown in the cross sections in the city's 2015 Transportation System Plan, Volume 1, Standards section, starting on page 45, and Public Works/Engineering Standards.
2. Pursuant to LCMC 16.12.120(B), a detailed street improvement plan showing finished street grades with a minimum slope of one-half percent shall be included with the construction plans.
3. Pursuant to LCMC 16.12.120(C), construction plans shall show compliance with the requirement of centerline radii of all curves being no less than 100 feet.
4. Pursuant to LCMC 16.16.020(A), the developer shall be responsible for improving all streets, including alleys, within the subdivision.

5. Pursuant to LCMC 16.16.020(B), construction of all streets shall be to city section standards for permanent street construction, the TSP, and LCPWDS.
6. Pursuant to LCMC 16.16.020(C), prior to any city signatures on the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front line and street centerline monumentation (along and within street right-of-way) guaranteed. Any monuments destroyed during improvement installation shall be replaced after street construction.
7. Construction plans shall include detailed street design for the proposed streets showing conformance to and compliance with the TSP and LCMC 16.16.102.
  - The proposed low-use local street shall have a minimum 20-foot-wide driving surface with a 6-foot-wide sidewalk on each side.
8. Construction plans shall show all required street signage and markings, including but not limited to, street name signs, stop signs, striping, and no parking signs.
9. Construction plans shall show all proposed cuts to and repairs of NW 40<sup>th</sup> St. Trench cuts (T-cuts) shall be repaired per LCPWDS. Areas of existing pavement with two or more cuts shall be repaired in a single asphalt repair. The existing pavement T-cut and any impacted pavement shall be repaired to the full existing depth or to a 2-inch minimum depth, ground and inlaid.
10. The connection between the new private street and the public right-of-way of NW 40<sup>th</sup> St shall be constructed as a standard curb return in compliance with LCPWDS and ADA standards. Construction plans shall include all necessary details for construction of the connection, including pavement removal extents and curb ramp designs.

#### Stormwater:

1. The property owner is responsible for knowledge of, adherence to, and compliance with Oregon Drainage Law. The design and construction of all stormwater facilities shall adhere to and comply with Oregon Drainage Law.
2. All new impervious paving shall be treated according to LCPWDS and Lincoln City Stormwater Best Management Practices (LCBMP). This includes treatment sized according to 50% of the 2-year, 24-hour rain event.
3. A stormwater report including existing conditions, proposed changes, calculations for conveyance, infiltration, detention (downstream analysis), water quality, and other proposed drainage facilities shall be included with the submittal package for the site development permit. The stormwater report shall be prepared by a registered professional engineer and shall demonstrate compliance with LCPWDS, LCBMP, Title 16, and the conditions of approval.

#### Water and Sanitary Sewer:

1. All public water and sanitary sewer systems design, construction, and testing shall be completed according to LCPWDS.
2. All lots shall be served by city water and city sanitary sewer from either a private/public utility easement or a public right-of-way.
3. The existing public sanitary sewer facilities that run across proposed Lots 9 through 12 shall be relocated in accordance with LCPWDS as part of the site development permit for the subdivision, and the associated easement shall be vacated. The final plat shall show the location of the relocated facilities, along with the public utility easement over the new location.
4. The submitted preliminary utility plan shows extension and service of Lots 1 through 6 via the adjoining property's private sanitary sewer line and this shall not be allowed. Sanitary sewer service shall only be extended and connected from public sanitary facilities. No extensions or services shall be allowed via any adjoining property's private sanitary sewer line.
5. The property owner shall be responsible for design and construction of all required fire and domestic water service requirements. The property owner shall complete flow testing following construction to provide verification of provided water supply. LCPW shall be given an advanced notice of 48 hours of any flow testing to be performed. A water distribution city staff member shall be on the site at the time of flow testing.

6. Material submittals for all public water improvements shall be submitted to LCPW for review and approval in accordance with LCPWDSO.
7. An existing 12-inch water main line exists within NW 40<sup>th</sup> St. An existing 6-inch water main line exists running parallel to the east of the site. Water extension into the subdivision shall be looped, connecting the proposed water system at both ends to the 12-inch and 6-inch existing lines to optimize system flow and function.

# Preliminary Plat Application

**PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):**

*Copy of purchase contract must be included with submittal for application to be accepted.*

NAME: \_\_\_\_\_

ADDRESS: [REDACTED] \_\_\_\_\_

PHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

**PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):**

*Copy of purchase must be included with submittal for application to be accepted.*

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

**PROJECT CONTACT:**

NAME: \_\_\_\_\_ Knottworks / Laura Mounce

PHONE: [REDACTED] \_\_\_\_\_

E-MAIL: [REDACTED] \_\_\_\_\_

**SITE INFORMATION:**

ZONING DISTRICT: \_\_\_\_\_

TAX MAP AND LOT(S): \_\_\_\_\_

SITE ADDRESS (enter "unaddressed" if none): 1938 NW 40th Street.

LOCATION: \_\_\_\_\_ It is located on the north side of NW 40th Street, approximately 350 feet west of US Hwy 101 and between the Lincoln City Plaza (Rite Aid and Jo-Ann Fabrics) and a parking area for the Chinook Winds Casino Resort.

TOTAL AREA – SQUARE FEET: \_\_\_\_\_ ACREAGE: 1.89

**PROJECT INFORMATION:**

BRIEF DESCRIPTION OF PROJECT: \_\_\_\_\_

The applicant is requesting Tentative Subdivision Plan Review to divide the development site into 12 lots, which are planned to be developed with a mix of detached single-unit dwellings and attached single-unit dwellings (townhomes).

Total number of lots: 12

Total number of tracts: \_\_\_\_\_



**AT A MINIMUM, THE SUBMITTAL SHALL INCLUDE THE FOLLOWING:**

***EXISTING CONDITIONS MAP: (The Existing Conditions Map MUST be its own separate sheet, NOT combined with any other plan sheets.)***

- \_ North arrow, scale, date of plan
- \_ Entire site, including square footage of each tax lot, interior and exterior property lines dimensioned
- \_ Tax map and lot number(s) of the site labeled
- \_ Points of existing access, interior streets, driveways, parking areas, with labels and dimensions
- \_ Location of all existing buildings, structures, fences, retaining walls, etc.
- \_ Label all existing buildings, structures, fences, retaining walls, etc. and indicate Remove or Remain
- \_ Existing right-of-way and street improvements, dimensions, and street names
- \_ Existing topographical information, showing 2- and 5-foot contours
- \_ Location, dimensions, types identified of existing public and private utilities and easements
- \_ Flood Zone (if none, indicate accordingly by note on the plan)
- \_ Significant Riparian (if none, indicate accordingly by note on the plan)
- \_ Significant Wetlands (if none, indicate accordingly by note on the plan)
- \_ Bluff Erosion Hazard zones (if none, indicate accordingly by note on the plan)
- \_ Aesthetic Resource (if none, indicate accordingly by note on the plan)
- \_ Existing trees, vegetation, and landscaping
- \_ Any other existing features on the site

***PRELIMINARY PLAT:***

- \_ North arrow, scale, date of plat preparation
- \_ Proposed name of subdivision
- \_ Lengths, widths, and shapes of blocks, with dimensions clearly labeled
- \_ Lengths, widths, depths of lots, with lots numbered and dimensions clearly labeled
- \_ Location by section, township, and range; legal description sufficient to define location
- \_ Vicinity map of 1 inch equals 400 feet showing adjacent property boundaries and land uses
- \_ Location, widths, names of existing streets within or abutting the site
- \_ Contour lines of 2-foot intervals for slopes less than 10 percent
- \_ Contour lines of 5-foot intervals for slopes 10 percent or greater
- \_ At least one temporary benchmark or the source of the contour line data
- \_ Location and direction of all water courses and natural features noting to remain or be removed
- \_ Proposed streets, including location, widths, and approximate radii or curves
- \_ Location and identification of proposed types of housing
- \_ Label any areas designated for places of worship, parks, commercial open space, common areas
- \_ Area coverage of existing (if remaining) and proposed structures, lots, streets, other development
- \_ Entire site, including square footage of each tax lot, interior and exterior property lines dimensioned
- \_ Label the site's tax map and lot number(s)
- \_ Location, height, type of material all proposed fences and retaining walls
- \_ Proposed right-of-way dedication (if none, indicate accordingly by note on the plan)
- \_ Location and type of any areas dedicated to city (if none, indicate accordingly by note on the plan)
- \_ Location, dimensions, types of existing and proposed public and private utilities and easements
- \_ Location of existing and proposed fire hydrants

- \_ Flood Zone (if none, indicate accordingly by note on the plan)
- \_ Significant Riparian (if none, indicate accordingly by note on the plan)
- \_ Significant Wetland (if none, indicate accordingly by note on the plan)
- \_ Bluff Erosion Hazard zones (if none, indicate accordingly by note on the plan)
- \_ Aesthetic Resource (if none, indicate accordingly by note on the plan)
- \_ Existing buildings, structures, fences, and retaining walls that will remain
- \_ Existing trees that will remain
- \_ Site plan shall not show any existing building, structures, fences, walls, trees to be removed

*LANDSCAPE PLAN:*

- \_ Notation of total gross area of the site
- \_ Percentage of the total gross area of the site dedicated to landscaping (required at least 15%)
- \_ Table with name of each plant to be planted, total number of each plant to be planted, size at time of planting per LCMC 17.55.050.A.4
- \_ Location and identification of type of proposed nonliving ground cover materials
- \_ Notes regarding selection of materials, preparation, and installation per LCMC 17.55.050
- \_ Irrigation and maintenance per LCMC 17.55.060
- \_ Location and dimensions of clear-vision areas per LCMC 17.55.070 and 17.52.060
- \_ Location and type of any living landscaping as screening per 17.55.080
- \_ Location, dimensions, square footage of common open space areas
- \_ Location and type of amenities provided in the common open space areas
- \_ Location of areas to remain undisturbed

*TREE PROTECTION AND REPLACEMENT PLAN:*

- \_ Identification of location, size, health, and species of existing trees
- \_ Statement that any trees proposed for removal will be identified by a method obvious to city staff, such as tagging, painting, or flagging, in addition to clear identification on construction plans
- \_ Proposed tree replacement, including number, size, species, and proposed locations
- \_ Method of tree protection for the preserved trees during clearing and construction
- \_ Statement of how remaining trees will be maintained

*STREETS AND RIGHT-OF-WAY IMPROVEMENTS:*

- \_ Location and dimensions of required sidewalk, curb, gutter improvements
- \_ Location and section of pavement improvements
- \_ Proposed streets, including location, widths, and approximate radii or curves
- \_ Typical cross-sections of proposed streets

*PRELIMINARY UTILITY PLAN:*

- \_ Location and size of existing and proposed water main lines, service lines, and system features
- \_ Location and size of existing and proposed sanitary sewer main lines, service lines, pump stations

*PRELIMINARY GRADING PLAN:*

- \_ Existing and proposed grading (excavating/cutting and filling), including proposed contours
- \_ Existing and proposed stormwater detention, treatment, and drainage features and facilities

**WRITTEN NARRATIVE:**

   Narrative must address, in detail, every applicable chapter and section of Title 16 and Title 17

**SUPPLEMENTAL DOCUMENTS, AS APPLICABLE:**

- Floodplain Development Permit Application and Elevation Certificate
- Geologic Hazard Report
- Wetlands Delineation Report
- Traffic Impact Study (if required per LCMC 17.52.300)
- Other studies or reports identified as needed by the Planning & Community Development Director

  **X** My/our initials indicate that this application includes all applicable attachments listed above and that I/we acknowledge that the Preliminary Plat Application will not be accepted by Lincoln City Planning and Community Development for processing unless/until all applicable attachments are submitted.

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information is true, complete, and accurate. I (We) have read and agree to meet all requirements for the proposed subdivision as outlined in Lincoln City Municipal Code and reflected in this application. I (We) acknowledge that it is our responsibility to know all applicable codes, rules, regulations, and standards, and to design, develop, and construct the project in compliance with all applicable codes, rules, regulations, and standards.

I (We) acknowledge that providing false information in the application shall be a violation and grounds to deny the application and void the approval.

**SIGNATURES:**


11/2/22  
Date

11/2/22  
Date

- All property owners listed on the deed must sign the application.
- All contract purchasers listed on the purchase contract must sign the application.
- If contract purchasers are individuals other than the property owners shown on the deed, all property owners listed on the deed as well as all contract purchasers listed on the purchase contract must sign the application.
- Add additional signatures and dates below, if necessary, to ensure that all property owners and contract purchasers have signed the application.



IN THE EVENT CONFLICTS ARE DISCOVERED BETWEEN THE ORIGINAL SIGNED AND SEALED DOCUMENTS PREPARED BY THE ARCHITECTS AND/OR THEIR CONSULTANTS, AND ANY COPY OF THE DOCUMENTS TRANSMITTED BY MAIL, FAX, ELECTRONICALLY OR OTHERWISE, THE ORIGINAL SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2021-166 DATE: 10/21/2022 REVISIONS

# Site Plan: Knottworks Construction

NW 40th Street, Lincoln City, OR

SHEET: **A1.00**

### LOT SIZES:

Lot #1:	4,171 sf	Lot #7:	5,527 sf
Lot #2:	4,337 sf	Lot #8:	8,011 sf
Lot #3:	4,597sf	Lot #9:	5,187 sf
Lot #4:	4,859sf	Lot #10:	4,547 sf
Lot #5:	7,544 sf	Lot #11:	4,547 sf
Lot #6:	8,257 sf	Lot #12:	4,561 sf

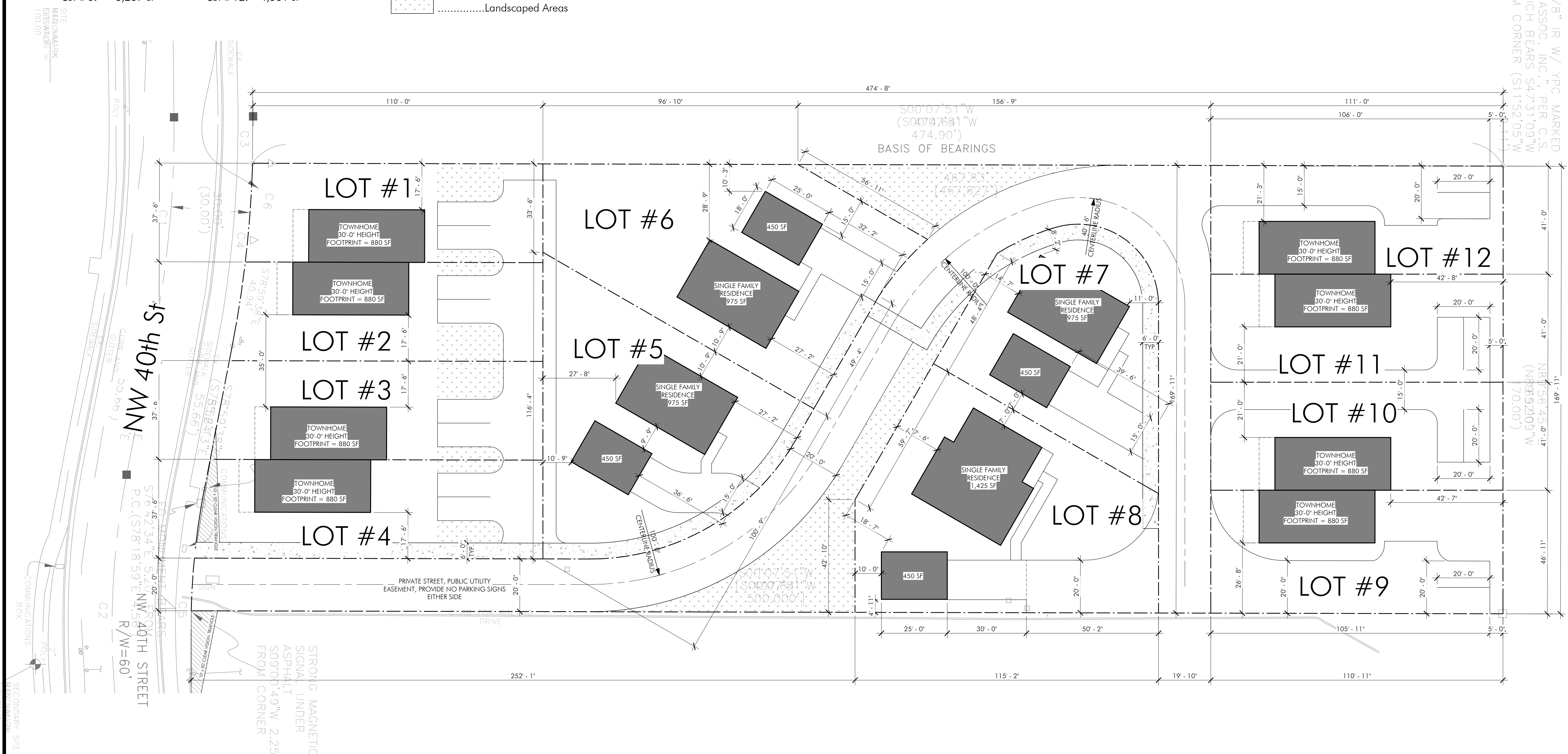
### LOT COVERAGE:

Structure Area: 13,187 sf  
Lot Area: 82,546 sf

Building Coverage: 16%

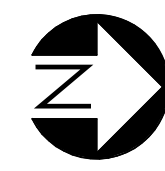
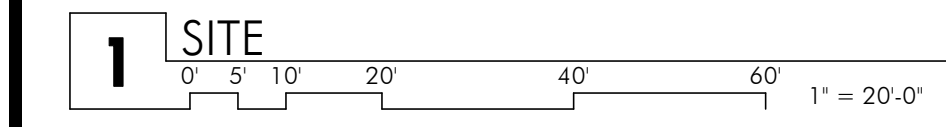


ALSO FD 5/8" IR W/ YPC MARKED DE HAAS & ASSOC. INC., PER C.S. 11.692 WHICH BEARS S47°31'09"W 0.12' FROM CORNER (S11°52'05"W



SITE BOUNDARIES = 100.00'

COMMUNICATIONS BOX SECONDARY SITE BOUNDARIES = 100.00'

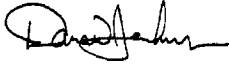



**AFTER RECORDING, RETURN TO:**

Nathan and Angie Knott, Trustees  
 PO Box 197  
 Otis, OR 97368

**UNTIL A CHANGE IS REQUESTED,  
 SEND ALL TAX STATEMENTS TO:**

Nathan and Angie Knott, Trustees  
 PO Box 197  
 Otis, OR 97368

Lincoln County, Oregon	<b>2021-06348</b>
<b>05/14/2021 12:45:02 PM</b>	DOC-WD
	Cnt=1 Pgs=5 Stn=10
\$25.00 \$11.00 \$10.00 \$60.00 \$7.00	\$113.00
I, Dana W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time. WITNESS my hand and seal of said office affixed.	
	
Dana W. Jenkins, Lincoln County Clerk	

**SPECIAL WARRANTY DEED**

GORGE LEASING CO., a Washington corporation, Grantor, conveys and specially warrants to NATHAN S. KNOTT and ANGIE S. KNOTT, Trustees of the Nathan and Angie Knott Family Trust UTA DTD August 9, 2017, Grantee, that certain real property located in Lincoln County, Oregon, and more particularly described on Exhibit A attached hereto, free of all liens and encumbrances created or suffered by Grantor except those set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$650,000.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

DATED this \_\_\_\_ day of May, 2021.

GRANTOR:

GORGE LEASING CO., a Washington corporation

By: *Jeff Webber*  
Jeff Webber, President

STATE OF ~~OREGON~~ Washington

County of Klickitat

The foregoing instrument was acknowledged before me on May 12, 2021, by Jeff Webber as President of Gorge Leasing Co., a Washington corporation.

NOTARY PUBLIC  
STATE OF WASHINGTON  
AMY I WALKER  
MY COMMISSION EXPIRES  
FEBRUARY 15, 2025  
COMMISSION # 164757

*Amy I Walker*  
Notary Public for ~~Oregon~~ Washington

## EXHIBIT A

### Legal Description

Beginning at the Northeast corner of Section 3, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence North 89° 59' 27" East 630.073 feet along the North line of said Section 2 to a 5/8 inch iron rod on the West right-of-way of Logan Road (a 60 foot wide road); thence South 7° 41' 42" West 25.228 feet to a point; thence South 89° 57' 27" West 296.897 feet to a point; thence South 7° 33' 29" West 124.392 feet to a 5/8 inch iron rod; thence South 82° 21' 37" East 84.895 feet to a 1/2 inch iron rod; thence North 7° 30' 53" East 48.930 feet to a point; thence North 66° 47' 19" East 52.455 feet to a point; thence South 7° 30' 53" West 47.940 feet to a 3/4 inch iron pipe; thence South 82° 23' 43" East 84.868 feet to a point; thence South 7° 35' 43" West 88.160 feet to a 1/2 inch iron rod; thence South 82° 21' 48" East 79.00 feet to a point on the West right-of-way of said Logan Road; thence South 7° 41' 42" West along the said Westerly right-of-way of said Logan Road 1154.325 feet to a 5/8 inch iron rod, said point being the true point of beginning of the tract herein described; thence South 89° 32' 56" West 452.637 feet to a point on the common line between said Sections 2 and 3; thence continuing South 89° 32' 56" West 39.006 feet a point from which a 5/8 inch iron rod bears South 0° 07' 51" West 0.042 feet; thence South 0° 07' 51" West 424.198 feet a 5/8 inch iron rod; thence North 89° 52' 09" West 170.00 feet to a 5/8 inch iron rod; thence South 0° 07' 51" West 467.827 feet to a 5/8 inch iron rod on the Northerly line of that 50 foot wide roadway access easement described in Book 123, Page 1423 through 1427 of the Lincoln County Deed Records; thence Easterly along the North line of said 50 foot easement along the arc of a 350 foot radius curve to the left, through a central angle of a 4° 54' 32" (chord bears South 76° 24' 57" East 29.977 feet) 29.986 feet to a 5/8 inch iron rod at a point of tangency; thence continuing along said North line South 78° 52' 13" East 101.085 feet to a 5/8 inch iron rod at a point of curvature; thence continuing along said North line Easterly along the arc of a 413.619 foot radius curve to the left through a central angle of 5° 49' 31" (chord bears South 81° 47' 00" East 42.035 feet) 42.054 feet to a 5/8 inch iron rod set over an old 1/2 inch iron pipe 12 inches deep; thence North 89° 28' 02" East 295.935 feet to a 3/4 inch iron pipe; thence South 71° 02' 22" East 37.616 feet to a 5/8 inch iron rod on the Westerly right-of-way of State Highway 101; thence Northerly along the Westerly right-of-way of State Highway 101 to its intersection with the Westerly right-of-way of Logan Road; thence Northerly along the Westerly line of Logan Road to the point of beginning.

EXCEPTING THEREFROM that tract conveyed to Gorge Leasing Company by instrument recorded May 3, 1974 in Book 48, Page 1865, Lincoln County Records.

EXCEPTING THEREFROM that tract conveyed to Gorge Leasing Company by instrument recorded May 5, 1977 in Book 74, Page 1629, Lincoln County Records.

## EXHIBIT B

### Permitted Exceptions

1. Regulations, levies, liens, assessments, rights of way and easements of Devils Lake Water Improvement District.
  
2. Subject property is either situated within the urban renewal boundaries or within the shared area of the Year 2000 Development Plan, Lincoln City, Oregon, and is subject to the terms and provisions thereof, as outlined by instrument,
  - Recorded: March 20, 1989
  - Document No.: Book 202, Page 1261, Lincoln County Records
  - Amended by instrument,
  - Recorded: December 8, 1989
  - Document No.: Book 211, Page 1675, Lincoln County Records
  - Amended by instrument,
  - Recorded: September 25, 2014
  - Document No.: 2014-08573, Lincoln County Records
  - Amended by instrument,
  - Recorded: April 23, 2015
  - Document No.: 2015-03700, Lincoln County Records
  - Amended by instrument,
  - Recorded: September 18, 2017
  - Document No.: 2017-09032, Lincoln County Records
  - Amended by instrument,
  - Recorded: June 1, 2018
  - Document Nos.: 2018-05371, Lincoln County Records
  - Amended by instrument,
  - Recorded: June 1, 2018
  - Document Nos.: 2018-05372, Lincoln County Records
  - Amended by instrument,
  - Recorded: June 1, 2018
  - Document Nos.: 2018-05373, Lincoln County Records
  - Amended by instrument,
  - Recorded: June 1, 2018
  - Document Nos.: 2018-05374, Lincoln County Records
  - Amended by instrument,
  - Recorded: June 1, 2018
  - Document No.: 2018-05376, Lincoln County Records
  - Amended by instrument,
  - Recorded: June 1, 2018
  - Document No.: 2018-05380, Lincoln County Records
  - Amended by instrument,
  - Recorded: June 1, 2018
  - Document No.: 2018-05382, Lincoln County Records
  - Recorded: March 11, 2020
  - Document No.: 2020-02628, Lincoln County Records
  - Recorded: September 14, 2020
  - Document No.: 2020-09368, Lincoln County Records

3. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.
4. Easement(s) and rights incidental thereto, as granted in a document:  
  
Granted to: Mountain State Power Company  
Recording Date: December 30, 1946  
Recording No: Book 115, Page 363
5. Easement(s) and rights incidental thereto, as granted in a document:  
  
Granted to: City of Lincoln City  
Recording Date: March 21, 1967  
Recording No: Book 276, Page 81
6. Easement(s) and rights incidental thereto, as granted in a document:  
  
Granted to: City of Lincoln City  
Recording Date: June 20, 1967  
Recording No: Book 278, Page 610



## PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Western Title & Escrow Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

**Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

*Countersigned*

A handwritten signature in black ink, appearing to be "al BTD", is written above a horizontal line.



3469 NW Highway 101, Lincoln City, OR 97367  
 (541)994-8928 FAX (541)994-7075

## PRELIMINARY REPORT

**ESCROW OFFICER:** Katie Bighill  
 katie.bighill@westerntitle.com  
 541-557-7535

**ORDER NO.:** WT0202233

**TITLE OFFICER:** Anya Kirkes  
 Email: titleofficersupport@westerntitle.com

**TO:** Western Title & Escrow Company  
 3469 NW Highway 101  
 Lincoln City, OR 97367

**ESCROW LICENSE NO.:** 200001175

**OWNER/SELLER:** Gorge Leasing CO.

**BUYER/BORROWER:** Nathan & Angie Knott Family Trust

**PROPERTY ADDRESS:** TL 2400, Lincoln City, OR 97367

**EFFECTIVE DATE:** October 26, 2020, 05:00 PM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006	\$ 650,000.00	\$ 1,575.00
<b>Owner's Standard</b>		
<b>Proposed Insured:</b> Nathan Knott and Angie Knott, Trustees of The Nathan & Angie Knott Family Trust		
Government Lien Search		\$ 20.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

Fee Simple

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Gorge Leasing CO., a Washington corporation

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF LINCOLN, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

Beginning at the Northeast corner of Section 3, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence North 89° 59' 27" East 630.073 feet along the North line of said Section 2 to a 5/8 inch iron rod on the West right-of-way of Logan Road ( a 60 foot wide road); thence South 7° 41' 42" West 25.228 feet to a point; thence South 89° 57' 27" West 296.897 feet to a point; thence South 7° 33' 29" West 124.392 feet to a 5/8 inch iron rod; thence South 82° 21' 37" East 84.895 feet to a 1/2 inch iron rod; thence North 7° 30' 53" East 48.930 feet to a point; thence North 66° 47' 19" East 52.455 feet to a point; thence South 7° 30' 53" West 47.940 feet to a 3/4 inch iron pipe; thence South 82° 23' 43" East 84.868 feet to a point; thence South 7° 35' 43" West 88.160 feet to a 1/2 inch iron rod; thence South 82° 21' 48" East 79.00 feet to a point on the West right-of-way of said Logan Road; thence South 7° 41' 42" West along the said Westerly right-of-way of said Logan Road 1154.325 feet to a 5/8 inch iron rod, said point being the true point of beginning of the tract herein described; thence South 89° 32' 56" West 452.637 feet to a point on the common line between said Sections 2 and 3; thence continuing South 89° 32' 56" West 39.006 feet a point from which a 5/8 inch iron rod bears South 0° 07' 51" West 0.042 feet; thence South 0° 07' 51" West 424.198 feet a 5/8 inch iron rod; thence North 89° 52' 09" West 170.00 feet to a 5/8 inch iron rod; thence South 0° 07' 51" West 467.827 feet to a 5/8 inch iron rod on the Northerly line of that 50 foot wide roadway access easement described in Book 123, Page 1423 through 1427 of the Lincoln County Deed Records; thence Easterly along the North line of said 50 foot easement along the arc of a 350 foot radius curve to the left, through a central angle of a 4° 54' 32" (chord bears South 76° 24' 57" East 29.977 feet) 29.986 feet to a 5/8 inch iron rod at a point of tangency; thence continuing along said North line South 78° 52' 13" East 101.085 feet to a 5/8 inch iron rod at a point of curvature; thence continuing along said North line Easterly along the arc of a 413.619 foot radius curve to the left through a central angle of 5° 49' 31" (chord bears South 81° 47' 00" East 42.035 feet) 42.054 feet to a 5/8 inch iron rod set over an old 1/2 inch iron pipe 12 inches deep; thence North 89° 28' 02" East 295.935 feet to a 3/4 inch iron pipe; thence South 71° 02' 22" East 37.616 feet to a 5/8 inch iron rod on the Westerly right-of-way of State Highway 101; thence Northerly along the Westerly right-of-way of State Highway 101 to its intersection with the Westerly right-of-way of Logan Road; thence Northerly along the Westerly line of Logan Road to the point of beginning.

EXCEPTING THEREFROM that tract conveyed to Gorge Leasing Company by instrument recorded May 3, 1974 in Book 48, Page 1865, Lincoln County Records.

EXCEPTING THEREFROM that tract conveyed to Gorge Leasing Company by instrument recorded May 5, 1977 in Book 74, Page 1629, Lincoln County Records.

**AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

**SPECIFIC ITEMS AND EXCEPTIONS:**

6. Unpaid Property Taxes are as follows:

Fiscal Year: 2020-2021  
 Amount: \$8,669.35, plus interest, if any  
 Levy Code: 402  
Account No.: [R325302](#)  
 Map No.: 07-11-03-A0-02400  
 (Assessed with additional property)

Unpaid Property Taxes are as follows:

Fiscal Year: 2020-2021  
 Amount: \$646.30, plus interest, if any  
 Levy Code: 402  
Account No.: [R524457](#)  
 Map No.: 07-11-03-A0-02400-21  
 (Tract Improvement only)  
 (Assessed to Clark Signs)

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

7. City Liens, if any, of the City of Lincoln City.  
 (Please contact the Title Department for a City Lien Search within 30 days of closing)
8. Regulations, levies, liens, assessments, rights of way and easements of Devils Lake Water Improvement District.

9. Subject property is either situated within the urban renewal boundaries or within the shared area of the Year 2000 Development Plan, Lincoln City, Oregon, and is subject to the terms and provisions thereof, as outlined by instrument,  
 Recorded: March 20, 1989  
 Document No.: [Book 202, Page 1261](#), Lincoln County Records  
 Amended by instrument,  
 Recorded: December 8, 1989  
 Document No.: [Book 211, Page 1675](#), Lincoln County Records  
 Amended by instrument,  
 Recorded: September 25, 2014  
[Document No.: 2014-08573](#), Lincoln County Records  
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 Amended by instrument,  
 Recorded: June 1, 2018  
[Document No. : 2018-05376](#), Lincoln County Records  
 Amended by instrument,  
 Recorded: June 1, 2018  
[Document No. : 2018-05380](#), Lincoln County Records  
 Amended by instrument,  
 Recorded: June 1, 2018  
[Document No.: 2018-05382](#), Lincoln County Records  
 Recorded: March 11, 2020  
[Document No.: 2020-02628](#), Lincoln County Records  
 Recorded: September 14, 2020  
[Document No.: 2020-09368](#), Lincoln County Records
10. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.
11. Easement(s) and rights incidental thereto, as granted in a document:
- Granted to: Mountain State Power Company  
 Recording Date: December 30, 1946  
 Recording No: [Book 115, Page 363](#)

12. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: City of Lincoln City  
 Recording Date: March 21, 1967  
 Recording No: [Book 276, Page 81](#)

13. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: City of Lincoln City  
 Recording Date: June 20, 1967  
 Recording No: [Book 278, Page 610](#)

14. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
15. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance by the corporation named below:

Name of Corporation: **Gorge Leasing Co**

- a) A Copy of the corporation By-laws and Articles of Incorporation
- b) An original or certified copy of a resolution authorizing the transaction contemplated herein
- c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent
- d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

The Oregon Corporation Commission records show that as of October 29, 2020, Gorge Leasing Co is an active foreign corporation and is currently in good standing. (Washington)

16. Notwithstanding the covered risks as set forth in the policy, the company does not insure against loss or damage by reason of a lack of a right of access to and from the Land.
17. The tax lot as depicted by the Lincoln County Assessor's office does not match the historical legal description of record. The Company accepts no liability for any loss this may cause or any adverse matters resulting therefrom.

**ADDITIONAL REQUIREMENTS/NOTES:**

- A. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.

- C. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: Nathan Knott and Angie Knott, Trustees of The Nathan & Angie Knott Family Trust

- D. If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a current Trust Certification pursuant to ORS Chapter 130.860.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

**The Nathan & Angie Knott Family Trust**

- E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- F. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- G. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- H. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.
- I. Note: Recording charge per document for:  
**Lincoln County** - \$93.00 for the first page, \$5.00 for each additional page

E-recording fee is an additional \$5.00 per document

**Send Recording Packages to:**

Western Title & Escrow Company  
Attention: Recording  
255 SW Coast Highway, Suite 100  
Newport, OR 97365  
Email: [lincolnrecording@westerntitle.com](mailto:lincolnrecording@westerntitle.com)

**EXHIBIT ONE****2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions or location of any improvement erected on the land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed or agreed to by the Insured Claimant;
  - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

**2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions or location of any improvement erected on the land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed or agreed to by the Insured Claimant;

- (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective April 9, 2020

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

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Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice. We may use comments or feedback that you submit to us in any manner without notice or compensation to you.

**Accessing and Correcting Information; Contact Us**

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests to [privacy@fnf.com](mailto:privacy@fnf.com), by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

## Burden of Proof Statement Lincoln City

*12 Lot Subdivision – Knottworks / NW 40<sup>th</sup> Street*

- Applicant:** Knottworks Construction  
Laura Mounce  
PO Box 197  
Otis, Oregon 97368
- Owner:** Nathan and Angie Knott  
PO Box 197  
Otis, Oregon 97368
- Designer:** Studio 3 Architecture, Inc.  
275 Court Street, NE  
Salem, OR 97301-3442
- Planner:** Blackmore Planning and Development Services, LLC  
Greg Blackmore  
19454 Sunshine Way  
Bend, OR 97702
- Location:** The development site is located in the northern portion of Lincoln City. It is located on the north side of NW 40<sup>th</sup> Street, approximately 350 feet west of US Hwy 101 and between the Lincoln City Plaza (Rite Aid and Jo-Ann Fabrics) and a parking area for the Chinook Winds Casino Resort. The development site consists of 3 Tax Lots (07-11-03-A0-02400, 2401, and 2402). One tax lot (2400) has been assigned an address; 1938 NW 40<sup>th</sup> Street.
- Request:** The applicant is requesting Tentative Subdivision Plan Review to divide the development site into 12 lots, which are planned to be developed with a mix of detached single-unit dwellings and attached single-unit dwellings (townhomes).

### **I. Applicable Criteria and Procedures:**

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#### 1. Lincoln City Municipal Code

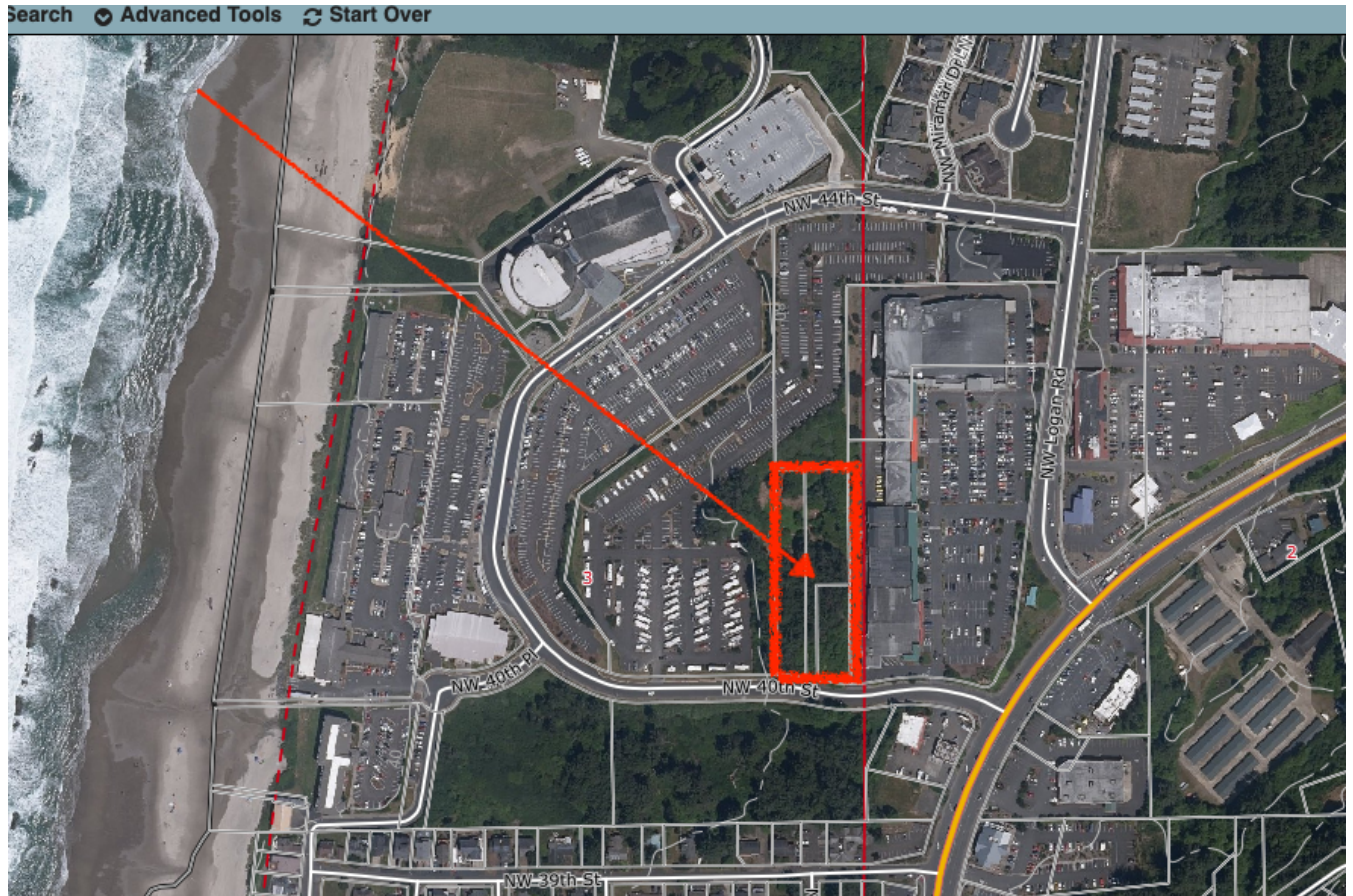
- Title 16 Subdivisions
- Title 17 Zoning

### **II. General Facts:**

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- 1. LOCATION:** The development site is located in the northern portion of Lincoln City. It is located on the north side of NW 40<sup>th</sup> Street, approximately 350 feet west of

US Hwy 101 and between the Lincoln City Plaza (Rite Aid and Jo-Ann Fabrics) and a parking area for the Chinook Winds Casino Resort. The development site consists of 3 Tax Lots (07-11-03-A0-02400, 2401, and 2402). One tax lot (2400) has been assigned an address; 1938 NW 40<sup>th</sup> Street.



**2. ZONING:** The subject is identified as Recreation, Commercial (RC) on the Lincoln City Zoning Map.

**3. SITE DESCRIPTION AND SURROUNDING DEVELOPMENT:** The property is 1.89 acres in size and rectangular in shape. The topography is varied with a general downward slope towards the west. The site is has been cleared for the development of a detached single-unit dwelling, which will be located on one of the new lots. NW 40<sup>th</sup> Street (to the south) is improved with pavement, curbs and sidewalks. Water and sewer mains are also located within the NW 40<sup>th</sup> Street right-of-way.

Image from southeast corner



Image from southwest corner



To the west is an RV Parking Area associated with the Chinook Winds Casino Resort and to the east is the Lincoln City Plaza, which includes multiple retail establishments,

including Rite-Aid and Jo-Ann Fabrics. To the north is a vegetated area, along with parking for the Chinook Winds Casino Resort and to the south (across NW 40<sup>th</sup> Street) is undeveloped land that is zoned RC.

**4. PROPOSAL:** The applicant is requesting Tentative Subdivision Plan Review to divide the development site into 12 lots, which are planned to be developed with a mix of detached single-unit dwellings and attached single-unit dwellings (townhomes).

**5. EXHIBITS:** In addition to this burden of proof statement, the applicant submits the following exhibits in support of this proposal:

- Application Form and Fee
- Ownership Deed
- Tentative Plan
- Title Report

### **III. Compliance with Lincoln City Municipal Code – Title 16:**

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#### **TITLE 16 - SUBDIVISIONS**

##### **Chapter 16.04 GENERAL PROVISIONS**

###### **16.04.010 Title.**

The regulations set forth in this title shall be referred to as the “city of Lincoln City subdivision ordinance.”

###### **16.04.020 Purpose.**

The purpose of this title is to:

- A. Encourage well planned subdivision development so that good, livable neighborhoods with all needed amenities and community facilities may be created;**
- B. Encourage development in harmony with the natural environment;**
- C. Safeguard both interests of the public and the property owner;**
- D. Improve land records and boundary monumentation;**
- E. Ensure equitable processing of subdivision plats and secure to the extent possible the goals and objectives of the comprehensive plan for the city.**

###### **16.04.030 Authority.**

Oregon cities and counties are required by law to control the subdivision of land within their jurisdiction by virtue of ORS [92.010](#) through [93.160](#).

#### 16.04.040 Definitions...

**Applicant Response:** These elements of the Code are informational and do not establish any measurable development standards or approval criteria.

### Chapter 16.08 PROCEDURE

#### Article I. General Requirements

#### 16.08.010 Purpose.

It is the purpose of this chapter to establish or define the procedural requirements for review of tentative plans for subdivision, partitions, and property line adjustments and the person or agency charged with their administration. Further, it is the purpose of this chapter to define in part the subdivider's responsibility.

#### 16.08.020 Lot sale or transfer – Approval required.

The sale or transfer of lots is prohibited by this title and ORS Chapters [92](#) and [93](#), as amended, until approval is obtained.

#### 16.08.030 Compliance required.

A lot or parcel may be used, subdivided, partitioned or adjusted, and a structure or part of a structure constructed, reconstructed, altered, occupied or used only in accordance with this title, LCMC Title [17](#), and any other applicable ordinances or standards of the city.

**Applicant Response:** These elements of the Code are informational and do not establish any measurable development standards or approval criteria.

#### 16.08.040 Permission to enter.

The city may conduct such investigations as it deems necessary to verify information supplied as a requirement of these regulations. The owner of the land being subdivided, partitioned or adjusted shall grant the city permission to enter upon his land for these purposes.

**Applicant Response:** The applicant grants the City permission to enter the property as required by this section.

#### 16.08.050 Approval authority.

Subdivision plats shall be approved by the planning commission in accordance with these regulations. All partition plats and property line adjustment maps shall be approved by the city staff in accordance with these regulations. The city council delegates its authority to the planning commission, and to the city staff, respectively, to approve or disapprove the subdivision, partition of land and property line adjustments, except for appeals.

**Applicant Response:** The application is for a subdivision, creating 12 units of land; the applicant understands that the application will be reviewed by the Planning Commission.

#### 16.08.060 Preapplication meeting.

The applicant should meet with the city staff prior to submitting the required tentative plan for a subdivision, partition or property line adjustment. The purpose of this meeting is to discuss applicable state and local requirements and the criteria herein, to familiarize the applicant with the goals and objectives of the city comprehensive plan, and to discuss the proposal in relation to such concerns. The applicant may provide a sketch plan of the proposal for review and discussion.

**Applicant Response:** A pre-application meeting was held with City Staff on March 3, 2022, in conformance with the requirements of this section.

#### 16.08.070 Processing fees.

A. Processing fees shall be established by city council resolution.

B. All fees paid are nonrefundable.

#### 16.08.080 Engineering plan review and inspection.

Whenever the city determines that engineering plan review and inspection service are necessary, the applicant shall be responsible for paying for the actual cost of such services, and said charges shall be payable prior to final approval of the subdivision plat by the city engineer and surveyor.

**Applicant Response:** These provisions are informational. The Subdivision application packet is accompanied by the required fee and the applicant understands that payment for the cost of engineering services may be required, as described in this section.

**Article II. Partition and Minor Replat...**

**Article III. Property Line Adjustment...**

**Applicant Response:** The proposal is for a 12-lot Subdivision; it does not include a Partition, Minor Replat or Property Line Adjustment. These sections do not apply.

#### Article IV. Subdivision

##### 16.08.210 Inspection and processing fee.

**A subdivision inspection and processing fee shall be submitted as established by city council resolution.**

**Applicant Response:** This Subdivision application packet is accompanied by the City established fee. The submittal complies with this provision.

##### 16.08.220 Tentative plan – Submission.

**The subdivider shall file 15 prints of the tentative plan with the department of community development; the tentative plan will be scheduled for planning commission review at a public hearing after the application is deemed complete and notice is provided. The public hearing shall be in accordance with LCMC [16.20.050](#).**

**Applicant Response:** The applicant has coordinated with City Staff and been informed that only an electronic copy of the submittal packet is required. The application packet has been submitted as requested by City Staff. The applicant understands that the hearing will not be scheduled until such time as the application has been deemed complete.

##### 16.08.230 Tentative plan – Preliminary review.

**A. Within 10 days after being submitted by the subdivider, the department of community development shall furnish one print to the State Highway Department (when development is adjacent to a state highway and access to the highway is desired by the subdivider), and one print each to cable TV, power, gas and telephone companies. These agencies will be given at least 10 days to review the plan, suggest revisions and return the plans to the department of community development.**

**Applicant Response:** This section establishes requirements for City Staff. It is expected that notification will be provided to the noted agencies and utility providers as described in this section.

**B. The department of community development and the department of public works, in reviewing the tentative plan, shall consider and provide information to the planning commission on the following:**

- 1. Location in the adjoining streets or property of existing sewers and water mains, culverts and drain pipes, electrical conduits, or lines, proposed to be**

used on the property to be subdivided, and invert elevations of sewers at points of proposed connections and any other pertinent information;

2. Planning and zoning on and adjacent to the tract, if any;

3. Conformance to other applicable city ordinances.

**Applicant Response:** This section is informational, it informs the public of what the community development and public works departments will consider and inform the Planning Commission of; this section does not establish any development standards or approval criteria.

#### 16.08.240 Tentative plan – Approval.

A. The planning commission will review the plan and the reports of the agencies listed above and shall give tentative approval of the plan in its preliminary form, as submitted, or as it may be modified. If disapproved, the planning commission shall express its disapproval and its reasons therefor in writing. The applicant may appeal such decisions to the city council in accordance with LCMC [16.20.020](#).

B. Approval of the tentative plan shall indicate the planning commission's approval of the final plat, provided there is no change in the plan of subdivisions, as shown on the tentative plan, and there is full compliance with all requirements imposed by the planning commission as conditions of tentative plan approval.

C. The action of the planning commission shall be noted on four copies of the tentative plan, including reference to any attached documents describing any conditions. Following adoption of a final order, one copy shall be returned to the subdivider, one copy sent to the engineer or surveyor, one copy sent to the city engineer, and the other copy retained in the planning department files.

**Applicant Response:** These sections are informational. It is expected that the application will be process as described in these sections.

#### 16.08.250 Tentative plan – Required data.

A. Preparation. The subdivider shall prepare a tentative plan, together with improvement plans and other supplementary material, as may be required, to indicate the general program and objectives of the project. To assure knowledge of existing conditions, and to obtain compliance with existing city development plans, the subdivider may confer with the department of community development and department of public works prior to preparation of the tentative plan.

**Applicant Response:** The application packet includes a detailed plan for development along with ownership information, and this narrative. The submitted materials detail the

plans for 12 lots, which are to be developed with 8 attached single-family dwelling units (townhomes) and four detached single-family dwelling units. The materials provide details the lot sizes and dimensions, the planned private street, and sidewalk widths, and conceptual plans of the building footprints and parking areas. The proposed materials sufficiently conform to the requirements of this section.

**B. Scope. The tentative plan need not be a finished drawing, but it should show all pertinent information to scale, in order that the planning commission may properly review the proposed development.**

**Applicant Response:** The materials provided are scaled and detailed. It is expected that the submitted plans will be sufficient for the Planning Commission to understand the proposal and review it for compliance with the applicable development standards and approval criteria. If necessary, the applicant can and will accommodate reasonable request for additional information from Staff and/or the Planning Commission.

**C. Partial Development. Where the area to be subdivided contains only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets and parcels in the unsubdivided portion.**

**Applicant Response:** Partial development is not proposed. This section does not apply.

**D. Information Required. The tentative plan shall include the following information:**

**1. Detailed Map. The tentative plan shall be drawn at a scale of one inch equals 50 feet up to 10 acres; for areas over 10 acres, one inch equals 100 feet up to 100 acres; and for areas over 100 acres, one inch equals 200 feet or an appropriate scale approved by the department of community development;**

**Applicant Response:** The property is 1.89 acres in size and the submitted Tentative Plan map is at a scale of 1 inch = 20 feet, which provides more detail than 1 inch = 50 feet. It is anticipated that the scale that has been provided will be acceptable to Staff and the Planning Commission.

**2. General Information. The following information shall be shown on the tentative plan:**

**a. Proposed name of the subdivision. The name must not duplicate nor resemble the name of another subdivision in the county and shall be approved by the planning commission and county surveyor pursuant to ORS [92.090](#)(1);**

- b. Date, north point and scale of drawing;
- c. Appropriate identification clearly stating the drawing as a tentative plan;
- d. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract, and the tract designation or other description according to the real estate records of the county assessor;
- e. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent property boundaries and land uses;

**Applicant Response:** The submitted materials provide all items of this section that are necessary to document conformance with the applicable development standards and approval criteria.

**3. Existing Conditions. The following existing conditions shall be shown on the tentative plan:**

- a. Location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract; and other important features, such as section lines and corners, city boundary lines and monuments;
- b. Contour lines having the following minimum intervals:
  - i. Two-foot contour intervals for ground slopes less than 10 percent;
  - ii. Five-foot contour intervals for ground slopes 10 percent or greater;
  - iii. Contours shall be related to the city or other datum approved by the city engineer and/or surveyor;
- c. Location of at least one temporary bench mark within the plat boundaries or the source of the contour line data shown (source and accuracy subject to city engineer and/or surveyor's approval);
- d. Location and direction of all watercourses;
- e. Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees;
- f. Existing uses of the property, including location of all existing structures to remain on the property after subdividing;

**Applicant Response:** The property is a vacant unit of land that has been cleared for the development of a detached single-unit dwelling. As documented on the Plan Set, the submitted materials provide all items of this section that are necessary to understand the site and document conformance with the applicable development standards and approval criteria.

**4. Proposed Plan of Land Subdivision. The following information shall be included on the tentative plan:**

**a. Proposed Streets – Location, Widths, Approximate Radii of Curves.** The relationship of all streets to any projected streets, as shown on any development plan adopted by the planning commission or, if there is no complete plan, as suggested by the department of community development. Street names will be determined and assigned by the city;

**b. Easements.** Location on the site or abutting property showing the width and purpose of all existing and proposed easements;

**c. Lots.** Approximate dimensions of all lots, minimum lot size, proposed lot and block numbers;

**Applicant Response:** As documented on the Plan Set, the Tentative Plan includes all elements described in this section.

**d. Proposed Land Uses. Sites, if any, allocated for:**

- i. Multiple-family dwellings;**
- ii. Shopping centers;**
- iii. Churches;**
- iv. Industry;**
- v. Parks, schools, playgrounds;**
- vi. Public or semipublic buildings;**
- vii. Open space;**

**Applicant Response:** The lots are planned for attached and detached single-unit dwellings. None of the uses identified in this section are proposed.

**5. Area Coverage. Area coverage of existing and proposed structures, lots, streets or other changes anticipated;**

**Applicant Response:** One permitted detached single-unit dwelling is currently under construction (reference permit number 521-21-000418-STR), located on proposed lot #6. While additional structural development is neither proposed nor reviewed at this time, the expected building footprints of the planned development are detailed on the Plan Set, consistent with this submittal requirement.

**6. Explanatory Information. Any of the following information which may be required by the planning commission, and which may not be shown practicably on the tentative plan, may be submitted in separate statements accompanying the tentative plan:**

- a. Proposed deed restrictions in outline form;
- b. Approximate existing centerline profiles showing the finished grades of all streets, as approved by the city engineer, included in the proposed subdivision;
- c. Typical cross sections of proposed streets, showing widths of roadways, curbs, location and width of sidewalks and the location and size of utility mains;
- d. Approximate plan and profiles of proposed sanitary sewers, storm drains and water distribution system, showing pipe sizes and the location of valves and fire hydrants, all to conform to city standards;
- e. A general description of property intended to be dedicated to the city or public, other than street rights-of-way, including proposed dedication restrictions.

**Applicant Response:** The items in this section are extra items that “may” be requested. To date, the City has not informed the Applicant that any of these items are necessary. If requested or required by City Staff or the Planning Commission, the applicant will provide elements of this section.

16.08.260 Final plat – Time limit...  
 16.08.270 Final plat – Preparation...  
 16.08.280 Final plat – Submission...  
 16.08.290 Final plat – Review...  
 16.08.300 Final plat – Approval...  
 16.08.310 Final plat – Filing – Time limit...

**Applicant Response:** In the event of Tentative Plan approval, the applicant will proceed to the final plat process as described in these sections. These provisions apply to the final plat process, but not to the current Tentative Subdivision Plan Review.

## Chapter 16.12 DESIGN STANDARDS

#### 16.12.010 Design standards and principles of acceptability.

Subdivisions and partitions shall be in conformity with the comprehensive plan, LCMC Title 17 and other applicable ordinances of the city. Subdivisions and partitions shall conform with the requirements of state laws and the Land Conservation and Development Commission's statewide goals, until such time as the city's comprehensive plan has been approved by the Land Conservation and Development Commission.

**Applicant Response:** The LCMC has been written to implement the Comprehensive Plan and that document is generally consistent with Statewide Planning Goals; therefore unless otherwise raised by the City or an interested party, it is understood that the Comprehensive Plan and Statewide Planning Goals are not directly applicable to the 12 lot subdivision application. Instead, it can be determined that a proposal that conforms to the provisions of Title 16 and Title 17 of the LCMC is consistent with the Comprehensive Plan and Statewide Planning Goals, and this reference provision. If a specific provisions of the Comprehensive Plan or Statewide Planning Goals is raised by the City or an interested party, the applicant will address.

#### 16.12.020 Streets – General requirements.

The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

**A. Provide for continuation of appropriate projection of existing principal streets in surrounding areas; or**

**B. Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.**

**Applicant Response:** The design includes a private street extension from the existing public street system, from NW 40<sup>th</sup> Street. The general vicinity of the site does not have an established neighborhood street plan, thus this standard generally requires that the planned connection be safe, logical, and orderly. The surrounding area is generally developed, with parking and landscape areas of the Chinook Winds Casino Resort to the north and west, and a developed retail establishment to the east. The proposed design logically weaves throughout the site, providing a hammer head turn-around at the northeastern terminus of the internal street system. In addition to the hammerhead, the applicant is continuing an effort to coordinate with the property owner of the development to the east, in an attempt to allow an extension (at least for fire access) to that development, and to the existing travel lane (at the rear of the commercial

buildings). With the proposed design and/or the connected street, the proposed design is safe, logical, efficient and well-connected, thus in conformance with these standards.

#### 16.12.030 Streets – Right-of-way and roadway widths.

Unless otherwise approved by the planning commission, the width of streets and roadways in feet shall be as shown in the cross sections in the city's 2015 Transportation System Plan, Volume 1, Standards section, starting on page 45, and Public Works/Engineering Standards.

Type of Street	Optimal Driving Zone Width (typically white line to white line, including total of motor vehicle driving lane width – in feet)	Optimum Street Width (typically curb to curb, including motor vehicle driving lanes, parking lanes, bike lanes – in feet)	Optimum Right-of-Way (property line to property line, including space for sidewalks and possibly utilities – in feet)
High Use Minor Arterial	36	52	77
Medium Use Minor Arterial	36	48	69
Low Use Minor Arterial	36	48	61
High Use Collector	22	38 – 54	63 – 79
Medium Use Collector	22	34 – 50	55 – 71
Low Use Collector	22	34 – 50	47 – 63
High Use Local	20	20 – 34	45 – 59
Medium Use Local	20	20 – 34	41 – 55
Low Use Local	20	20 – 34	33 – 47

**Applicant Response:** The proposed design includes a private internal street, thus the right-of-way provision of this section does not apply. The street is considered a low use local street, which requires a 20 foot width and 20-34 feet, when considering the drive aisle, parking spaces, sidewalks and bike lanes. The low use local street will not have bike lanes or on-street parking, thus a pavement width of 20 feet is proposed, along with a 6 foot wide sidewalk. The proposed design conforms to the applicable requirements of this section.

#### 16.12.040 Streets – Reserve strips.

**Reserve strips or street plugs controlling access to streets will not be approved unless such strips are necessary for protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land composing such strips is placed definitely within the jurisdiction of the city under conditions approved by the planning commission.**

**Applicant Response:** No reserve strips are proposed.

#### **16.12.050 Streets – Alignment.**

**All streets, other than minor streets or culs-de-sac, shall, so far as practical, be in alignment with existing streets by continuations of the centerlines thereof. In no case shall the staggering of streets make “T” intersections so designed that a dangerous jog is produced. Jogs of less than 100 feet on such streets, measured along the centerline of the intersected street, must be adjusted by curves or diagonals so that the alignment across the street is continuous.**

**Applicant Response:** The area surrounding the site is developed with larger commercial developments to the west, north and east. There are no existing streets that extend to the north, east or west, nor are there are not any opportunities for aligning the planned street with existing streets. The property to the south is undeveloped and given the existing development pattern to the south, an extension of a street system to align to an existing grid to the south is not possible.

Overall, the design is safe, efficient, logical, and orderly given the development pattern in the area.

#### **16.12.060 Streets – Future expansion.**

**A. Where a subdivision or partition adjoins undeveloped property, streets which, in the findings of the planning commission, should be continued in the event of the subdivision or partitioning of the undeveloped property will be required to be provided through the boundary lines of the tract.**

**Applicant Response:** The property does not adjoin an undeveloped property. This standard does not apply.

**B. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city or county, as directed, prior to final plat or map approval.**

**Applicant Response:** The proposal does not propose or necessitate any reserve strips or street plugs.

**C. If, in the opinion of the city engineer, a traffic, pedestrian or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a**

**barricade of adequate design be installed as one of the required improvement items for the subdivision or partition.**

**Applicant Response:** The proposal is for a relatively small self-contained development that will be well-connected to the abutting street grid. Given the size of the property, the number of lots, and the internal street design, it is not anticipated that any safety hazards will be identified. Nonetheless, the applicant understands the provisions of this section.

#### **16.12.070 Streets – Intersection angles.**

**Streets shall intersect one another at an angle as near to a right angle as practical, and no intersections of streets at angles of less than 75 degrees will be approved unless necessitated by topographical conditions. When intersections of other than 90 degrees are unavoidable, the right-of-way lines along the acute angle shall have a corner radius of 23 feet. All right-of-way lines at intersections with streets shall have a corner radius of 13 feet, except as otherwise directed. Right-of-way lines at cul-de-sac entrances shall have a minimum radius of 20 feet.**

**Applicant Response:** As detailed on the Plan Set, the proposed new private street will intersect NW 40<sup>th</sup> Street at, or near a 90 degree angle, as required by this section.

#### **16.12.080 Existing streets.**

**Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or partitioning.**

**Applicant Response:** The abutting NW 40<sup>th</sup> Street is developed within 60 feet of right-of-way, which is adequate; therefore additional right-of-way is not needed.

#### **16.12.090 Half-streets...**

#### **16.12.100 Culs-de-sac...**

**Applicant Response:** Half-streets and/or cul-de-sacs are neither proposed nor required; therefore these sections do not apply.

#### **16.12.110 Street names.**

**A. No street name shall be used which will duplicate or be confused with the name of existing streets, except for extensions of existing streets.**

**B. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to approval of the planning commission.**

**Applicant Response:** A street name has not been determined at this time for the new internal private street, but one will be determined prior to final plat and it will be established through the final platting process.

#### **16.12.120 Streets – Grades and curves.**

**A. Grades shall not exceed six percent on major streets, 10 percent on collector streets, or 12 percent on any other street, without approval of the department of public works.**

**B. In flat areas, finished street grades shall have a minimum slope of one-half percent.**

**C. Centerline radii of curves shall not be less than 300 feet on major streets, 200 feet on collector streets, or 100 feet on other streets.**

**Applicant Response:** While grades are not identified on the Plan Set, the applicant is aware of the standards of this section and plans to develop the new street at a grade of 12 percent or less, in conformance with this section. Furthermore, the project designer has established a street layout that meets the curve radii requirements of this section.

#### **16.12.130 Streets – Planting easements.**

**Where approval of streets less than 60 feet in width is granted, additional easements for street trees, shrubs, sidewalks and utilities may be required.**

**Applicant Response:** The proposed street will be a private, internal street. Landscaping abutting the street is not proposed. Individual lot landscaping will provide adequate landscaping to carry out the intent of this section, for the private street through the small development area.

#### **16.12.140 Marginal access streets.**

**Where a subdivision or partition abuts or contains an existing or proposed major street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.**

**Applicant Response:** The site does not contain or abut a major street; therefore the provisions of this section do not apply.

#### **16.12.150 Alleys...**

**A. Location.** Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the planning commission.

**B. Intersection.** Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than 12 feet.

**Applicant Response:** While the property is zoned Recreational Commercial, the proposed use is residential; therefore loading and parking above and beyond what is typical for residential developments is not needed. Furthermore, the surrounding areas is generally developed, and the size, location and surrounding development pattern do not provide any opportunities for alleys. The site proposes an access and circulation plan that is adequate for the development and fitting for the area. Furthermore, the proposed lots are well sized for the intended use, parking is planned in garages and/or driveways, and loading opportunities for the residential uses can be accommodated in the streets, driveways and/or maneuvering areas.

#### **16.12.160 Blocks – General requirements.**

**The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for convenient access circulation, control and safety of street traffic, and limitations and opportunities of topography.**

**Applicant Response:** The proposed design extends a private street system through the subject property. The design accommodates safe, efficient and reasonable access to each of the residential lots, and while the proposed design does not create any new blocks of rights-of-way, the design does create a block to the greatest extent possible, as it extends through the site. The applicant continues to coordinate with the property owner to the east to discuss the possibility of a connection (at least for fire access). Given the surrounding development pattern, the proposal achieves the best semblance of a block, as is reasonably possible.

#### **16.12.170 Block sizes.**

**Block sizes shall conform to the access spacing standards in the table below, unless topographical or other existing or planned conditions justify a variation. Where a variation is necessary, the city engineer and the planning director will determine the spacing.**

### Street and Access Spacing Standards

	Principal Arterial	Minor Arterial	Collector	Local/Shared
Maximum Block Size (public street to public street)	See Oregon Highway Plan	530 feet	530 feet	530 feet
Minimum Block Size (public street to public street)		265 feet	265 feet	265 feet
Minimum Driveway Spacing (Public street to driveway and driveway to driveway)		265 feet	130 feet	None

**Applicant Response:** The design does not affect any higher order streets (arterials or collector). The proposed design is for a private street to intersect with an existing local street; this section establishes that there is no minimum spacing requirement, and the proposed street connection will be over 300 feet from any other intersection. Adequate spacing is provided.

#### 16.12.180 Easements – Utility lines.

**Easements for electric lines or other public utilities are required. Easements for utilities shall be a minimum of 12 feet in width and centered on all rear and side lot lines, unless specifically waived by the planning commission. Front lot line utility easements up to six feet in width behind the property lines may be required if the need can be demonstrated. No permanent structures will be allowed within such easements.**

**Applicant Response:** The applicant is working with public utility providers and while 12 feet is likely unnecessary as described in this section, the applicant plans to provide any required easements to ensure that adequate utilities are provided to each of the lots.

#### 16.12.190 Easements – Watercourses.

**Where a subdivision or partition is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such**

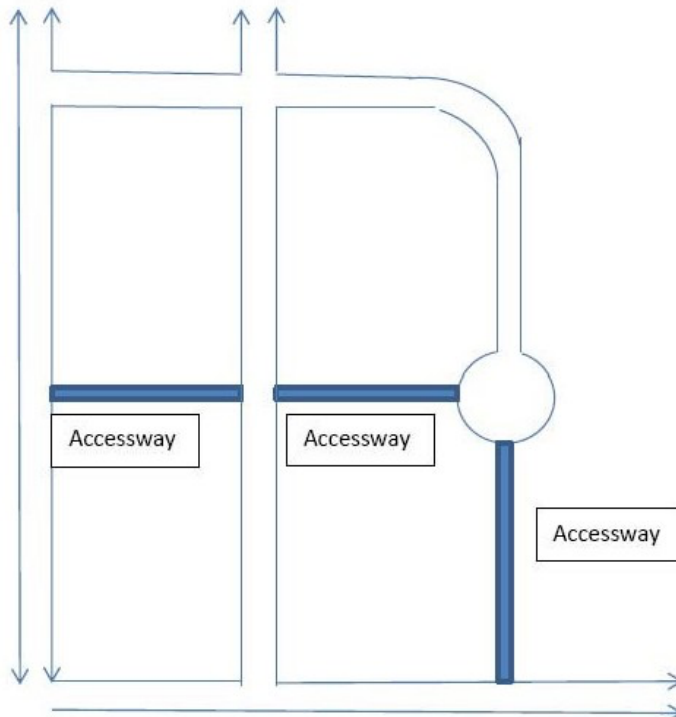
further width as will be adequate for the purpose. Streets or parkways parallel to major watercourses may be required.

**Applicant Response:** The property is not traversed by a water course, drainage way, channel or stream; therefore easements for these purposes are not necessary.

#### 16.12.200 Easements – Pedestrian and bicycle access ways.

**A. Developers shall make the following pedestrian and bicycle connections (illustrated in Figure 16.12.200A):**

1. From the head of a cul-de-sac to the nearest street;
2. Between streets on either side of a block more than 750 feet in length, with at least one access way for every 530 feet in block length;
3. From or between existing or approved pedestrian and bicycle access ways; and
4. Other connections as determined necessary by the planning commission.



**Figure 16.12.200A**

**B. The access way shall be in a public right-of-way or a public access easement on private property. The access way may be within a utility easement with the written permission of the utility provider.**

C. A pedestrian and bicycle access way shall be a minimum of 15 feet in width. The access way shall have an eight-foot-wide path of concrete, asphalt, brick/masonry pavers, or other city-approved durable surfaces meeting ADA requirements. The remaining width shall be of living or nonliving pervious landscape materials that meet the approval of the planning director.

D. Where constrained by steep slopes, environmentally sensitive areas, historic or culturally significant areas, or existing development, the planning commission may modify the requirement for an access way.

**Applicant Response:** As documented on the Plan Set, the design includes a 6 foot wide sidewalk that borders the proposed private street. The sidewalk will be located in a public access easement and will provide reasonably direct connections from the new lots to the abutting right-of-way (NW 40<sup>th</sup> Street). The proposed design is consistent with the intent of these standards.

**16.12.210 Lots – General requirements.**

The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

**16.12.220 Minimum lot sizes.**

A. The lot sizes, in addition to conformance with LCMC Title [17](#), shall be not less than as given in the following table:

Type of Lot	Minimum Size in Feet	
	Width	Average Depth
Corner lot	60	80
Interior lot	50	70
Through lot with planting screen	50	120

B. In the case of irregular lots, the widths measured at a building line must be not less than 70 feet.

C. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street loading and parking facilities required by the type of use and development contemplated.

**Applicant Response:** LCMC Title 17 establishes minimum lot size, width and depth for attached single-unit dwellings of least at 2,500 square feet, 25 foot width, and no minimum depth; the proposed design provides attached single-unit dwelling lots that are at least 4,094 square feet in size, 36 feet wide, and 110 feet deep. LCMC Title 17 establishes minimum lot size, width and depth for detached single-unit dwellings at 5,000 square feet, 50 foot width and 70 foot depth; the proposed design provides detached single-unit dwelling lots in excess of these standards. As documented on the Plan Set, the proposed lots conform to the applicable size and dimension requirements.

#### **16.12.230 Through lots.**

**A. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation.**

**B. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other disadvantageous use.**

**Applicant Response:** Lots 7 and 8 may be considered through lots as they have private street frontage to the front and rear. These lots do not have frontage on a primary traffic artery and the surrounding area is generally developed, such that alternative street designs are not reasonable or possible. Given that the double frontage does not occur on a major traffic artery, the proposed design is approvable.

#### **16.12.240 Lot side lines.**

**The side lines of lots shall run at right angles to the street upon which the lots face. On curved streets they shall be radial to the curve.**

**Applicant Response:** As documented on the Plan Set, all of the lots are proposed to have side property lines located at a right angle the abutting street. It is noted that Lots 7 and 8 abut the private street at 2 locations and the right angle is planned at the south side of the lots, but not the north side. The proposed design is in conformance with this standard to the greatest extent possible.

#### **16.12.250 Lots – Resubdivision.**

**A. In subdividing or partitioning tracts into large lots which at some future time are likely to be subdivided or partitioned, that resubdivision or partitioning shall take place without violating the requirements of these regulations and without interfering with the orderly development of streets.**

**B. Restriction of building locations in relationship to future street right-of-way shall be made a matter of record if the planning commission considers it necessary.**

**Applicant Response:** The proposed lots are planned to accommodate residential development. Future division of the planned lots is not expected or likely, given the proposed sizes.

#### **16.12.260 Lots – Residential building setback lines.**

**If special building setback lines are to be established in the subdivision or partition, they should be shown on the subdivision or partition plan or included in the deed restriction.**

**Applicant Response:** No special setbacks are proposed. The setbacks of the underlying RC zone will be reviewed and approved with the subsequent development applications (Building Permits).

#### **16.12.270 Public open spaces.**

**A. Due consideration shall be given by the subdivider or partitioner to the allocation of suitable areas for schools, parks and playgrounds to be dedicated for public use as per the city comprehensive plan.**

**B. Where a proposed park, playground, school or other public use shown in a tentative plan is located in whole or in part in a subdivision or partition, the planning commission may request the dedication or reservation of such area within the subdivision or partition in those cases in which the planning commission deems such requirements to be reasonable with the approval of the city council.**

**Applicant Response:** The property is relatively small and the project will provide needed housing. Providing additional public open space is neither warranted nor practical on the relatively small lot.

### **CHAPTER 16.16 IMPROVEMENTS**

#### **16.16.010 Required improvements.**

**A. The following improvements shall be installed at the expense of the subdivider or partitioner in accordance with the city requirements:**

- 1. Streets, including drainage adequate to serve the property and streets;**
- 2. Sanitary sewers and services;**
- 3. Water distribution lines and services;**
- 4. Sidewalks in any pedestrian ways;**

5. Street name signs and street light poles;
6. Lot, street and perimeter monumentation;
7. Underground power lines;
8. Underground telephone lines;
9. Bicycle, equestrian or special “ways”;
10. Underground cable TV lines.

**B. All improvements shall be constructed to the subdivision or partition boundary.**

**C. Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider’s or partitioner’s responsibility to provide, if required, standard public improvements to and through the open space. Other public improvements installed at the option of the subdivider or partitioner shall conform to city requirements.**

**Applicant Response:** The applicant understands their responsibilities under this section.

#### **16.16.020 Streets.**

**A. The developer shall be responsible for improving all streets, including alleys, within the subdivision or partition, and streets adjacent, but only partially within the subdivision or partition, and streets adjacent to a subdivision or partition, whether included or excluded from the subdivision or partition.**

**B. Construction of all streets and alleys shall be to city section standards for permanent street and alley construction, pursuant to requirements set forth in the city transportation system plan and public works/engineering standards.**

**C. In any area, if the city requires a subdivider or partitioner to install a street with pavement width greater than 40 feet to provide a major traffic route, the city will pay that portion of the cost in excess of the cost of a 40-foot street. If the ultimate development exceeds a potential of 100 lots or living units and any one of the streets is a collector or major, the developer shall pay the entire cost of such street width as determined by the department of community development and public works to be necessary to adequately serve anticipated traffic loading.**

**D. Prior to city approval of the final subdivision plat or partition map, all perimeter and back lot line monumentation shall be installed and the installation of the front line and street centerline monumentation (along and within street right-of-way)**

guaranteed. Any monuments destroyed during improvement installation shall be replaced after street construction. As an alternate to the above, all monumentation can be installed prior to the approval, with the stipulation that any removed prior to building permit issuance or improvement acceptance by the city shall be replaced at the subdivider's or partitioner's expense.

**Applicant Response:** The abutting street (NW 40<sup>th</sup> Street) is fully improved with street pavement and sidewalks; no improvements are planned on NW 40<sup>th</sup> Street. Regarding the internal street, the applicant proposes to make all improvements to the street and sidewalk system required by the Code. The private street is proposed to be constructed throughout the development site, it will be constructed to City private street standards, and all required monumentation will occur with the final platting process. As designed, the proposal conforms to the requirements of this section.

#### **16.16.030 Surface drainage and storm sewer system.**

**A. Drainage facilities shall be provided within the subdivision or partition and are to connect the subdivision or partition drainage to drainageways or storm sewers outside the subdivision or partition.**

**B. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision or partition shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas that after development will drain through the subdivision or partition and to allow extension of the system to serve such area. Connection or eventual discharge to a storm drain system or drainageway that is not capable of receiving the applicable design storm discharge shall be prohibited. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.**

**Applicant Response:** The applicant proposes a drainage system that conforms to the requirements of this section. Subsequent to Tentative Plan approval, the applicant and their engineer plan to complete engineered plans to document conformance with this section. Drainage Plans will be reviewed with the subsequent public improvement review process.

#### **16.16.040 Sanitary sewers.**

**A. Sanitary sewers shall be required to be installed to serve a subdivision or partition and connect the subdivision or partition to existing mains if service is available. In the event that this is not possible, appeal may be made to the city council.**

**B. Capacity, grade and materials shall be by a design approved by the city engineer. Design shall take into account the location, capacity and grade to allow for desirable extension beyond the subdivision or partition. The city will not expect the subdivider or partitioner to pay the extra cost of required oversize sewer mains necessary to provide for extension beyond the subdivision or partition.**

**C. If required sewer facilities will, without further sewer construction, directly serve property outside the subdivision or partition, the following arrangements will be made to equitably distribute the cost:**

**1. If the area outside the subdivision or partition to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the planning commission may recommend to the city council construction as an assessment project, with such arrangement with the subdivider or partitioner as is desirable to assure financing his share of the construction.**

**2. If the installation is not made as an assessment project, the city may enter into an agreement with the subdivider or partitioner setting forth methods of reimbursement for the proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision or partition for a period of 10 years from the time of installation of the sewers.**

**Applicant Response:** The applicant proposes a sewer system that will conform to the requirements of this section. Subsequent to Tentative Plan approval, the applicant and their engineer plan to complete the engineered plans to document conformance with this section. Sewer Plans will be reviewed with the subsequent public improvement review process.

#### **16.16.050 Water system.**

**A. Waterlines and fire hydrants serving the subdivision or partition and connecting the subdivision or partition to city mains shall be installed.**

**B. Materials, size and location of water mains, valves and hydrants shall be in accordance with the city standards and the design approved by the city engineer. Design shall take into account provisions for extension beyond the subdivision or partition and to adequately grid the city system. The city will not expect the subdivider or partitioner to pay for the extra cost of the oversize mains not necessary to serve the subdivision or partition.**

**C. If required water mains will directly serve property outside the subdivision or partition, the city may enter into an agreement with the subdivider or partitioner setting forth methods of reimbursement for the proportionate share of the cost for each connection made to the water mains by property owners outside the**

**subdivision or partition for a period of 10 years from the time of installation of the main.**

**Applicant Response:** The applicant proposes a water system that will conform to the requirements of this section. Subsequent to Tentative Plan approval, the applicant and their engineer plan to complete the engineered plans to document conformance with this section. Water Plans will be reviewed with the subsequent public improvement review process.

#### **16.16.060 Sidewalks.**

**A. The developer shall install sidewalks on streets within and adjoining the subdivision or partition, as indicated by the standards section of the city's 2015 Transportation System Plan, Volume 1, and install pedestrian access ways in accordance with LCMC [16.12.200](#).**

**B. All sidewalks constructed within the subdivision or partition shall be to city standards, as set forth in the standards section of the city's 2015 Transportation System Plan, Volume 1, and Public Works/Engineering Standards, and at grades the city engineer has established or approved. The property owner shall keep a minimum of five feet of the sidewalk width clear of both permanent and temporary obstructions (e.g., utility poles, sandwich signs).**

**Applicant Response:** Sidewalks are constructed within the abutting NW 40<sup>th</sup> Street right-of-way and, as documented on the Plan Set, the proposal includes a 6 foot wide sidewalk system that will extend throughout the subdivision, to serve each and every lot. The existing conditions and proposed improvements conform to the requirements of this section.

#### **16.16.070 Street name signs.**

**Street name signs shall be installed at all intersections according to city standards or a deposit made with the city in an amount equal to cost of the installation. Installation shall be made by the city.**

**Applicant Response:** Street name signs are proposed to be installed with site development, in accordance with the provisions of this section.

#### **16.16.080 Street light poles.**

**A deposit in the amount of the actual or estimated pole installation cost is required.**

**Applicant Response:** It is anticipated that a new street light could be required at the intersection of the new street and NW 40<sup>th</sup> Street. If a new street light pole is required, the applicant understands that a deposit could be needed/required.

#### 16.16.090 Curb cuts and driveways.

Curb cuts and driveway installations are not required of the subdivider or partitioner, but if installed shall be according to city standards. Curb face outlets for rain drains shall also be provided.

**Applicant Response:** Upon development, curb cuts are planned in accordance with this standard.

#### 16.16.100 Street trees.

Street tree planting is not required by the subdivider, but if planted, shall be according to city requirements and of a species compatible with the width of planting strip and utilities contained therein.

**Applicant Response:** Street trees are not planned at this time.

#### 16.16.110 Monumentation.

In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the following shall be required:

A. An accuracy ratio of subdivision plat or partition map boundary line closure of one in 10,000 as found in the field. Lot dimensions as found in the field shall be within 0.10 feet of record distance.

B. Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point are required. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as practicable. The position for the initial point and other primary perimeter monuments shall be selected with due consideration to possible damage during construction.

C. Street centerline monumentation shall consist of a two-inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the city engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions or partitions). All other street centerline points (intersection, points of tangent intersections, cul-de-sac centerlines, cul-de-sac offset points) shall be monumented with a five-eighths-inch-diameter steel rod 30 inches long and set visible at the finish surface of the street. The above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.

**Applicant Response:** The applicant plans that monumentation will occur in accordance with all state and local regulations.

#### 16.16.120 Creation of streets and ways.

**A. The planning commission may approve creation of a street to be established by deed without full compliance with these regulations, provided such conditions as are necessary to preserve the objectives of the standards of this title are accepted, and provided either of the following conditions exists:**

1. The establishment of such street is initiated by the city and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the creation;
2. The tract out of which the street is to be dedicated is an isolated ownership of one acre or less.

**B. The improvement of all streets shall be in conformance with requirements for subdivision or partition (right-of-way width, improvements, etc.).**

**C. Creation of Ways.** The planning commission may approve an easement of way to be established by deed without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to warrant partitioning into two parcels may be provided with access. If the existing lot is large enough so that two or more parcels not having frontage on an existing street may be created, an easement of way will not be acceptable and a street must be dedicated, unless as provided by planning commission determination. Approval of the creation of way does not imply approval of the method of partitioning. (Ord. 2011-01 § 1; Ord. 78-32 § 6.010)

**Applicant Response:** The proposal includes the creation of a private street, which will be a separate tract and it will be established with a public access easement upon it. Furthermore, the design will conform to City Standards. As proposed, the subdivision conforms to these standards.

## **IV. Compliance with Lincoln City Municipal Code - Title 17:**

**Title 17 ZONING**

**Chapter 17.28 Recreation – Commercial**

#### 17.28.020 Uses permitted.

**In an RC zone, the following are given as examples of those uses which meet the intent of this zone:...**

**E. Detached Single-unit dwellings and duplexes, if developed under the standards set forth within the R-1 zone;...**

**H. Attached single-unit dwellings or attached single-unit dwellings developments, when developed in accordance with the attached single-unit dwellings or single-unit dwellings developments standards, respectively, specified in LCMC 17.20.050...**

**Applicant Response:** As noted on the Plans, the project includes townhomes and single-family residences, which are considered detached single-unit dwellings and attached single-unit dwellings. All of the uses are permitted by this section. Furthermore, a review of LCMC 17.16 (R-1 Zone – detached single-unit dwelling requirements) and 17.20.110 (attached single-unit dwelling requirements) is included below. As detailed therein, the design conforms with the applicable provisions of those sections; therefore the proposal complies with the standards of these sections.

#### **17.28.040 Conditional uses permitted....**

**Applicant Response:** No uses that are listed in this section are proposed.

#### **17.28.050 Setback requirements.**

**A. Front Setback. The minimum front setback shall be five feet.**

**B. Side, Street Side and Rear Setback. The minimum side and rear setback shall be at least five feet. The side and rear setback shall be a minimum of five feet. The side, street side, and rear setback shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.**

**C. For special setback requirements, see Chapter [17.52](#) LCMC, Supplementary Regulations and Exceptions.**

**Applicant Response:** With the exception of construction currently underway on the proposed Lot #6 location, structural development is not being reviewed at this time, but rather will be reviewed with subsequent development applications (Building Permits). Nonetheless, the conceptual footprints are noted on the plans, as detailed thereupon the buildings will be located at least 5 feet from all property lines and in conformance with the standards of this section. There are no other special setbacks that apply to the development (prescribed in LCMC 17.52) and setbacks will be review with future development applications.

#### **17.28.060 Minimum lot area.**

**None required, except for motels and resorts which shall have a minimum lot area of 10,000 square feet...**

**Applicant Response:** The proposed use is for neither a motel nor a resort; therefore no minimum lot area applies. The applicant has performed a conceptual design (included on the plans) and as detailed thereupon, the lots are adequately sized to accommodate the planned development, use types and footprints.

#### 17.28.070 Maximum building height.

Maximum building height shall be 45 feet, except as provided in LCMC [17.52.190](#) and [17.52.200](#)....

**Applicant Response:** Buildings are neither proposed nor reviewed at this time. Structural development, including building heights will be reviewed with subsequent development reviews (Building Permits).

#### 17.28.075 Landscaping.

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

**Applicant Response:** Landscaping requirements are reviewed with site development and not land divisions. No landscaping is planned at this time.

#### 17.28.080 Signs.

Signs shall be allowed subject to the provisions of Chapters [9.34](#) and [17.72](#) LCMC.

**Applicant Response:** No signs are proposed at this time.

#### 17.28.090 Off-street parking and loading.

Off-street parking and loading shall be provided in accordance with Chapter [17.56](#) LCMC.

**Applicant Response:** Parking is not proposed at this time, but rather will be reviewed with site development.

#### 17.28.100 Other required conditions.

**A. No development shall occur in the RC zone unless all city services (sewer and water) are available to serve such development.**

**Applicant Response:** As documented on the Plan Set and detailed in other sections of this narrative, sewer and water mains are planned to be extended in the private street and laterals are planned to be extended to each of the lots.

**B. Design Features. All single-unit (site-built, modular and manufactured homes) to be constructed or located in the RC zone are encouraged to use at least two of the following design features along the front of the dwelling:...**

**Applicant Response:** The permitted structure on the proposed Lot #6 is planned to include design features that were approved with the Building Permit Review. Additional buildings are neither proposed nor reviewed at this time. Structural development will be reviewed with subsequent development reviews (Building Permits).

**C. All commercial or mixed use buildings in the RC zone must conform to Chapter [17.74](#) LCMC, Design Standards.**

**Applicant Response:** Commercial and/or mixed use buildings are not proposed; therefore Chapter 17.74 does not apply.

**Chapter 17.16 SINGLE-UNIT RESIDENTIAL (R-1) ZONE**

**Applicant Response:** LCMC 17.28.020.E establishes the following use as being permitted:

*E. Detached single-unit dwellings and duplexes, if developed under the standards set forth within the R-1 zone;...*

Lots 5, 6, 7 and 8 are proposed to be developed with detached single-unit dwellings; this section of the Code is being reviewed specifically to Lots 5, 6, 7, and 8.

**17.16.010 Purpose.**

**To promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the zone. The R-1 zone is intended to provide primarily for single-family dwellings.**

**Applicant Response:** This section is a purpose statement and does not establish any measurable development standards or approval criteria.

- 17.16.020 Permitted uses...**
- 17.16.030 Accessory uses...**
- 17.16.040 Conditional uses...**

**Applicant Response:** The property is zone RC. LCMC 17.28.030 establishes that detached single-unit dwellings are permitted, so long as they meet the design standards of this section. The use provisions of these sections do not apply to the project, as the RC Zone establishes the allowed uses.

**17.16.050 Restrictions.**

No development shall occur unless all city services are available, except as provided in LCMC [17.52.120\(A\)](#).

**Applicant Response:** As documented on the Plan Set and detailed elsewhere in this narrative, City water and sewer are proposed to be extended to each of the lots (including lots 5, 6, 7 and 8), as required by this section.

**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](#).

**Applicant Response:** Structures are not proposed at this time, with this Subdivision. Building heights for the detached single-unit dwellings area and will be reviewed with development reviews (Building Permits).

**17.16.070 Lot requirements.**

The map designations R-1-5, R-1-7.5 and R-1-10 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:

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Setback <sup>(3)</sup>	Side Setback	Street Side Setback <sup>(3)</sup>	Rear Setback	Maximum Building Coverage <sup>(5)</sup>
R-1-5	5,000 sq. ft.; 8,000 for duplex or two-family	50' detached; 35' attached	70'	5' <sup>(1)</sup> 7-1/2' <sup>(2)</sup>	5' <sup>(1)</sup> 7-1/2' <sup>(2)</sup> or 0' for common wall of attached dwellings	5' <sup>(1)</sup> 7-1/2' <sup>(2)</sup>	5' <sup>(1)</sup> 7-1/2' <sup>(2)</sup>	35% <sup>(4)</sup>

(1) For one-story structures.

(2) For structures more than one story.

(3) The front and street side setbacks shall be increased to a minimum of 20 feet in front of a garage/carport and/or driveway entrance to a garage/carport. The increase in setback shall not apply to portions of the dwelling that are below or to the side of the garage/carport or driveway entrance. The increase in setback shall not apply to any portion of the dwelling above the garage/carport that is cantilevered (i.e., supported only by the wall of the structure from which it projects), provided the lowest point of the cantilever is a minimum of seven feet above grade. On corner lots, the clear-vision area requirement of LCMC [17.52.060](#) and [17.52.070](#) shall apply.

(4) For existing lots between 3,000 sq. ft. and 4,000 sq. ft., maximum building coverage shall be 40 percent. For existing lots less than 3,000 sq. ft., maximum building coverage shall be 50 percent.

(5) See definition of Building Coverage in Chapter 17.08 LCMC.

**Applicant Response:** As detailed on the Plans, Lots 5, 6, 7 and 8 are proposed to be at least 5,527 square feet in size, with widths in excess of 50 feet, and depths in excess of 70 feet. The proposed Lots 5, 6, 7 and 8 conform to the size and dimensional requirements this section. In regards to structural development, setbacks, and lot coverage, while concept plans are included in the submittal materials, these elements are and will be reviewed with subsequent development applications (Building Permits).

#### 17.16.075 Landscaping.

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

**Applicant Response:** Landscaping requirements are reviewed with site development (Building Permits) and not land divisions. No landscaping is planned at this time.

#### 17.16.080 Signs.

Signs shall be allowed subject to the provisions of Chapters [9.34](#) and [17.72](#) LCMC.

**Applicant Response:** No signs are proposed at this time.

#### 17.16.090 Off-street parking and loading.

Off-street parking and loading shall be provided in accordance with Chapter [17.56](#) LCMC.

**Applicant Response:** Parking is not proposed at this time, but rather will be reviewed with site development (Building Permits).

#### 17.16.100 Other required conditions.

All single-unit dwellings (site-built, modular and manufactured homes) to be constructed or located in an R-1 zone are encouraged to use at least two of the following design features on the front of the home:...

**Applicant Response:** These standards relate to structural development. In regards to structural development, these elements are and will be reviewed with development applications (Building Permits).

### Chapter 17.20 MULTIPLE-UNIT RESIDENTIAL (R-2) ZONE

**Applicant Response:** LCMC 17.28.020.H establishes the following use as being permitted:

*H. Attached single-unit dwellings or attached single-unit dwellings developments, when developed in accordance with the attached single-unit dwellings or single-unit dwellings developments standards, respectively, specified in LCMC 17.20.050*

Therefore the referenced section is being addressed as it relates to lots that are planned to be developed with attached single-unit dwellings, Lots 1-4 and 9-12.

### 17.20.050 Development standards.

		<b>Attached single-unit dwellings, residential facilities, and residential homes</b>	<b>Applicant Response</b>
<b>1</b>	<b>Min. lot width</b>	<b>25</b>	As shown on the Plan Set, all of the townhome lots have a width in excess of 25 feet.
<b>2</b>	<b>Min. lot area (square feet)</b>	<b>2,500</b>	As shown on the Plan Set, all of the townhome lots exceed 2,500 sf in size.
<b>3</b>	<b>Min. density</b>	<b>None</b>	Given that there is no density requirement, this standard is informational only.
<b>4</b>	<b>Max. building height (see also LCMC <a href="#">17.52.190</a> and <a href="#">17.52.200</a>)</b>		Building height is not reviewed at this time, but rather will be reviewed with subsequent development applications (Building Permits).
	<b>a. Primary buildings</b>	<b>35 feet</b>	
	<b>b. Accessory buildings, structures, uses</b>	<b>25 feet</b>	
<b>5</b>	<b>Min. building setbacks (except garage/carport entrances)<sup>4</sup></b>		Building setbacks are not reviewed at this time, but rather will be reviewed with subsequent development applications (Building Permits).

		<b>Attached single-unit dwellings, residential facilities, and residential homes</b>	<b>Applicant Response</b>
	<b>a.</b>	<b>Front porch</b>	<b>5 feet</b>
	<b>b.</b>	<b>Front wall</b>	<b>10 feet</b>
	<b>c.</b>	<b>Side interior</b>	<b>5 feet, but 0 feet for attached walls</b>
	<b>d.</b>	<b>Side street</b>	<b>5 feet</b>
	<b>e.</b>	<b>Rear</b>	<b>10 feet</b>
<b>6</b>	<b>Min. setbacks for garage/carport entrances (attached or detached)</b>		Building setbacks are not reviewed at this time, but rather will be reviewed with subsequent development applications (Building Permits).
	<b>a.</b>	<b>Front-loaded access</b>	<b>Must not project beyond front street-facing wall of dwelling</b>
	<b>b.</b>	<b>Side-loaded access</b>	<b>Must not project beyond side street-facing wall of dwelling</b>
	<b>c.</b>	<b>Rear-loaded access</b>	<b>3-foot minimum from rear property line</b>
<b>7</b>	<b>Max. building coverage</b>		<b>45%</b>
			Building Coverages are not reviewed at this time, but rather will be reviewed with subsequent development applications (Building Permits).
<b>8</b>	<b>Usable Open space</b>		<b>None required</b>
			Given that there is no requirement, this standard is informational only.

## Chapter 17.52 SUPPLEMENTARY REGULATIONS AND EXCEPTIONS

### 17.52.030 Access requirement.

Every lot shall abut a street, other than an alley, for at least 25 feet.

**Applicant Response:** As shown on the Plan Set, every new lot is proposed to abut a street (NW 40<sup>th</sup> Street and/or the new private street) for at least 25 feet, which conforms to this standards.

### 17.52.080 Maintenance of minimum requirements.

No lot area, minimum setback area, open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title.

**Applicant Response:** As documented throughout this narrative, the proposed design conforms to all applicable Code Standards.

### 17.52.120 Utilities....

**A. In all zones, all electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be placed underground in accordance with city standards.**

**Applicant Response:** As detailed on the Plan Set, the applicant proposes to extend utilities to all of the new lots, in accordance with this section.

### 17.52.220 Tree protection and removal...

**Applicant Response:** All the trees have legally been removed in association with an active building permit for a new house that will be located on one of the new lots (Lot 6). This section is not applicable.

### 17.52.230 Public infrastructure improvement requirements.

**A. Infrastructure Easement and Improvement Requirements.** The issuance of a structural permit for a new building or structure in connection with any permitted or conditional use within any zone as described in this title, or in connection with a development review approval for development for which development review is required under LCMC [17.77.070](#), or the review of any project for which development is required under LCMC 17.77.070 but does not involve the issuance of a structural permit shall be subject to Public Works Design Standards, Lincoln City Transportation System Plan, LCMC Title 12, and LCMC Title 13, incorporated

herein by this reference. Preliminary Plans shall be submitted as part of the development review process, with final plans submitted as part of the structural permit process. If development Review is not required, the plans shall be submitted for review as part of the structural permit or site development permit process.

**2. Except as otherwise provided in subsections (B) and (C) of this section, the applicant shall agree to:**

**a. Install curbs and gutters along adjacent streets not having curbs and gutters, and also pave the roadways from the curbs to 12 feet beyond centerline of unpaved or partially unpaved streets contiguous to the property proposed for development, in accordance with applicable standards of this title, street design standards in the city's transportation system plan, public works/engineering standards, and LCMC Title [16](#) (Subdivisions). If existing rights-of-way for streets contiguous to the property are not adequate in width to meet the standards of this title and LCMC Title [16](#) (Subdivisions), the applicant shall dedicate right-of-way to the city sufficient to allow streets that are adequate in width; and**

**b. Dedicate to the city utility easements five feet in width along rear lot lines, or along front lot lines, as required by the city; and**

**c. Dedicate easements for drainage purposes, and provide storm water detention, treatment, and drainage features and facilities, as approved by the city engineer, in order to accommodate expected runoffs as determined by a registered professional engineer licensed in Oregon, according to generally accepted drainage accommodation principles; and**

**d. Install sidewalks in accordance with street design standards in the city's transportation system plan and public works/engineering standards along boundaries contiguous with streets, within existing right-of-way if adequate in width; and, if existing easements are not adequate in width, to deed easements to the city sufficient to allow sidewalks of required width;**

**Exceptions: In lieu of the sidewalks required by subsection (A)(2)(d) of this section, the applicant shall agree as follows:**

**i. For properties in a commercial zone east of Highway 101 that abut the D River, to install sidewalks five feet in width adjacent to the river, and to deed easements to the city sufficient to allow the city to add additional width to the riverfront sidewalks so that they can be a total of 10 feet in width;**

ii. [Reserved];

iii. [Reserved]; and

e. Install and connect to the city systems water and sewer lines and appurtenances that conform to adopted city standards; and

f. Place underground all existing electrical, telephone, and cable television utility service installations or connections between any building or structure and the utility distribution system, in accord with city standards, in addition to meeting the requirements of LCMC [17.52.120](#); and

g. Develop the site and construct all buildings and improvements in strict conformity to the tendered site plan; and

h. Provide any of the following transit-related improvements, if development includes or is adjacent to existing or planned transit stops shown in the city transportation system plan or an adopted plan prepared by a transit provider, as determined by the city engineer or community development director:

i. Reasonably direct pedestrian connections between the transit stop and building entrances of the site. For the purpose of this section, “reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users;

ii. An easement or dedication for a passenger shelter or bench, if such an improvement is in an adopted plan; and

i. Maintain the sidewalk, landscape strip, and curb adjacent to the property to standards in LCMC Title [12](#), Streets, Sidewalks, and Public Places.

In lieu of a required improvement, the city engineer may accept a deferred improvement agreement, fee-in-lieu agreement, or other cost-allocation agreement, in a form approved by the city engineer, for installation of curbs, gutters, sidewalks, street paving, water and sewer lines and appurtenances, and storm water detention, treatment, and drainage features and facilities, if the city engineer determines that a delay is appropriate. The cost to the developer shall equal the cost of installation, including engineering and design, as determined by the city engineer, based on the applicable city standards in effect at the time of application. The applicant shall pay the fee or sign an alternative agreement prior to approval of the final plat or issuance of a building

(structural) or development permit. Applicants who pay a fee in lieu of constructing a required specific improvement shall not be responsible for any future additional costs associated with that same improvement. The city shall use all such fees for construction, repair, or maintenance of the public infrastructure improvements of the type identified above and located within the city which provide a benefit to the subject property; and

4. If no street is contiguous to the property from which safe and convenient access and egress can be obtained for pedestrians and vehicular traffic, the applicant shall agree, if required by the city engineer, to dedicate a street right-of-way and to construct improvements to adopted city standards as provided in subsection (A)(2)(a) of this section.

**B. Limitations on Infrastructure Requirements.** If the applicant asserts that it cannot legally be required, as a condition of structural permit, site development permit, or development review approval, to provide easements or improvements at the level otherwise required by this section, then:

1. The structural permit, site development permit, or development review application shall include a rough proportionality report, prepared by a qualified civil or traffic engineer, as appropriate, showing:

a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the development, whether the development is for safety or for convenience;

b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the development;

c. The estimated impact, on a quantitative basis, of the development on the public infrastructure system of which the improvements will be a part;

d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system; and

2. The applicant shall, instead, be required to provide easements and improvements that are roughly proportional to what is needed for the safety or convenience of persons served by the development, plus those additional easements and improvements that are roughly proportional to what is needed to mitigate the impact of the development on the public infrastructure system of which the improvements will be a part, if the impacts are not fully mitigated by the easements and improvements needed for the safety or convenience of persons served by the development.

**C. Easements and Improvements Deferred from Land Divisions.** If a prior land division approval under LCMC Title [16](#) affecting the development has deferred, until submission of a structural permit, site development permit, or development review application, the definition of the level of easements or public infrastructure improvements required to be provided in relation to the land division, based on an assertion that the level of easements or improvements required cannot be defined until actual development is proposed for the divided land, then the applicant shall provide with the application a report as described in subsection (B) of this section and, as a condition of application approval, shall be required to dedicate easements and provide public infrastructure improvements required under LCMC Title [16](#), to the extent the easements and improvements meet the standards set out in subsection (B)(2) of this section.

**D. Appeals.**

1. Any person aggrieved by that person's inability to obtain a structural permit or site development permit pursuant to this section or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this section may appeal as a Type III procedure pursuant to LCMC [17.76.050](#).

2. Notwithstanding subsection (D)(1) of this section, decisions of the city manager, public works director, city engineer, director, or designated representative in the enforcement of deferred improvement agreements entered into under subsection (A)(2) of this section shall not be subject to appeal.

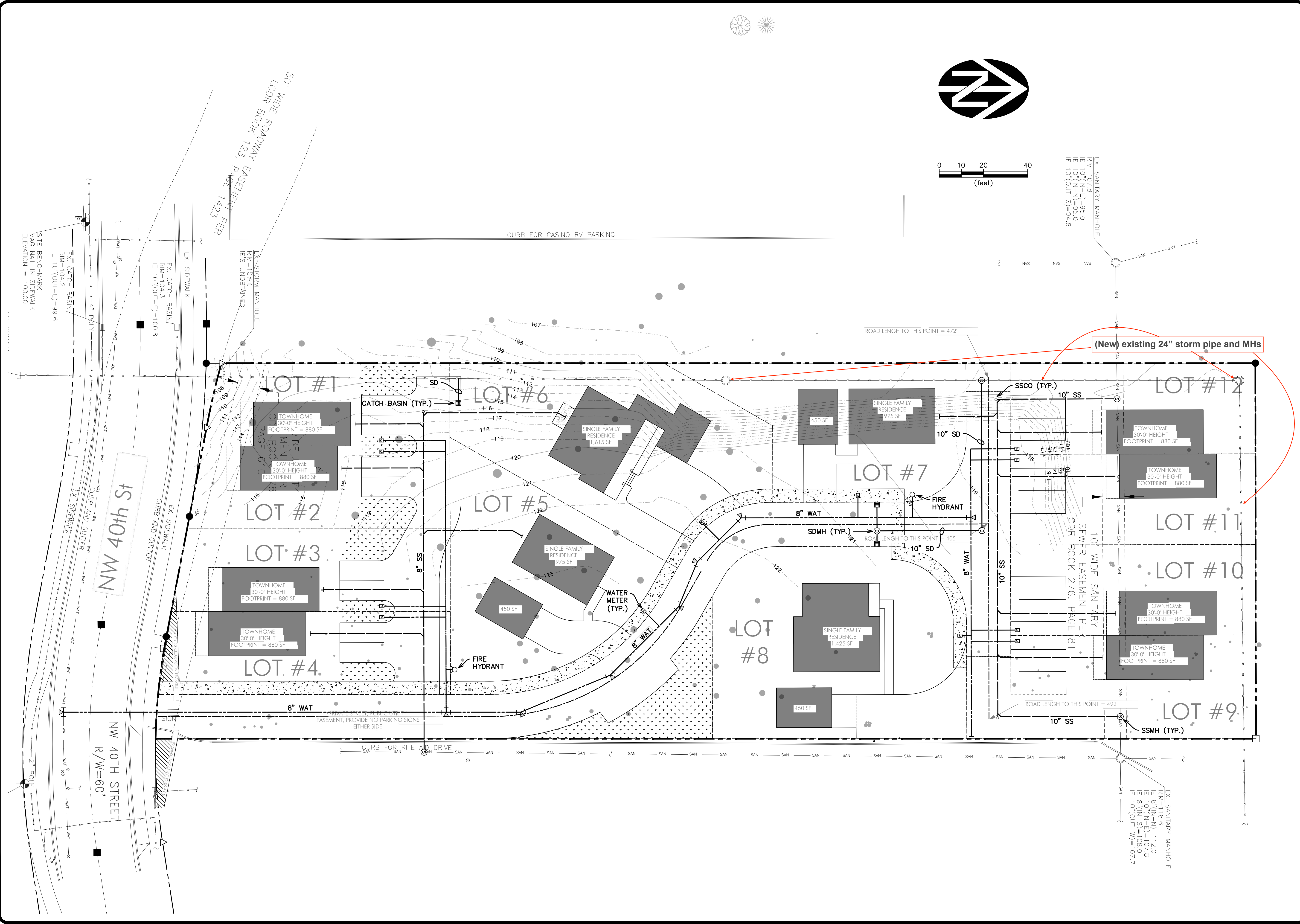
**Applicant Response:** The applicant understands the public improvement requirements of this section. The Tentative Plan documents how the applicant tentatively plans to address the requirements of this section; detailed public improvement plans will be finalized in association with the public improvement review process.

**V. Summary and Conclusion:**

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Based on the discussion above, as well as the exhibits included with this application, the Applicant has documented that the Subdivision request meets the applicable approval criteria for a Subdivision. Because the proposal conforms to all applicable criteria and standards, the applicant respectfully requests that the City approve the Subdivision as proposed.

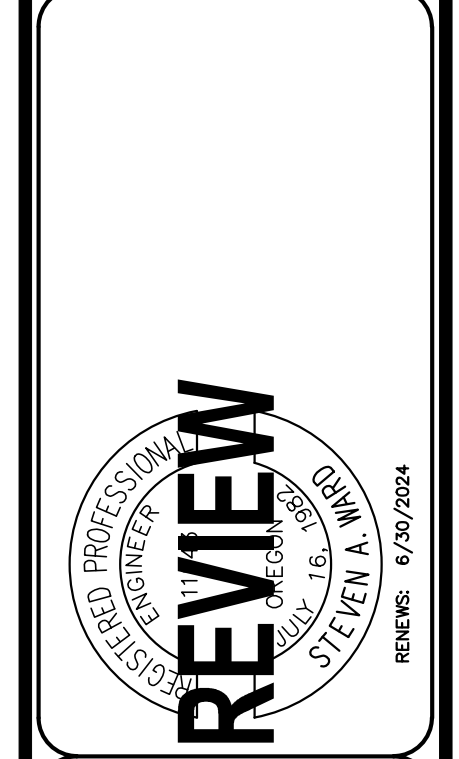
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NO.	DATE	DESCRIPTION	BY
1	AUG 2022		

VERIFY SCALE  
 BAR IS ONE INCH ON ORIGINAL DRAWING  
 IF NOT ONE INCH ON SCALES ACCORDINGLY

DSN. SAW  
 DRN. AR  
 CKD. SAW  
 DATE: AUG 2022



**WESTTECH ENGINEERING, INC.**  
 CONSULTING ENGINEERS AND PLANNERS

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**KNOTTWORKS CONSTRUCTION, INC.**  
 NW 40TH STREET SUBDIVISION

**PRELIMINARY UTILITY PLAN**

DRAWING  
**C4.0**

JOB NUMBER  
**3400.0000.0**