



AGENDA

Lincoln City Planning Commission
Tuesday, July 6, 2021, 6:00 PM
Zoom, Streamed LIVE on Zoom
801 SW Highway 101 - 3rd Floor, Streamed LIVE on Zoom, Lincoln City, OR 97367

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**
2. **AGENDA CHANGES OR REVISIONS**
3. **MINUTES**
 - 3.1. Planning Commission - Regular Meeting - Jun 15, 2021 6:00 PM
4. **FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS**
5. **PUBLIC HEARINGS/DELIBERATIONS**
 - 5.1. SUB 2020-02 Overlook Subdivision
 - 5.2. ZOA 2021-03 Proposed Amendment to Lincoln City Municipal Code Chapter 17.20 Multiple-Unit Residential (R-M) Zone and Chapter 17.32 General Commercial (GC) Zone (Ordinance 2021-14)
6. **OLD BUSINESS**
7. **NEW BUSINESS**
8. **PLANNING COMMISSION TRAINING**
9. **PLANNER COMMENTS**
10. **FUTURE AGENDA ITEMS & NEXT MEETINGS**
11. **ADJOURN**

All information for this meeting is available on the City of Lincoln City website at 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 Cathy Steere, City Recorder, at 541-996-1203.

**LINCOLN CITY PLANNING COMMISSION
MINUTES
June 15, 2021**

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

Attendee Name	Title	Status	Arrived
Marci Baker	Chair	Present	
Kim Blackerby	Commissioner	Present	
Patti Kroen	Commissioner	Present	
Lenny Nelson	Commissioner	Present	
Miles Schlesinger	Commissioner	Absent	
MacNeale Smith	Commissioner	Present	

2. AGENDA CHANGES OR REVISIONS

3. MINUTES

3.1. Planning Commission - Regular Meeting - May 18, 2021 6:00 PM

MOTION:	Motion to approve the minutes from the May 18, 2021 Planning Commission meeting
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Marci Baker, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Smith
ABSENT:	Miles Schlesinger
RESULT:	Passed

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

None

5. PUBLIC HEARINGS/DELIBERATIONS

1. Public Hearing ZOA 2021-02 - Ordinance 2021-10 Chapter 15.16 Appeal / Variance procedures

City Attorney Richard Appicello read the script presenting the proposed amendment.

There were no abstentions or declarations of bias.

Mr Appicello presented the staff report for the proposed zoning ordinance amendment, ZOA 2021-02, amending LCMC Chapter 15.16. He said that he wrote this amendment back in January to address some issues that the city came across when someone was contemplating filing an appeal of a floodplain issue. The amendment references the procedures that were adopted as part of Ordinance 2020-15, tying together the amendments made last year.

There is a long list of considerations for granting a variance. Mr Appicello said that the amendment is not intended to fix those - it is just housekeeping to separate the floodplain appeals and the floodplain variances. The amendment also clarifies that an appeal will be on the record , if there is an appeal.

Commissioner Blackerby moved to close the public hearing and the record. Commissioner Nelson seconded Kim and seconded by Lenny. All were in favor.

Deliberation and Recommendation to the City Council.

Commissioner Nelson said that she does not understand why the Planning Commission would hear an appeal of an issue with the floodplain. Mr Appicello said that the Planning Commission are currently the appeal board. Floodplain administration is addressed by the Planning Department - it is land use and fits within the jurisdiction of the Planning Commission. He said that the amendment does not change any of that - it is to separate appeals and variances, which were jumbled together in the code as it currently exists. Commissioner Nelson said that she doesn't understand how the Planning Commission would have the authority or the experience to grant variances to the floodplain code. Mr Appicello said that all appointed bodies have the option to refer matters to a hearings officer to conduct a hearing and make a recommendation. It is built into the municipal code.

Chair Baker said that she is also not familiar with the floodplain and what the floodplain administrator does. Mr Appicello said that variances come to the Planning Commission. An appeal would be something like a case where the floodplain administrator decides that a remodel in the floodplain has been more than 50% of the value of the structure. That decision could be appealed to the Planning Commission for a review on the record to determine whether the floodplain administrator followed the procedures in the code. The appellant has to identify exactly how the floodplain administrator messed up. The Planning Commission is unlikely to see successful appeals of floodplain decisions because the floodplain administrator makes decisions based on substantial evidence.

Commissioner Nelson said that she read through the considerations for a decision and noted several that she would not have the expertise to make a decision on. Mr Appicello noted again that in cases where a case is beyond the technical capabilities of the Planning Commission, there is always the possibility of using a hearings officer, and that on option is to recommend to City Council that these go to a land use hearings officer.

Commissioner Blackerby said that he appreciates what Commissioner Nelson is saying, but that he sees that Mr Appicello is giving an option for cases where it is beyond the capabilities of the Planning Commission. Commissioner Kroen said that it is reasonable for the Planning Commission to make a decision on a variance or an appeal and if it is outside the experience of the commissioners that there is the option for a hearings examiner.

Commissioner Blackerby moved to recommend approval of the ordinance to the City Council. Commissioner Kroen seconded. All voted yes except for Commissioner Nelson, who said that she voted no because she believes that she does not have the capability to grant variances based on the grounds that were listed.

5.1.1.

MOTION:	Motion to close the public hearing and the record for ZOA 2021-02
MOVER:	Kim Blackerby, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Smith
ABSENT:	Miles Schlesinger
RESULT:	Passed

5.1.2.

MOTION:	Motion to recommend approval of ZOA 2021-02 to the City Council
MOVER:	Kim Blackerby,
SECONDER:	Patti Kroen, Commissioner
AYES:	Marci Baker, Kim Blackerby, Patti Kroen, MacNeale Smith
NAYS:	Lenny Nelson
ABSENT:	Miles Schlesinger
RESULT:	Passed

2. Public Hearing ZOA 2021-01 - COVID Time Extension

Mr Appicello read the script and introduced the public hearing for ZOA 2021-02, which involves a Council-initiated proposal to create a process for an 18-month timetable extension for pre-approved land use approvals.

There were abstentions or declarations of bias.

Mr Appicello presented the staff report. He said that there were a lot of things that were put on hold because of the COVID pandemic. One of those things was lending for real estate development projects. The City Council said in February that they were interested in considering a timetable extension. The proposed ordinance allows for an extension of up to 18 months. Type II and Type III approvals are eligible. Projects must have been approved by and still be unexpired on specific dates described in the ordinance. The approval decision will be administrative, handled by the Planning Director, and will not be about revisiting the original approval. If you meet the criteria you will get the 1-time, 18-month timetable extension.

No members of the public were present in the hearing room to offer testimony, and no written testimony was received.

Commissioner Nelson moved to close the hearing and record, seconded by Commissioner Smith. All were in favor.

Commissioner Nelson asked when the 18 months starts. Mr Appicello answered that it is a timetable extension, so it adds 18 months onto the expiration date of the eligible approval.

Commissioner Blackerby asked how the \$250 fee was arrived at. Mr Appicello said that it is a standard fee for appeals, but that they would not want to go more than \$250. Commissioner Blackerby said that because we are doing this under COVID and because COVID has affected so many people in so many ways, this is an opportunity for the city to do something to show more

understanding. He recommended reducing the fee. Commissioner Smith said that he can see that the intent of the proposed ordinance is to relieve hardship that came from COVID. A \$250 fee is an added a hardship. Mr Appicello said that if the Planning Commission wants to make a recommendation for a different fee, they can do that in the recommendation. He said that he thinks that the \$250 is the existing fee for a timetable extension.

Commissioner Kroen said that she would like to make a recommendation that the fee be reduced to \$50. She made a motion to recommend approval with the fee reduced to \$50.

5.2.1.

MOTION:	Motion to close the public hearing and the record for ZOA 2021-01
MOVER:	Lenny Nelson, Commissioner
SECONDER:	MacNeale Smith, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Smith
ABSENT:	Miles Schlesinger
RESULT:	Passed

5.2.2.

MOTION:	Motion to recommend approval of ZOA 2021-01 with the fee reduced to \$50
MOVER:	Patti Kroen, Chair
SECONDER:	Kim Blackerby, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Smith
ABSENT:	Miles Schlesinger
RESULT:	Passed

6. OLD BUSINESS

None

7. NEW BUSINESS

None

8. PLANNING COMMISSION TRAINING

None

9. PLANNER COMMENTS

Commissioner Blackerby asked if there was any update on the vacant Planning Commission position. Mr Kim said that he has heard one person applied but he does not know anything about the person. Mr Appicello said that there are procedures in the code.

Commissioner Blackerby asked that we get notice of things that are coming for the next meeting. Mr Mattison said there is another zoning amendment for the R-M zone to allow for the permitted use of detached single unit homes on lots less than 8,000 square feet. Also on the agenda is SUB 2020-02, the Overlook subdivision.

There was discussion about a group site visit. Commissioner Blackerby asked how many people would be interested in a group site visit for SUB 2020-02. He asked Mr Mattison to coordinate a site visit.

Mr Kim said that the discussions related to the Comprehensive Plan are on hold for a couple months in order to be able to have the workshops in person. City Council has an in-person meeting scheduled for July 12, and he wants to see how that goes. Mr Appicello said that the City Council wants to encourage public participation, and that the City Manager asked that we delay in order to let reopening happen. In-person meetings will take some adjustment because things have been strange for a while. The comprehensive plan will not be a subject of discussion at the next Planning Commission meeting.

Commissioner Nelson asked where the recreation area for the apartments across from City Hall is. Mr Appicello said that staff will have to get back to the commissioners with an answer

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

11. ADJOURN

7:16 adjourn.

Respectfully submitted,

James White
Assistant Planner

Marci Baker
Chair

Planning Commission Communication

SUB 2020-02

Meeting Date: July 6, 2021 Primary Staff Contact: David Mattison
 Department: Planning Commission E-Mail: DMattison@lincolncity.org
 Secondary Dept: Secondary Contacts:
 Approval: Estimated Time:

Staff Report

Preliminary Planning Commission Hearing on July 6, 2021 Case File SUB 2020-02

Date: June 14, 2021

Case File: SUB 2020-02 Overlook Subdivision

Applicant/Owner: Amy M. Bogran, President,
 NW Coastal Investments DBA Picture Book Properties
 5 Centerpointe Drive, Suite 400a
 Lake Oswego, Oregon 97035

Representative: Roy Thompson
 Thompson Bogran, P.C.
 5 Centerpointe Drive, Suite 400a
 Lake Oswego, Oregon 97035

Situs Address: 5257 Logan Road.

Location: The subject property is located on the south side of Logan Road. Located at 5257 Logan Road.

Access: Access to the subject property is provided by NE Logan Road. Logan Road is a paved road, has one lane in each direction.

Tax Map and Lot: 06-11-35-CC-01601

Comprehensive

Plan Designation: Low-Density Roads End Residential District (R-1-RE)

Zoning District: Single-Family Residential, Roads End Zone (R-1-RE)

Site Size: 1.12 acres

Existing Use: Presently, there is a single-family dwelling located in the center of the subject property. The dwelling will be removed upon development of the proposed subdivision.

Proposal: The applicant is requesting the creation of a five-lot subdivision for detached, single-family dwellings on approximately 1.12 acres. Lot sizes will range from 6,900 square feet to 7,836 square feet with an average lot size of 7,350 square feet.

Surrounding Land Uses and Zones:
North: Logan Road, Seascape Compass Point Subdivision; R-1-RE
South: Two lots with residential dwellings; R-1-RE
East: Zander Lane Subdivision; R-1-RE
West: Several lots with residential dwellings; R-1-RE

Public Notice: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on June 4, 2021. The *News Guard* published the public hearing notice on June 15, 2021.

Notice was posted online on June 21, 2021 for a June 22, 2021 Planning Commission site visit.

Comments received: Comments were received on April 6, 2021 from keeler52@charter.net. They stated concerns regarding Overlook Tentative Plan:

- (1) Need for speed bumps on Logan Rd,
- (2) Set back of homes from property line not defined on plan.
- (3) No information on the proposed homes size and levels.
- (4) Trees on my side of property line and limb overhang.
- (5) The 5 houses along my driveway would effectively create a wall looking east from my yard.

These concerns and the effect of the homes becoming rentals need to be addressed at any public meeting.

No new comments were submitted.

Authority: Section 16.04.030 of the Lincoln City Municipal Code (LCMC) states: “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.

LCMC 16.08.220 states: “...the tentative plan will be scheduled for planning commission review at a public hearing after the application is deemed complete and notice is provided.”

LCMC 16.08.240 states: “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.”

LCMC 16.08.250 Tentative plan states: “Required data (B) Scope states that the tentative plan need not be a finished drawing, but should show all pertinent information to scale, in order that the planning commission may properly review the proposed development. The drawing appears to be fairly accurate. The final plat must be a survey that will correct any errors. Lots shown on the final plat must meet all of the city’s regulations.”

**Applicable
Substantive
Criteria:**

LCMC Title 16 Subdivisions
 LCMC Chapter 16.12 Design Standards
 LCMC Chapter 16.16 Improvements
 LCMC Chapter 17.17 Single-Family Residential Roads End (R-1-RE) Zone

BACKGROUND

In December 2020, an application for the proposed 5-lot Overlook Subdivision was submitted to the City. That application was deemed to be incomplete in January 2021. At the end of January 2021, the corrections were made by the applicant and presented to the City, and the application was considered complete. Notice was sent out for a March 16th, 2021 Planning Commission hearing. That hearing was cancelled and a corrected notice was sent out for an April 6th, 2021 hearing. On April 5th the applicant requested the hearing be continued to May 4th so that some minor changes could be made to the proposed subdivision. The application was resubmitted with changes on May 18th, 2021.

In April the City received comments on the past application for the subdivision. The comments included 5 concerns: (1) Need for speed bumps on Logan Rd, (2) Set back of homes from property line not defined on plan, (3) No information on the proposed homes size and levels, (4) Trees on my side of property line and limb overhang, (5) The 5 houses along my driveway would effectively create a wall looking east from my yard. These comments are included as a part of this application.

The applicant is requesting preliminary plat approval for a 5-lot subdivision for detached, single-family dwellings on approximately 1.12 acres. Lot sizes will range from 6,265 square feet to 9,048 square feet with an average lot size of 7,396 square feet. The applicant will complete the subdivision in a single phase of development.

Approximately 12,305 square feet will be reserved in a tract for the construction of a private street to serve the proposed subdivision. An emergency access easement will be granted on Lots #4 and #5 to create a vehicle turnaround. The easement will be thirty feet wide and contain a twenty-foot-wide driveway to form the turnaround.

The applicant will establish a homeowner's association to maintain and own the private street. Additionally, the applicant would like to reserve the right to gate the private street. Exact location and specifications of this gate will be determined during preparation of construction documents.

The site, for the most part, is surrounded by residentially developed properties. Presently, there is a single-family dwelling located in the center of the subject property; it will be removed upon development of the proposed subdivision. The area to the north is a platted subdivision (Compass Pointe) for 17 lots of detached single-unit dwellings. The area to the south is developed with single-unit dwellings. The area to the west is developed with single-unit dwellings. The area to the east is a platted subdivision (Zander Lane aka Bell Court) for 9-lots of detached single-unit dwellings. The only undeveloped parcels are located to the west and south of the subject property.

Public water and sanitary sewer systems will be extended from existing lines on Logan Road through the new street. An easement will be granted to the City of Lincoln City for the maintenance of these public systems. The site does not contain any significant wetlands or significant riparian areas.

On Tuesday, June 22, 2021, the Planning Commission held a site visit to the subject property to view the property. Notice for this visit was posted online on June 21, 2021.

ANALYSIS

LCMC 16.04.040 Definitions

“Private road” means a road or driveway under private ownership, the intent of which is to provide access to one or more lots or parcels and which travels through or alongside a separate ownership or potential separate ownership.

Finding: The applicant is proposing the construction of a private street to serve the proposed subdivision. The applicant will maintain and own the private street, and would like to reserve the right to gate the private street. Exact location and specifications of this gate will be determined during preparation of construction documents.

LCMC 16.08.210 Inspection and processing fee.

Finding: The required fees as established by City Council resolution were paid in full on April 16, 2020.

LCMC 16.08.220 Tentative plan – Submission.

Finding: The complete application was submitted on May 18, 2021. After the completeness review process, the public hearing was scheduled for July 6, 2021. Staff noticed the July 6, 2021 public hearing with a 500-foot radius notification area, and in the local publication, the *News Guard*. This requirement has been satisfied.

LCMC 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 applicant submitted a tentative plan, as demonstrated by the attached tentative plan set, and has prepared and provided a tentative plan outlining existing conditions and proposed improvements. Therefore, the proposed subdivision complies with this standard.

- 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 tentative plan is drawn to scale. Attached to this application narrative is the tentative plan set providing all pertinent information required by the applicable chapters of the Lincoln City Municipal code. Therefore, the proposed subdivision complies with this standard. Pertinent information is addressed below.

- 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: Not applicable. The applicant’s narrative states and submitted tentative plan shows that the proposed project comprises and subdivide the entire property. Therefore, this standard does not apply to the proposed subdivision.

- 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;*

Finding: The submitted tentative plan is drawn at a scale of one inch equals 50 feet. Attached to this application narrative is a tentative plan set containing all the information required by this subsection. Therefore, the subdivision complies with this standard.

2. *General Information. The following information shall be shown on the tentative plan:*
 - a. *Proposed name of the subdivision.*
 - 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;*

Finding: The tentative plan shows the proposed name as “Overlook.” The date, north arrow, and scale are shown on the submitted plan. The drawing is identified as a preliminary subdivision plat. The cover sheet notes the legal description as “Tax lot 1601 Lincoln County Tax Map 06-11-35-CC. Located in the southwest one-quarter of Section 35, Township 6 South, Range 11 West, Willamette Meridian, City of Lincoln City, Lincoln County, Oregon.” The cover sheet also includes a vicinity map at a scale of one inch equals 400 feet that identifies adjacent property boundaries and land uses. This requirement has been met.

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;*

Finding: The submitted plan set includes an existing conditions plan, identified as Sheet 2.0, which contains the required elements. This requirement has been met.

1. *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;*
 - 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;**

Findings: The submitted preliminary subdivision plat shows the location, widths, and approximate radii of curves of the proposed private street. Public drainage easements, public utility easements, private storm drainage easements, and private pedestrian access easements are shown. The dimensions of the proposed lots are shown, along with proposed lot and block numbers and lot size. Lots will be used for detached single-unit dwellings. Tracts are shown for the private street. This requirement has been met.

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

Finding: Sheet 1.0 of the submitted plan provides the following information pertaining to area coverage.

Total area =	52,272 square feet
Total anticipated future land coverage =	16,153 square feet
Total anticipated future land coverage =	35%
Streets =	12,305 square feet

The anticipated buildable area is based on conceptual future lot coverage. This requirement has been met.

- 3. 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.**

Finding: The submitted materials include the following:

Sheet 5 of the submitted plan set is the preliminary street plan and profile;
 Sheet 4 shows the overall utility – proposed sanitary sewer, storm drains, and water lines – layout;
 The proposed fire hydrant is located between Lot# 2 and #3 of the subdivision;
 An 8-inch water service and 8-inch sanitary sewer laterals are proposed;

A 36-inch storm drain is proposed, along with storm water with a storm drainage catch basin at the southern end of the Tract is proposed;
Single water service and meters for each lot, and single sanitary sewer services for each lot.

The plans do not show any property intended for dedication to the city or public, and no such dedications are required. No draft of the declaration of covenants, conditions, and restrictions for the development has been submitted. Additional requirements may be proposed by the City Planning Commission.

LCMC 16.12.010 Design standards and principles of acceptability.

Finding: A subdivision for single-family homes is consistent with the comprehensive plan and its implementing ordinances.

LCMC 16.12.020 Streets – General requirements.

Finding: One new street is proposed in this subdivision – Neptune Court. Neptune Court is proposed as a 40-foot wide road ROW.

LCMC 16.12.030 Streets – Minimum Right-of-Way and Roadway Width.

Finding: Right-of-way and roadway widths are provided by the applicant with a 5 ft sidewalk, 6 inch curb, 22 ft through lanes and street width and a 40 ft ROW. Therefore, the proposed subdivision complies with the City standard.

LCMC 16.12.040 Streets – Reserve strips.

Finding: Not applicable. The proposed subdivision does not include reserve strips. Therefore, this standard does not apply to the proposed subdivision.

LCMC 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.

Finding: The proposed subdivision is bordered by one (1) undeveloped property. However, the undeveloped property is already accessed by NW 51st Street. Consequently, the proposed street will never need to be extended and will terminate in a turnaround. Therefore, this standard does not apply to the proposed subdivision.

LCMC 16.12.070 – Streets – Intersection Angles

Finding: The proposed subdivision is unable to construct street intersection angle at a right angle. Consequently, the right-of-way lines along the acute angle have a proposed curb radius of 28 feet. No cul-de-sac entrances will be constructed in the proposed subdivision. Therefore, the proposed subdivision complies with this standard.

LCMC 16.12.080 Existing streets.

Finding: The proposed subdivision has frontage on one existing street: NE Logan Road. However, NE Logan

Road already has adequate right-of-way width. Additionally, there are no improvement projects identified in the Transportation System Plan adjacent to the subject property. Therefore, the proposed subdivision complies with this standard.

LCMC 16.12.090 - Half-streets.

Finding: Not applicable. No half streets are proposed. The proposed subdivision does not include construction of half-streets. Therefore, this standard does not apply to the proposed subdivision.

LCMC 16.12.100 - Cul-de-sacs.

Finding: Not applicable. The proposed subdivision does not include the construction of a cul-de-sac. Therefore, this standard does not apply to the proposed subdivision.

LCMC 16.12.110 - Street names.

Finding: The applicant is proposing to name the new private street Neptune Court. At this time, it is unknown to the applicant if this name will be confused with the name of an existing street. To the extent reasonable, the proposed subdivision complies with this standard.

LCMC 16.12.120 – Streets – Grades and Curves

Finding: Proposed Neptune Court is classified as a local street and its steepest slope is 9.5 percent. Per LCMC 16.12.120(A), the proposed street does not contain grades greater than 12 percent. Additionally, the proposed street maintains finished grades greater than one-half percent and does not include curves. Therefore, the proposed subdivision complies with this standard.

Lincoln City Zoning Ordinance §16.12.130 Streets – Planting easements.

Finding: Not applicable. The city will not require additional easement for planting.

LCMC 16.12.210 Lots – General requirements

Finding: Lot size, width, shape, and orientation will comply with the applicable standards set forth in the regulating zoning district. By complying with the designated zoning district, the proposed lots will be appropriate for the location and type of development. A demonstration of this compliance is provided in Section 17.17 of this application narrative. Findings and conclusions from the above cited section are incorporated herein by reference. Therefore, the proposed subdivision complies with this standard.

LCMC 16.12.220 – Minimum Lot Sizes

Finding: The tentative plan shows the square footage of the individual lots. The lot sizes range from 6,265 square feet to 9,048 square feet with an average lot size of 7,396 square feet. The proposed width and depth of each lot exceeds the requirements. The proposed tentative plan meets the requirements.

LCMC 16.12.230 Through lots.

Finding: The proposed subdivision does not include through lots. Therefore, this standard does not apply to the proposed subdivision.

LCMC 16.12.240 – Lot Side Lines

Finding: All newly created lot side lines in the proposed subdivision will be at right angles to Neptune Court, the proposed street on which all new lots will have frontage. The proposed subdivision will not create any curved streets. Therefore, the proposed subdivision complies with this standard.

LCMC 16.12.250 – Lots - Resubdivision

Finding: There is no portion of the proposed subdivision that could be further subdivided in the future. Zero of the five proposed lots are twice the minimum lot size in the applicable zone. Consequently, the lots could not be divided again. Any land that was not included in these lots was set aside for the construction of the proposed private street. Therefore, this standard does not apply to the proposed subdivision.

LCMC 16.12.260-Residential building setback lines.

Finding: The proposed subdivision will not establish special building setback lines. Therefore, this standard does not apply to the proposed subdivision.

LCMC 16.12.270 – Public Open Space

Finding: Due to the size of the subdivision, the city will not require any open space in the subdivision.

Chapter 16.16 Improvements:

LCMC 16.16.010 Required improvements.

Finding: Required improvements to be installed at the expense of the subdivider in accordance with the city requirements prior to final plat approval include this list. Several of the items listed are discussed separately in the following:

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, as needed to meet engineering standards;
6. Lot, street and perimeter monumentation;
7. Underground power lines;
8. Underground telephone lines.
9. Bicycle, equestrian or special “ways”, as needed;
10. Underground cable TV lines.

The proposed subdivision will construct the improvements listed under 16.16.010(A)(1) through 16.16.010(A)(10), except for 16.16.010(A)(9). All of these improvements will be constructed within the boundary of the proposed subdivision. There is no amount of dedicated or undedicated open space included with this application. Therefore, the proposed subdivision complies with this standard.

LCMC 16.16.020 – Improvements - Streets

Finding: The applicant is required by this code section to improve the existing adjacent public streets. Required improvements include, but are not limited to, curb, gutter, sidewalk, and half street improvements.

LCMC 16.16.030 – Surface Drainage and Storm Sewer System

Finding: The tentative plan indicates a proposed storm water collection system along the proposed right-of-way; notes indicate it will connect with city system at the street intersection. Information regarding stormwater drainage and proposed storm sewer system are provided in the attached Stormwater Drainage Report. Findings and conclusions from the previously mentioned report are incorporated herein by reference. Therefore, the proposed subdivision complies with this standard. The specific design to meet all applicable City of Lincoln City standards and must be submitted and drainage improvements constructed to the satisfaction of the city engineer prior to acceptance of the final plat.

LCMC 16.16.040 – Sanitary Sewer

Finding: The subdivision will utilize either the existing public sanitary sewer line located in NE Logan Road ROW. There is an eight-inch sanitary sewer main located under NE Logan Road. The proposed subdivision will tie into this line and extend another eight-inch sanitary sewer line through Neptune Court. Each proposed lot will connect to the sanitary sewer line in Neptune Court. Therefore, the proposed subdivision complies with this standard.

LCMC 16.16.050 – Water System

Finding: An existing public water line is located in NE Logan Road ROW. There is an eight-inch watermain located under NE Logan Road. The proposed subdivision will tie into this line and extend another eight-inch waterline through Neptune Court. Each proposed lot will connect to the waterline in Neptune Court. Therefore, the proposed subdivision complies with this standard.

LCMC 16.16.060 – Sidewalks

Finding: The proposed subdivision will construct a five-foot-wide sidewalk along both sides of Neptune Court, the proposed street. Therefore, the proposed subdivision complies with this standard. All sidewalks shall be designed to meet all applicable ADA and City of Lincoln City standards.

LCMC 16.16.070 Street Names 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.

Finding: Installation of street name signs will be completed during construction of the proposed subdivision. When it is appropriate, the proposed subdivision will comply with this standard.

LCMC Chapter 17.17 Single-Family Residential Roads End (R-1-RE) Zone
17.17.020 Permitted uses.

Finding: Pursuant to LCMC 17.17.020.A.1, single-family dwellings are permitted uses in the Single-Family Residential Roads End (R-1-RE) Zone. The proposed subdivision is creating lots intended for detached, single-family homes. Therefore, the proposed subdivision complies with this standard.

17.17.070 Lot requirements.

- A. *The minimum lot area shall be 5,000 square feet for a single-family dwelling and a minimum of 8,000 square feet for a duplex.*

Finding: The submitted tentative plans show the subject property at 52,272 square feet. Deducting 12,037 square feet from 52,272 square feet for the proposed ROW leaves 40,235 square feet. The applicant proposes a 5-lot subdivision for detached single-unit dwellings. All of the five (5) proposed lot exceed the 5,000 sq ft minimum. Lot sizes will range from 6,265 square feet to 9,048 square feet with an average lot size of 7,396 square feet. The density requirements are met.

- B. *Lot Width. The minimum lot width shall be 50 feet.*

Finding: The proposed lots are for detached single-unit dwellings; each lot exceeds the required lot width.

- C. *Lot Depth. The minimum lot depth shall be 70 feet.*

Finding: The proposed lots exceed the required lot depth. The smallest proposed lot size is 6,265 square feet. In the Roads End zone, the minimum lot size for single-family dwellings is 5,000 square feet. Consequently, all five proposed lots complies with the minimum lot size requirements. Minimum lot width and depth are addressed in the applicant's response to LCMC 16.12.220. Minimum Lot Sizes. Findings and conclusions from the above-mentioned section are included herein by reference. Therefore, the proposed subdivisions complies with this standard.

- I. *Building Coverage. The maximum building coverage by buildings and structures shall not exceed 35 percent of the total lot area.*

Finding: The net site area is listed as 40,235 square feet. This means no more than 26,153 square feet of the site can be covered with buildings and structures. The building coverage requirement is met.

17.17.060 Maximum building height.

Maximum building height shall be 30 feet except as provided in LCMC 17.52.190 and 17.52.200.

Finding: Height will be reviewed during the building permit review process. The requirement is met for this application.

17.17.090 Parking.

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

Finding: Parking requirements and compliance thereof will be reviewed during the building permit and plan review process under Chapter 17.56 LCMC. A demonstration of this compliance is provided in Section IV.C of this application narrative. Findings and conclusions from the above-cited section are incorporated herein by reference. Therefore, the proposed subdivision complies with this standard.

17.17.100 Other required conditions.

- A. *Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.*

Finding: The proposed subdivision will create lots intended for future development of detached, single-family dwellings. Compliance with design feature standards will be reviewed during an application for a building permit. These standards do not directly apply to the proposed subdivision..

LCMC 17.52.030 Access Requirement. Every lot shall abut a street, other than an alley, for at least 25 feet.

Finding: Each lot in the proposed subdivision has more than 25 feet of frontage along a public street. As demonstrated by Table IV-B, below, the proposed subdivision complies with this standard

LCMC 17.52.100 Landscaping. (A) Purpose. Landscaping is important to the community for its aesthetic value and environmental benefits, such as controlling erosion and functioning as part of the natural hydrologic cycle. By requiring landscaping for all new development and substantial improvements, the aim of this section is to maximize both benefits. Landscaping for each new development shall satisfy the following requirements.

Finding: The proposed subdivision will create lots intended for future development of detached, singlefamily dwellings. Compliance with this landscaping standard will be reviewed during an application for a building permit. Therefore, this standard does not apply to the proposed subdivision.

LCMC 17.56 Off-street parking and loading regulations

Finding: The proposed subdivision will create lots intended for future development of detached, singlefamily dwellings. Because LCMC 17.56.040(A) is enforced when a dwelling is constructed, the proposed subdivision itself does not need to comply with this standard. However, upon construction of dwellings, compliance with off-street parking will be revised under an application for a building permit.

LCMC 17.56.050 Number of Spaces Required.

Finding: The number of off-street parking spaces required for a single-family dwelling is dependent on the square footage. While the proposed subdivision will create lots intended for future development of single-family dwellings, the sizes of these future dwellings is unknown at this time. This standard will be enforced under an application for a building permit, and the future parking will comply with City code.

Conclusion

This application narrative and accompanying plan set demonstrate that all applicable provisions of the City of Lincoln City Municipal Code are satisfied. We respectfully request approval of this subdivision tentative plat application.

Recommended conditions:

1. The project shall be developed in one phase, with completion of required infrastructure and final plat recording by July 6, 2023.
2. Any Covenants, Codes and Restrictions shall be submitted as part of the final plat.
3. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9, and any permits required.
4. With submittal of the final engineering plans, the applicant shall submit a waste disposal plan that has been approved by North Lincoln Sanitary Service that allows sufficient accessibility for collection vehicles to service the development. Approval from North Lincoln Sanitary Service shall consist of Lon French's signature and date of signature on the waste disposal plan, with a statement that he has approved the plan as shown.
5. The project plan set submitted with the request for review of the final engineering plans shall show compliance with 2019 Oregon Fire Code 503 and Appendix D for Fire Apparatus Access

Roads, and 2019 Oregon Fire Code 507 and Appendix C for Fire Protection Water Supplies for one- and two-family dwellings.

6. The applicant shall submit two copies of engineering plans for all public improvements and site development to the Department of Public Works for review and approval. These shall either be approved as submitted or modified in accordance with requirements of the City Engineer. Plans shall be stamped by a licensed professional engineer. The City Engineer's review and any required modifications shall be for assuring that the improvements shall be consistent with Lincoln City Public Works Standards and the provisions of this condition of approval.
7. Prior to issuance of any structural permits, any site work, any construction activity, or any demolition, clearing, grubbing, or excavating, a Combined Public Works Permit application shall be submitted. The Combined Public Works Permit application shall be submitted with each and every structural permit application. All right-of-way work planned shall be noted on the approved plans and performed as shown.
8. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed. Any changes to the approved engineering plans affecting public improvements or utilities shall be submitted to the Lincoln City Public Works Department for approval prior to construction of altered facilities.
9. A net cut/fill calculation shall be completed and submitted with the application. If net cut exceeds 5,000 CY, the proposed permitted fill disposal site shall be identified by the applicant.
10. Private Street maintenance responsibility shall be clearly delegated to the HOA formed for the planned unit development.
11. Private Streets shall be constructed with a standard curb return, consistent with adjacent subdivisions and Lincoln City Public Works street standards. Curb return radius shall be a minimum of 15 feet, according to the local-to-local LCPW Streets Design Standards. Gate location shall be reviewed by City staff and identified on the final plat and in the submittal of construction documents.
12. Applicant is responsible for the verification of existing private infrastructure and any repairs required. Applicant shall be responsible for verification of existing utilities proposed for use.
13. Private roads shall note the required blanket utility and access easements on the final plat.
14. Any Public Access/Stormwater/Utility easement shall be dedicated for any sidewalk/storm/sewer/water public infrastructure on private property. The easements shall be noted on the approved engineering plans as well as noted on the final plat.

Engineering Plans:

15. The applicant shall submit two copies of engineering plans for all public improvements and site development to the Department of Public Works for review and approval. These shall either be approved as submitted or modified in accordance with requirements of the City Engineer. Plans shall be stamped by a licensed professional engineer.
16. The City Engineer's review and any required modifications shall be for assuring that the improvements shall be consistent with Lincoln City Public Works Standards and the provisions of this condition of approval.
17. Prior to issuance of the building permit and any site work, construction activity, demolition, clearing, grubbing, or excavating, a Combined Public Works Permit application shall be submitted with permit application. All Right-of-Way work planned shall be noted on the approved plans and performed as shown.
18. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed. Any changes to the approved engineering plans affecting public improvements or utilities shall be submitted to the Lincoln city public works department for approval prior to construction of altered facilities.
19. Within 30 days after construction field verified, stamped as-builts for all public improvements, including relevant survey data, shall be provided to the City Public Works Department in

AutoCAD format. All discovered utilities and changes to the approved site-plan shall be noted with callouts indicating location, depth, and material. The record drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.

20. The applicant shall provide any and all daily engineering inspection and reporting service required for the project.

Erosion Control, Site Preparation, and Grading:

21. With the engineered plans, the applicant shall submit two copies of erosion control plans to the Department of Public Works. The City Engineer will review and approve all erosion control plans. Approved soil erosion control measures must be in place and inspected by the Department of Public Works prior to any construction activities.
22. The proposed area exceeds one (1) or more acres of land disturbance throughout construction. The applicant is responsible for application, acquisition, and compliance with an Oregon DEQ 1200-C Stormwater permit.
23. All site grading shall be shown on the submitted plan set. All grading and excavation shall adhere to UBC Appendix chapter 33 and LCMC 12.08.
24. Planting & slope stabilization shall be completed per the landscape plan for finished slopes prior to final approval by public works. Additional planting & slope stabilization measures for grades exceeding 1:2 shall be implemented by the applicant as needed.

Street Improvements (17.52.230):

25. New Sidewalk, curb, gutter and necessary pavement repair shall be completed along street frontage in compliance section 17.52.230 of the Lincoln City Municipal Code. All city right-of-way work planned shall be noted on the approved plan set and performed as shown. Work shall include:
26. Construction of sidewalk improvements per LCPW standards: including ADA-accessible transitions at all sidewalk terminations, ADA compliant directional-curb ramp installation, and sidewalk/driveway compliance with state and federal Public Right of Way Accessible Guidelines. Elevations and/or slopes addressing this shall be noted on the submitted plan set.
27. The extents of NE Logan Rd being cut for multiple utility installations shall be repaired with a 1-1/2" overlay (min). Grinding shall be completed as needed to maintain curb exposure, drainage, and smooth transitions to the existing pavement. Trench cuts shall have a finished asphalt depth of 4" (min) per LCPW standards.
28. The clear vision triangle, per LCMC 17.52.060, shall be maintained at the abutting intersection. The necessary grading shall be shown on the submitted site plan. The applicant shall be responsible for obtaining necessary approvals from neighboring property owners.
29. A traffic control plan and/or details shall be submitted with the engineering plan set for proposed work on NE Logan Road.
30. All materials & methods shall adhere to LCPW standards including, but not limited to: asphalt paving, aggregate base, roadway fabric, striping, subgrade preparation, and compaction. Compaction procedures, including proposed compaction method, implementation plan, and compaction testing plan shall be submitted with the engineered grading plan.
31. Required street signage shall be provided and installed by the owner, including: Street names, stop signs, striping, and no parking signs.
32. "No Parking" signs shall be displayed on either side of the roadway.
33. Any and all street lighting shall be the responsibility of the developer & maintained by the HoA.
34. A utility maintenance and access easement shall be dedicated to the City of Lincoln City for the public water & sewer utilities.
35. Stormwater maintenance and upkeep shall be delegated with the roadway to the HoA.

Storm Sewer:

36. All new impervious paving shall be treated according to the Lincoln City Public works Stormwater Design Standards. Treatment shall be sized according 50% of the 2-year, 24-hour rain event.
37. All increase from the existing sites total impervious area shall be detained according to Lincoln City Public Works Stormwater Design Standards: 2-year, 10-year, 25-year 24-hour rain event.
38. Calculations for conveyance, infiltration, detention, water quality, and drainage facilities shall be submitted with permit application and demonstrate that the system is capable of handling the increased flows and/or proposed work on the system will adequately increase system size.
39. Engineering plans shall demonstrate stormwater discharge of each lot to the constructed stormwater system per city standard.

Sanitary Sewer:

40. All Sanitary Sewer access points shall be pre-cast, 48" diameter manholes with standard frame and lid (two-hole) constructed per Oregon standard detail RD338. No cleanouts shall be allowed.
41. Cleanouts shall be installed at the property line as noted. End of pipe shall be marked with green painted 2"x4" set flush with finished grade.
42. Applicant shall additionally submit sanitary sewer plans to the Oregon DEQ. Applicant shall be responsible for adhering to any additional approval conditions. After construction, facilities shall be flushed, pressure tested, TVed, and mandrelled according to the 2018 ODOT Standard specification. Manholes shall be vacuummed tested according to the 2018 ODOT Standard specification. TV footage and testing reports shall be submitted to LCPW with submission of required as-builts prior to final acceptance by LCPW. City of Lincoln city shall be notified 48 hours in advance of testing per LCPW Standards.

Water Utilities:

43. The applicant is responsible for ensuring that requested fire and domestic service ensures adequate flow & pressure for required water supply. The applicant shall be responsible for conducting any flow tests required to establish water pressure and flow information. The applicant shall give the Public Works Department 48 hours advance notice of any flow testing to be performed. A water distribution city staff member shall be on site at the time of flow testing
44. Applicant shall be responsible for verification of existing utilities proposed for use.
45. All connections to the public water system, assemblies, and service line location shall be designed and completed according to Lincoln City Public Works Design Standards.
46. Material submittals for all public water improvements shall be submitted to LCPW for review and approval in accordance with LCPW Water Distribution standards.
47. All water meter boxes shall be placed at back of walk, outside of the sidewalk.
48. Owner shall be responsible for all chlorination, pressure testing, and coordination with LCPW water distribution staff according to LCPW Standards. City of Lincoln city shall be notified 48 hours in advance of testing per LCPW Standards.

Attachments:

- Application Narrative_051721 (PDF)
- NWC2001 Overlook Subdivision_05172021 (PDF)
- Presentation SUB-2020-02 (PPTX)
- Site Visit Photos (PDF)

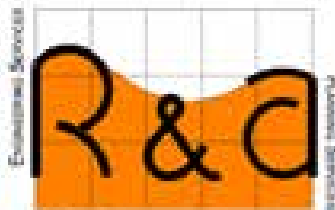
The Overlook Subdivision

Tentative Subdivision Plan Application

Prepared for:

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Prepared by:



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December 11, 2020

Revised: May 17, 2021

The Overlook Subdivision

Project Summary

Request:	Application for approval of the tentative plat for Logan Road Subdivision, a five-lot residential development.
Location:	5257 NW Logan Road Lincoln County Assessor's Map No. 06-11-35CC, Lot 1601
Applicant/Owner:	Amy M. Bogran, President NW Coastal Investments DBA Picture Book Properties 5 Centerpointe Drive, Suite 400a Lake Oswego, Oregon 97035
Representative:	Roy Thompson Thompson Bogran, P.C. 5 Centerpointe Drive, Suite 400a Lake Oswego, Oregon 97035 503-635-3400 Email: mickbankstb@comcast.net Phone: 503-635-3897
Engineer/Planner:	Reece & associates, Inc. 321 1 st Avenue Suite 3A Albany OR 97321 541-926-2428 Engineer: David J. Reece, PE Planner: Hayden Wooton dave@r-aengineering.com haydenw@r-aengineering.com

Exhibits:

- A – Lincoln County Assessor's Map No. 06s11w35CC
- B – Aerial Photograph
- C – City of Lincoln City Zoning Map

Plan Set:

- 1 – Cover Sheet
- 2 – Existing Conditions and Demolition Plan
- 3 – Lot Layout
- 4 – Overall Utility Layout
- 5 – Neptune Court Plan and Profile
- 6 – Logan Road Plan and Profile

I. Project Description

The proposed subdivision will create five lots for detached, single-family dwellings on approximately 1.12 acres located on Lincoln County Assessor's Map No. 06-11-35CC, Lot 1601 (Exhibit A). The subject properties are zoned Single-Family Residential, Roads End Zone (R-1-RE) by the City of Lincoln City. Lot sizes will range from 6,900 square feet to 7,836 square feet with an average lot size of 7,350 square feet. The applicant will complete the subdivision in a single phase of development.

Approximately 12,305 square feet will be reserved in a tract for the construction of a private street to serve the proposed subdivision. An emergency access easement will be granted on Lots #4 and #5 to create a vehicle turnaround. The easement will be thirty feet wide and contain a twenty-foot-wide driveway to form the turnaround. Public water and sanitary sewer systems will be extended from existing lines in Logan Road through the new street. An easement will be granted to the City of Lincoln City for the maintenance of these public systems.

The applicant will establish a homeowner's association to maintain and own the private street. Additionally, the applicant would like to reserve the right to gate the private street. Exact location and specifications of this gate will be determined during preparation of construction documents.

The proposed development conforms to all applicable sections of the City of Lincoln City Municipal Code (LCMC). This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the LCMC. Applicable criteria of the City of Lincoln City Municipal Code will appear in *italics* followed by the applicants' responses in regular font.

II. Existing Conditions

NE Logan Road is a paved road, has one lane in each direction, and is constructed to a rural street standard. Presently, there is a single-family dwelling located in the center of the subject property; it will be removed upon development of the proposed subdivision. For Adjacent zones and land uses refer to (Exhibit B for aerial photograph and Exhibit C for City of Lincoln City zoning map):

North: Seascape Compass Point Subdivision zoned Residential Roads End (R-1-RE) by the City of Lincoln City.

South: Two lots with residential dwellings zoned Residential Roads End (R-1-RE) by the City of Lincoln City.

East: Zander Lane Subdivision zoned Residential Roads End (R-1-RE) by the City of Lincoln City.

West: Several lots with residential dwellings zoned Residential Roads End (R-1-RE) by the City of Lincoln City.

III. Subdivisions

A. Procedure

LCMC 16.08.220 Tentative Plan – Submission.

This application narrative and accompanying Tentative Subdivision Plan have been submitted to the City of Lincoln City for consideration by the Planning Commission. The application package contains all required submittal materials. This application satisfies this standard.

LCMC 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.*

As demonstrated by the attached tentative plan set, the subdivider has prepared and provided a tentative plan outlining existing conditions and proposed improvements. Therefore, the proposed subdivision complies with this standard.

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.*

Attached to this application narrative is a tentative plan set providing all pertinent information required by the applicable chapters of the Lincoln City Municipal code. Therefore, the proposed subdivision complies with this standard.

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.*

As demonstrated by the attached tentative plan set, the proposed project will subdivide the entire property. Therefore, this standard does not apply to the proposed subdivision.

D. Information Required.

Attached to this application narrative is a tentative plan set containing all the information required by this subsection. Therefore, the subdivision complies with this standard.

B. Design Standards

LCMC 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.*

Right-of-way and roadway widths are provided by “Figure 15i: Optimum Street Design for Low-Use Local Street” in the Transportation System Plan, Volume 1, Standards Section. Table III-B.

The Overlook Subdivision

Street Dimensions below details the proposed dimensions of Neptune Court, a new private street. Therefore, the proposed subdivision complies with this standard.

	Standard	Proposed
Walking Throughway	6 ft.	5 ft.*
Curb	6 in.	6 in.
On-Street Parking	7 ft. (Optional)	Not provided.
Through Lanes	20 ft.	22 ft.
Street Width	20 ft. to 34 ft.	22 ft.
Right-of-Way Width	33 ft. to 47 ft.	40 ft.

*According to Lincoln City Public Works Department Design Standards, the local street cross section provides only requires a minimum sidewalk width of five feet.

LCMC 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.*

The proposed subdivision does not include reserve strips. Therefore, this standard does not apply to the proposed subdivision.

LCMC 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. (Revised Response)*

The proposed subdivision is bordered by one undeveloped property. However, this lot access to NW 51st Street. Consequently, the proposed street will never need to be extend and will terminate in a turnaround. Therefore, this standard does not apply to the proposed subdivision.

LCMC 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.*

The proposed subdivision is unable to construct street intersection angle at a right angle. Consequently, the right-of-way lines along the acute angle have a proposed curb radius of 28 feet. No cul-de-sac entrances will be constructed in the proposed subdivision. Therefore, the proposed subdivision complies with this standard.

LCMC 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.*

The proposed subdivision has frontage on one existing street: NE Logan Road. However, NE Logan Road already has adequate right-of-way width. Additionally, there are no improvement projects

The Overlook Subdivision

identified in the Transportation System Plan adjacent to the subject property. Therefore, the proposed subdivision complies with this standard.

LCMC 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 may be required to preserve the objectives of half streets.*

The proposed subdivision does not include construction of half-streets. Therefore, this standard does not apply to the proposed subdivision.

LCMC 16.12.100 Cul-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 cul-de-sac shall terminate with an approved turnaround.*

The proposed subdivision does not include the construction of a cul-de-sac. Therefore, this standard does not apply to the proposed subdivision.

LCMC 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.*

The applicant is proposing to name the new private street Neptune Court. At this time, it is unknown to the applicant if this name will duplicate or be confused with the name of an existing street. To the extent reasonable, the proposed subdivision complies with this standard.

LCMC 16.12.120 Streets – Grades and curves. *(A) Grades shall not exceed six percent on major streets, 10 percent on collectors, or 12 percent on any other street, without approval of the department of public works. (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.*

Neptune Court is classified as a local street and its steepest slope is 8.75 percent. Per LCMC 16.12.120(A), the proposed street does not contain grades greater than 12 percent. Additionally, the proposed street maintains finished grades greater than one-half percent and does not include curves. Therefore, the proposed subdivision complies with this standard.

LCMC 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.*

The proposed subdivision does not include the construction of an alley. Therefore, this standard does not apply to the proposed subdivision.

The Overlook Subdivision

LCMC 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.*

Lot size, width, shape, and orientation will comply with the applicable standards set forth in the regulating zoning district. By complying with the designated zoning district, the proposed lots will be appropriate for the location and type of development. A demonstration of this compliance is provided in Section IV.A of this application narrative. Findings and conclusions from the above-cited section are incorporated herein by reference. Therefore, the proposed subdivision complies with this standard.

LCMC 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:

As demonstrated by Table III-B below, the proposed subdivision complies with this standard.

	Required Width	Proposed Width	Required Depth	Proposed Depth
Lot One	60 ft. (Corner)	66.5 ft.	80 ft. (Corner)	103 ft.
Lot Two	50 ft.	70 ft.	60 ft.	103 ft.
Lot Three	50 ft.	71 ft.	60 ft.	103 ft.
Lot Four	50 ft.	69 ft.	60 ft.	103 ft.
Lot Five	50 ft.	70 ft.	60 ft.	104 ft.

LCMC 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.*

The proposed subdivision does not include through lots. Therefore, this standard does not apply to the proposed subdivision.

LCMC 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.*

All newly created lot side lines in the proposed subdivision will be at right angles to Neptune Court, the proposed street on which all new lots will have frontage. The proposed subdivision will not create any curved streets. Therefore, the proposed subdivision complies with this standard.

LCMC 16.12.250 Lots – Resubdivision. *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.*

There is no portion of the proposed subdivision that could be further subdivided in the future. Zero of the five proposed lots are twice the minimum lot size in the applicable zone. Consequently, the lots could not be divided again. Any land that was not included in these lots was set aside for the construction of the proposed private street. Therefore, this standard does not apply to the proposed subdivision.

The Overlook Subdivision

LCMC 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.*

The proposed subdivision will not establish special building setback lines. Therefore, this standard does not apply to the proposed subdivision.

C. Improvements

LCMC 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.*

The proposed subdivision will construct the improvements listed under 16.16.010(A)(1) through 16.16.010(A)(10), except for 16.16.010(A)(9). All of these improvements will be constructed within the boundary of the proposed subdivision. There is no amount of dedicated or undedicated open space included with this application. Therefore, the proposed subdivision complies with this standard.

LCMC 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.*

Information regarding stormwater drainage and proposed storm sewer system are provided in the attached Stormwater Drainage Report. Findings and conclusions from the previously mentioned report are incorporated herein by reference. Therefore, the proposed subdivision complies with this standard.

LCMC 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.*

Presently, there is an eight-inch sanitary sewer main located under NE Logan Road. The proposed subdivision will tie into this line and extend another eight-inch sanitary sewer line through

The Overlook Subdivision

Neptune Court. Each proposed lot will connect to the sanitary sewer line in Neptune Court. Therefore, the proposed subdivision complies with this standard.

LCMC 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.*

Presently, there is an eight-inch watermain located under NE Logan Road. The proposed subdivision will tie into this line and extend another eight-inch waterline through Neptune Court. Each proposed lot will connect to the waterline in Neptune Court. Therefore, the proposed subdivision complies with this standard.

LCMC 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.*

The proposed subdivision will construct a five-foot-wide sidewalk along the west side of Neptune Court, the proposed street. Therefore, the proposed subdivision complies with this standard.

LCMC 16.16.070 Street Names 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.*

Installation of street name signs will be completed during construction of the proposed subdivision. When it is appropriate, the proposed subdivision will comply with this standard.

IV. Zoning

A. Single-Family Residential, Roads End Zone

LCMC 17.17.020 Permitted Uses. *The following uses are permitted: (A) Residential. (1) Single-family dwellings.*

The proposed subdivision is creating lots intended for detached, single-family homes. According to 17.17.020(A)(1), single-family dwellings are considered an outright permitted use. Therefore, the proposed subdivision complies with this standard.

LCMC 17.17.070 Lot Requirements.

The smallest proposed lot size is 6,900 square feet. In the Roads End zone, the minimum lot size for single-family dwellings is 5,000 square feet. Consequently, all five proposed lots complies with the minimum lot size requirements.

Minimum lot width and depth are addressed in the applicant's response to LCMC 16.12.220 Minimum Lot Sizes. Findings and conclusions from the above-mentioned section are included herein by reference. Therefore, the proposed subdivisions complies with this standard.

The Overlook Subdivision

LCMC 17.17.090 Off-Street Parking and Loading. *The regulations of Chapter 17.56 LCMC apply to off-street parking and loading. Driveways shall not have an impervious width of more than 20 feet. Driveways may be gravel.*

Off-street parking will comply with the applicable standards set forth in LCMC Chapter 17.56. A demonstration of this compliance is provided in Section IV.C of this application narrative. Findings and conclusions from the above-cited section are incorporated herein by reference. Therefore, the proposed subdivision complies with this standard.

LCMC 17.17.100 Other Required Conditions.

The proposed subdivision will create lots intended for future development of detached, single-family dwellings. Compliance with design feature standards will be reviewed during an application for a building permit. These standards do not directly apply to the proposed subdivision.

B. Supplementary Regulations and Exceptions

LCMC 17.52.030 Access Requirement. *Every lot shall abut a street, other than an alley, for at least 25 feet.*

Each lot in the proposed subdivision has more than 25 feet of frontage along a public street. As demonstrated by Table IV-B, below, the proposed subdivision complies with this standard

Lot Number	Frontage (Feet)
One	53.76
Two	70.00
Three	72.1
Four	66.5
Five	60.7

LCMC 17.52.100 Landscaping. (A) *Purpose. Landscaping is important to the community for its aesthetic value and environmental benefits, such as controlling erosion and functioning as part of the natural hydrologic cycle. By requiring landscaping for all new development and substantial improvements, the aim of this section is to maximize both benefits. Landscaping for each new development shall satisfy the following requirements.*

The proposed subdivision will create lots intended for future development of detached, single-family dwellings. Compliance with this landscaping standard will be reviewed during an application for a building permit. Therefore, this standard does not apply to the proposed subdivision.

C. Off-Street Parking and Loading Regulations

LCMC 17.56.040 Off-Street Parking. *Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time: (A) A new building is hereafter erected.*

The proposed subdivision will create lots intended for future development of detached, single-family dwellings. Because LCMC 17.56.040(A) is enforced when a dwelling is constructed, the

The Overlook Subdivision

proposed subdivision itself does not need to comply with this standard. However, upon construction of dwellings, compliance with off-street parking will be revised under an application for a building permit.

LCMC 17.56.050 Number of Spaces Required. *The number of off-street parking spaces required shall be set forth in the following schedule.*

The number of off-street parking spaces required for a single-family dwelling is dependent on the square footage. While the proposed subdivision will create lots intended for future development of single-family dwellings, the sizes of these future dwellings is unknown at this time. This standard will be enforced under an application for a building permit, and the future parking will comply with table below:

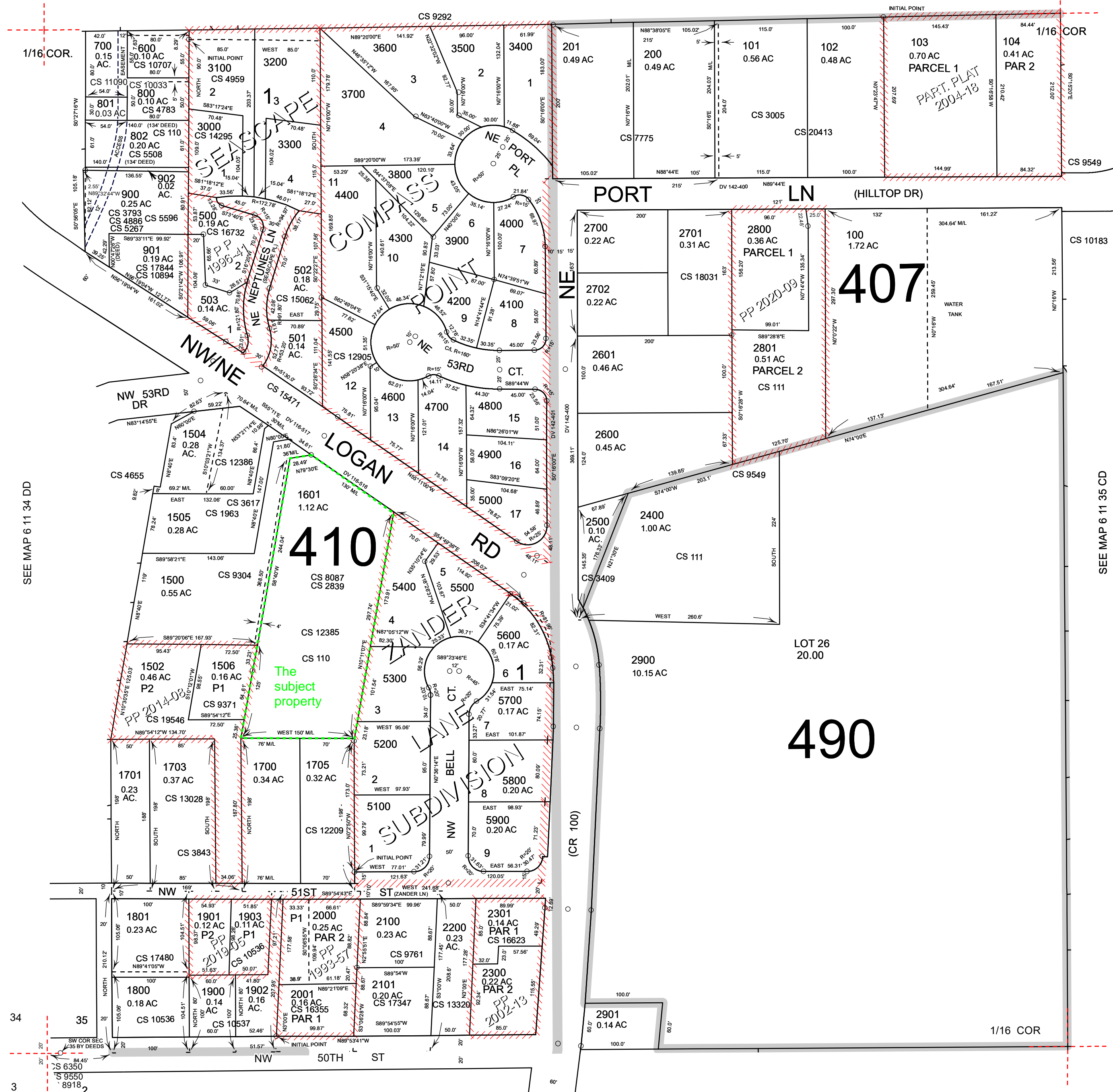
Single-Family Dwelling	Requirement
700 square feet or less per unit	1 space per dwelling unit
701 to 1,000 square feet per unit	1.5 spaces per dwelling unit (Round Up)
Over 1,000 square feet per unit	2 spaces per dwelling unit

V. Conclusion

This application narrative and accompanying plan set demonstrate that all applicable provisions of the City of Lincoln City Municipal Code are satisfied. We respectfully request approval of this subdivision tentative plat application.

- Cancelled
- 300
- 400
- 1000
- 1100
- 1200
- 1300
- 1400
- 1501
- 1503
- 1600
- 1702
- 1704

SEE MAP 6 11 35 CB



SEE MAP 6 11 34 DD

SEE MAP 6 11 35 CD

SEE MAP 7 11 2 B

Revised: SEB
06/09/2020

Exhibit B - Aerial Photo

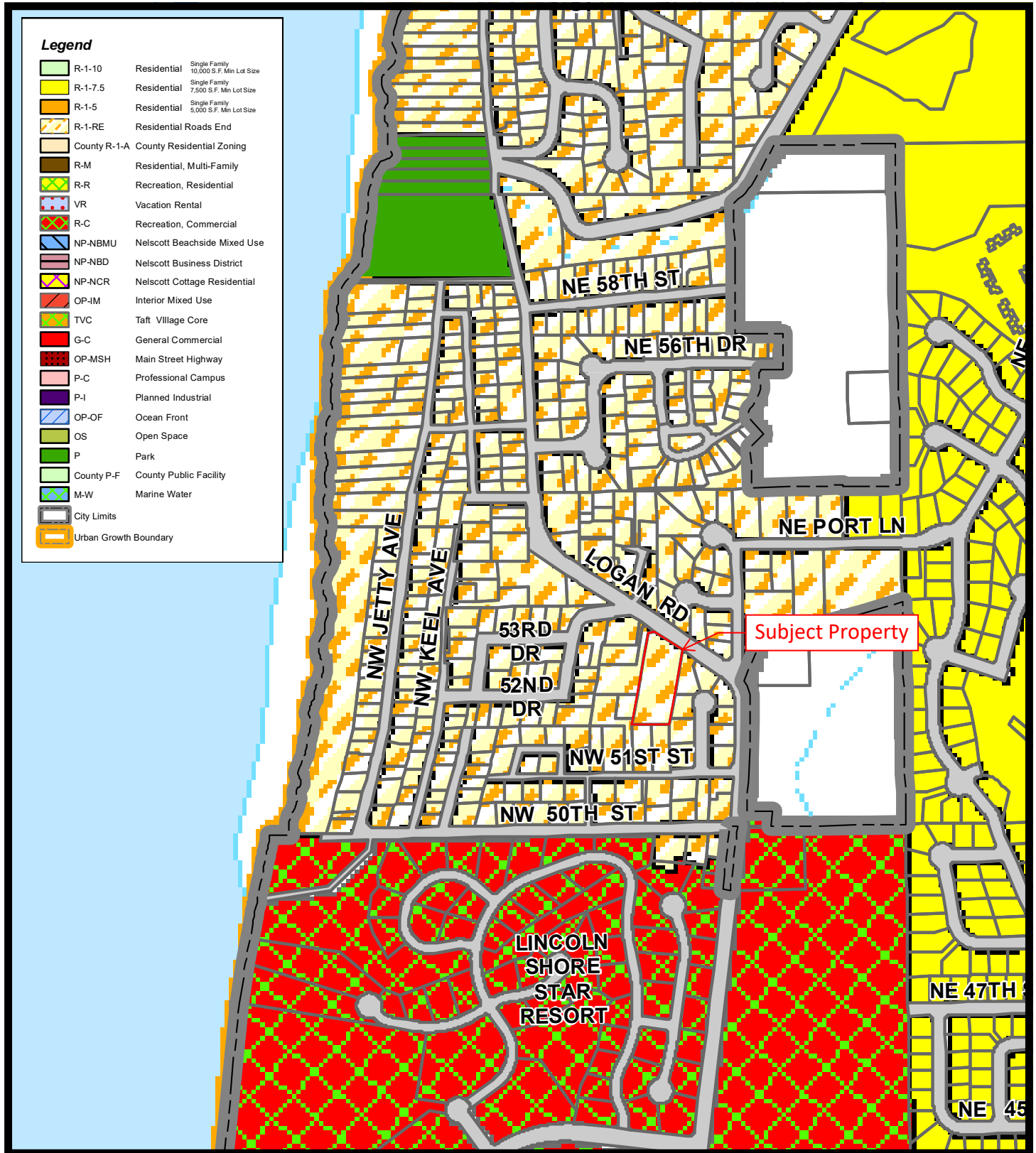


Printed 11/09/2020

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Lincoln City Zoning



Subdivision Preliminary Plat Request SUB-2020-02

Tuesday, July 6, 2021

The Lincoln City Planning Commission



Property Location

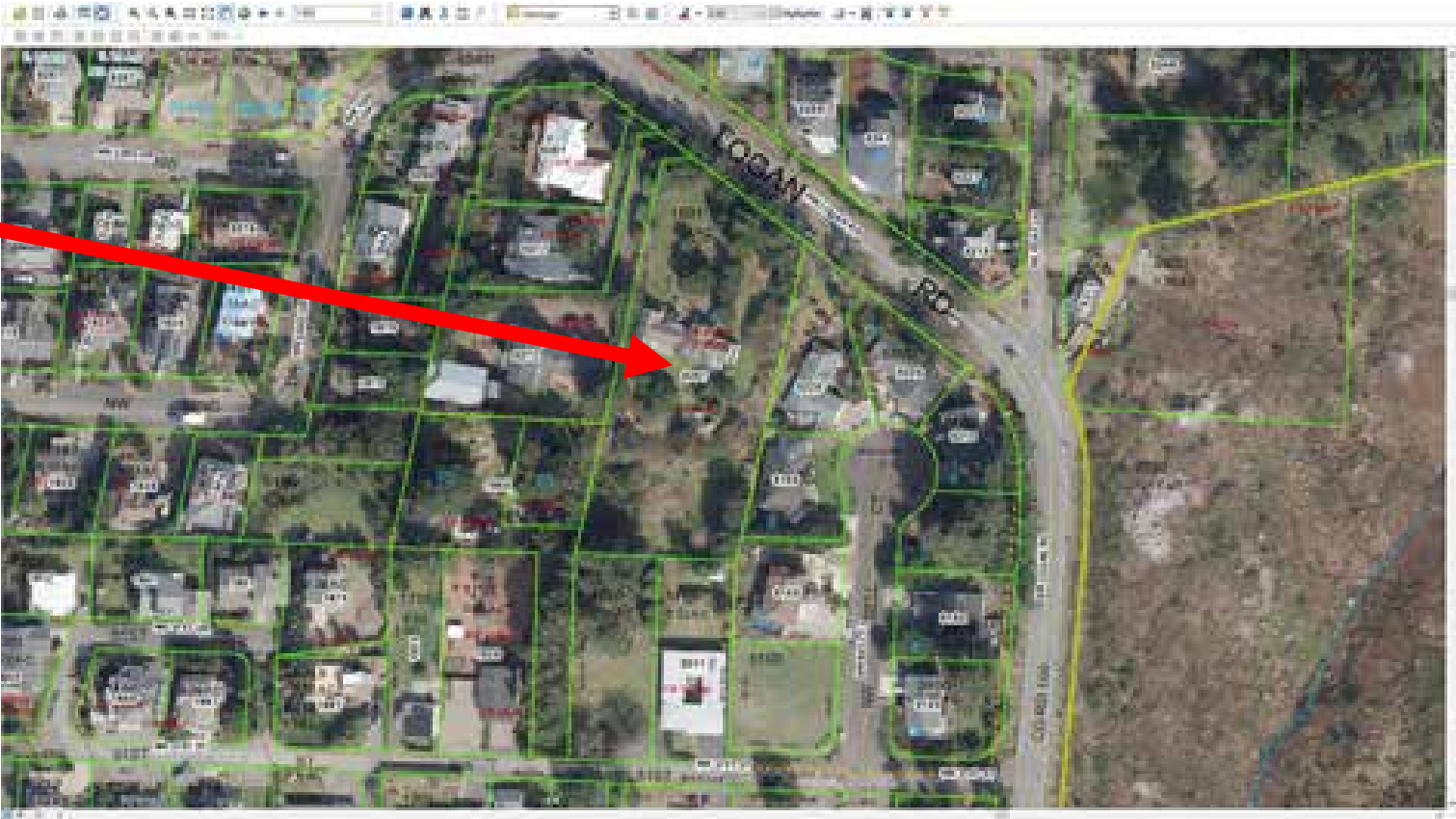
- Location Map

Subject property



Property Location

Subject
property



Views of Property (north side)



View of Property (south side)



Issue/Request:

The applicant is requesting approval of a 5-lot residential subdivision for the Overlook Subdivision, for detached single-family dwellings.

The site consists of approximately 1.12 acres in the Road's End Residential (R-1-RE) zone, located at 5257 NE Logan Road, between the intersections of NE Port Avenue and NE 53rd Drive (Assessor's Map 06-11-35-CC, 001601). The applicant and property owner is Amy M. Bogran (President NW Coastal Investments DBA Picture Book Properties).

Proposed Plans for Subdivision Request #SUB-2020-02



Historic Background:

In December 2020, an application for the proposed 5-lot Overlook Subdivision was submitted to the City. That application was deemed be incomplete in January 2021. At the end of January 2021, the corrections were made by the applicant and presented to the City, and the application was considered complete. Notice was sent out for a March 16th, 2021 Planning Commission hearing. That hearing was cancelled and a corrected notice was sent out for an April 6th, 2021 hearing.

In April the City received comments on the past application for the subdivision. The comments included 5 concerns: (1) Need for speed bumps on Logan Rd, (2) Set back of homes from property line not defined on plan, (3) No information on the proposed homes size and levels, (4) Trees on my side of property line and limb overhang, (5) The 5 houses along my driveway would effectively create a wall looking east from my yard. These comments are included as a part of this application.

Historic Background (cont.):

On April 5th the applicant requested the hearing be continued to May 4th so that some minor changes could be made to the proposed subdivision. The application was resubmitted with changes on May 18th, 2021.

The applicant is requesting preliminary plat approval for a 5-lot subdivision for detached, single-family dwellings on approximately 1.12 acres. Lot sizes will range from 6,265 square feet to 9,048 square feet with an average lot size of 7,396 square feet. The applicant will complete the subdivision in a single phase of development.

Approximately 12,305 square feet will be reserved in a tract for the construction of a private street to serve the proposed subdivision. An emergency access easement will be granted on Lots #4 and #5 to create a vehicle turnaround. The easement will be thirty feet wide and contain a twenty-foot-wide driveway to form the turnaround.

Historic Background (cont.):

The applicant will establish a homeowner's association to maintain and own the private street. Additionally, the applicant would like to reserve the right to gate the private street. Exact location and specifications of this gate will be determined during preparation of construction documents. The site, for the most part, is surrounded by residentially developed properties. Presently, there is a single-family dwelling located in the center of the subject property; it will be removed upon development of the proposed subdivision. The area to the north is a platted subdivision (Compass Pointe) for 17 lots of detached single-unit dwellings. The area to the south is developed with single-unit dwellings. The area to the west is developed with single-unit dwellings. The area to the east is a platted subdivision (Zander Lane aka Bell Court) for 9-lots of detached single-unit dwellings. The only undeveloped parcels are located to the west and south of the subject property.

Public water and sanitary sewer systems will be extended from existing lines in Logan Road through the new street. An easement will be granted to the City of Lincoln City for the maintenance of these public systems. The site does not contain any significant wetlands or significant riparian areas.

On Tuesday, June 22, 2021, the Planning Commission held a site visit to the subject property to view the property. Notice for this visit was posted online on June 21, 2021.

Potential Solution(s)

- Approve Subdivision SUB-2020-02 request
- Approve Subdivision SUB-2020-02 request with conditions
- Deny Subdivision SUB-2020-02 request

ANALYSIS:

- Required Subdivision Requirements as described in LCMC 16
- Authority: Section 16.04.030 of the Lincoln City Municipal Code (LCMC) states: “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.”
- LCMC 16.08.220 states: “...the tentative plan will be scheduled for planning commission review at a public hearing after the application is deemed complete and notice is provided.”
- LCMC 16.08.240 states: “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.”
- LCMC 17.52.210.Q.1 states: “Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted to and approved by the planning commission.”
- Applicable Substantive Criteria:
- LCMC Title 16.08 Tentative Subdivision Plan and Required Data
- LCMC Chapter 16.12 Design Standards
- LCMC Chapter 16.16 Improvements
- LCMC Chapter 17.17 Single-Family Residential Roads End (R-1-RE) Zone

ANALYSIS:

Compatibility.

The proposed 5-lot subdivision is compatible with surrounding properties in the Road's End area.

Suitability;

The proposed 5-lot subdivision appears suitable for the subject property.

Legality;

The proposed 5-lot subdivision is legal and complies with the City's subdivision requirements and Road's End (R-1-RE) zoning requirements.

Recommended Solution:

- Approve Subdivision SUB-2020-02 request with conditions

Consequences of potential/recommended solution.

- Approve Overlook Subdivision SUB-2020-02 request – the applicant’s subdivision request will move forward towards administrative approval (Type I) and recording of a Final Plat.
- Approve Overlook Subdivision SUB-2020-02 request with a conditions – the applicant may appeal the decision to the City Council or be required to meet the Planning Commission conditions as described in the Final Order and move forward towards administrative approval (Type I) and recording of a Final Plat.
- Deny Overlook Subdivision SUB-2020-02 request – the applicant may appeal the decision to the City Council.
- Staff is recommending that **since this application narrative and accompanying plan set demonstrate that all applicable provisions of the City of Lincoln City Municipal Code are satisfied**, we respectfully request Planning Commission approval of this subdivision tentative plat application, the Overlook Subdivision SUB-2020-02 request, with conditions as are listed in the Staff Report.

Recommended conditions:

Planning

1. The project shall be developed in one phase, with completion of required infrastructure and final plat recording by July 6, 2023.
2. Any Covenants, Codes and Restrictions shall be submitted as part of the final plat.
3. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9, and any permits required.
4. With submittal of the final engineering plans, the applicant shall submit a waste disposal plan that has been approved by North Lincoln Sanitary Service that allows sufficient accessibility for collection vehicles to service the development. Approval from North Lincoln Sanitary Service shall consist of Lon French's signature and date of signature on the waste disposal plan, with a statement that he has approved the plan as shown.
5. The project plan set submitted with the request for review of the final engineering plans shall show compliance with 2019 Oregon Fire Code 503 and Appendix D for Fire Apparatus Access Roads, and 2019 Oregon Fire Code 507 and Appendix C for Fire Protection Water Supplies for one- and two-family dwellings.
6. The applicant shall submit two copies of engineering plans for all public improvements and site development to the Department of Public Works for review and approval. These shall either be approved as submitted or modified in accordance with requirements of the City Engineer. Plans shall be stamped by a licensed professional engineer. The City Engineer's review and any required modifications shall be for assuring that the improvements shall be consistent with Lincoln City Public Works Standards and the provisions of this condition of approval.
7. Prior to issuance of any structural permits, any site work, any construction activity, or any demolition, clearing, grubbing, or excavating, a Combined Public Works Permit application shall be submitted. The Combined Public Works Permit application shall be submitted with each and every structural permit application. All right-of-way work planned shall be noted on the approved plans and performed as shown.
8. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed. Any changes to the approved engineering plans affecting public improvements or utilities shall be submitted to the Lincoln City Public Works Department for approval prior to construction of altered facilities.
9. A net cut/fill calculation shall be completed and submitted with the application. If net cut exceeds 5,000 CY, the proposed permitted fill disposal site shall be identified by the applicant.
10. Private Street maintenance responsibility shall be clearly delegated to the HOA formed for the planned unit development.
11. Private Streets shall be constructed with a standard curb return, consistent with adjacent subdivisions and Lincoln City Public Works street standards. Curb return radius shall be a minimum of 15 feet, according to the local-to-local LCPW Streets Design Standards. Gate location shall be reviewed by City staff and identified on the final plat and in the submittal of construction documents.
12. Applicant is responsible for the verification of existing private infrastructure and any repairs required. Applicant shall be responsible for verification of existing utilities proposed for use.
13. Private roads shall note the required blanket utility and access easements on the final plat.
14. Any Public Access/Stormwater/Utility easement shall be dedicated for any sidewalk/storm/sewer/water public infrastructure on private property. The easements shall be noted on the approved engineering plans as well as noted on the final plat.

Recommended conditions (cont.):

Engineering Plans:

15. The applicant shall submit two copies of engineering plans for all public improvements and site development to the Department of Public Works for review and approval. These shall either be approved as submitted or modified in accordance with requirements of the City Engineer. Plans shall be stamped by a licensed professional engineer.
16. The City Engineer's review and any required modifications shall be for assuring that the improvements shall be consistent with Lincoln City Public Works Standards and the provisions of this condition of approval.
17. Prior to issuance of the building permit and any site work, construction activity, demolition, clearing, grubbing, or excavating, a Combined Public Works Permit application shall be submitted with permit application. All Right-of-Way work planned shall be noted on the approved plans and performed as shown.
18. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed. Any changes to the approved engineering plans affecting public improvements or utilities shall be submitted to the Lincoln city public works department for approval prior to construction of altered facilities.
19. Within 30 days after construction field verified, stamped as-builts for all public improvements, including relevant survey data, shall be provided to the City Public Works Department in AutoCAD format. All discovered utilities and changes to the approved site-plan shall be noted with callouts indicating location, depth, and material. The record drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.
20. The applicant shall provide any and all daily engineering inspection and reporting service required for the project.

Erosion Control, Site Preparation, and Grading:

21. With the engineered plans, the applicant shall submit two copies of erosion control plans to the Department of Public Works. The City Engineer will review and approve all erosion control plans. Approved soil erosion control measures must be in place and inspected by the Department of Public Works prior to any construction activities.
22. The proposed area exceeds one (1) or more acres of land disturbance throughout construction. The applicant is responsible for application, acquisition, and compliance with an Oregon DEQ 1200-C Stormwater permit.
23. All site grading shall be shown on the submitted plan set. All grading and excavation shall adhere to UBC Appendix chapter 33 and LCMC 12.08.
24. Planting & slope stabilization shall be completed per the landscape plan for finished slopes prior to final approval by public works. Additional planting & slope stabilization measures for grades exceeding 1:2 shall be implemented by the applicant as needed.

Recommended conditions (cont.):

Street Improvements (17.52.230):

- 25. New Sidewalk, curb, gutter and necessary pavement repair shall be completed along street frontage in compliance section 17.52.230 of the Lincoln City Municipal Code. All city right-of-way work planned shall be noted on the approved plan set and performed as shown. Work shall include:
 - 26. Construction of sidewalk improvements per LCPW standards: including ADA-accessible transitions at all sidewalk terminations, ADA compliant directional-curb ramp installation, and sidewalk/driveway compliance with state and federal Public Right of Way Accessible Guidelines. Elevations and/or slopes addressing this shall be noted on the submitted plan set.
 - 27. The extents of NE Logan Rd being cut for multiple utility installations shall be repaired with a 1-1/2" overlay (min). Grinding shall be completed as needed to maintain curb exposure, drainage, and smooth transitions to the existing pavement. Trench cuts shall have a finished asphalt depth of 4" (min) per LCPW standards.
 - 28. The clear vision triangle, per LCMC 17.52.060, shall be maintained at the abutting intersection. The necessary grading shall be shown on the submitted site plan. The applicant shall be responsible for obtaining necessary approvals from neighboring property owners.
 - 29. A traffic control plan and/or details shall be submitted with the engineering plan set for proposed work on NE Logan Road.
 - 30. All materials & methods shall adhere to LCPW standards including, but not limited to: asphalt paving, aggregate base, roadway fabric, striping, subgrade preparation, and compaction. Compaction procedures, including proposed compaction method, implementation plan, and compaction testing plan shall be submitted with the engineered grading plan.
 - 31. Required street signage shall be provided and installed by the owner, including: Street names, stop signs, striping, and no parking signs.
 - 32. "No Parking" signs shall be displayed on either side of the roadway.
 - 33. Any and all street lighting shall be the responsibility of the developer & maintained by the HoA.
 - 34. A utility maintenance and access easement shall be dedicated to the City of Lincoln City for the public water & sewer utilities.
 - 35. Stormwater maintenance and upkeep shall be delegated with the roadway to the HoA.
- Storm Sewer:
- 36. All new impervious paving shall be treated according to the Lincoln City Public works Stormwater Design Standards. Treatment shall be sized according 50% of the 2-year, 24-hour rain event.
 - 37. All increase from the existing sites total impervious area shall be detained according to Lincoln City Public Works Stormwater Design Standards: 2-year, 10-year, 25-year 24-hour rain event.
 - 38. Calculations for conveyance, infiltration, detention, water quality, and drainage facilities shall be submitted with permit application and demonstrate that the system is capable of handling the increased flows and/or proposed work on the system will adequately increase system size.
 - 39. Engineering plans shall demonstrate stormwater discharge of each lot to the constructed stormwater system per city standard.

Recommended conditions (cont.):

Sanitary Sewer:

40. All Sanitary Sewer access points shall be pre-cast, 48" diameter manholes with standard frame and lid (two-hole) constructed per Oregon standard detail RD338. No cleanouts shall be allowed.

41. Cleanouts shall be installed at the property line as noted. End of pipe shall be marked with green painted 2"x4" set flush with finished grade.

42. Applicant shall additionally submit sanitary sewer plans to the Oregon DEQ. Applicant shall be responsible for adhering to any additional approval conditions. After construction, facilities shall be flushed, pressure tested, TVed, and mandrelled according to the 2018 ODOT Standard specification. Manholes shall be vacuum tested according to the 2018 ODOT Standard specification. TV footage and testing reports shall be submitted to LCPW with submission of required as-builts prior to final acceptance by LCPW. City of Lincoln city shall be notified 48 hours in advance of testing per LCPW Standards.

Water Utilities:

43. The applicant is responsible for ensuring that requested fire and domestic service ensures adequate flow & pressure for required water supply. The applicant shall be responsible for conducting any flow tests required to establish water pressure and flow information. The applicant shall give the Public Works Department 48 hours advance notice of any flow testing to be performed. A water distribution city staff member shall be on site at the time of flow testing

44. Applicant shall be responsible for verification of existing utilities proposed for use.

45. All connections to the public water system, assemblies, and service line location shall be designed and completed according to Lincoln City Public Works Design Standards.

46. Material submittals for all public water improvements shall be submitted to LCPW for review and approval in accordance with LCPW Water Distribution standards.

47. All water meter boxes shall be placed at back of walk, outside of the sidewalk.

48. Owner shall be responsible for all chlorination, pressure testing, and coordination with LCPW water distribution staff according to LCPW Standards. City of Lincoln city shall be notified 48 hours in advance of testing per LCPW Standards.

















Planning Commission Communication

ZOA 2021-03 (Ordinance 2021-14) Amendment to LCMC 17.20 R-M and 17.32 GC Zones

Meeting Date:	July 6, 2021	Primary Staff Contact:	Sungman Kim
Department:	Planning Commission	E-Mail:	SKim@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

BACKGROUND

The City Council directed staff to present some options to allow single family residential developments in the Multiple-Unit Residential (R-M) Zone at their regular meeting on April 26, 2021.

After reviewing options presented by the staff, the City Council unanimously determined to initiate the amendment at their regular meeting on May 10, 2021.

This amendment provides reasonable adjustments to restore some single family use to the R-M zone, while accommodating workforce housing units immediately in the G-C zone. The City has been looking for an opportunity to support low-income workforce population and the American Rescue Plan Act provides such opportunity.

The City notified the DLCD on May 21, 2021. Written notices were mailed to the owner of the properties that his Ordinance proposed to change on June 15, 2021.

AUTHORITY

LCMC 17.76.060 Type IV (Legislative).

LCMC 17.76.080 Initiation of an Application. (Type IV applications may be initiated by the City).

LCMC 17.77.130 Text Amendment.

A. Purpose. The text amendment process shall be used for legislative amendments to this title, Title 16, or the comprehensive plan. Such amendments are necessary to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.

B. Procedure. Text amendments are subject to the Type IV procedure, as described in LCMC 17.76.060. However, the director is authorized to make typographical, grammatical and cross-referencing corrections as needed without initiating the text amendment process.

C. Submittal Requirements. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and
2. The text amendment is consistent with relevant provisions of the Statewide Planning Goals, the Oregon Administrative Rules, and State statutes.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Text amendments are not subject to expiration.

G. Extension of a Decision. Text amendments are not subject to extension.

ANALYSIS

This ordinance presents two issues. One concerns the RM Zoning District, the other the GC Zoning District.

RM District

Attached please find the October 16, 2020 memorandum from former Director Richard Townsend on some unintended consequences of Ordinance 2020-10 enacted on August 10, 2020 (previously emailed to Council).

During the April 26, 2021 Council meeting, Councilor Skinner raised the issue of the RM Zoning District amendment in 2020 and the removal of single family residential as a permitted use. Staff noted the above-referenced memorandum from Mr. Townsend had already been prepared, and Council by unanimous consent directed staff to revisit the 2020 amendment and present some options.

In short, legal and planning staff concur in the analysis and recommendations from the former Director Townsend, particularly recommendations 1 and 2. Staff recommends slight adjustment (*size to 8000 square feet and change in the referenced date to the effective date of Ordinance 2020-10 – September 9, 2020*) based on the following:

Currently, the R-M zone occupies total 1,153 lots on 347.1 acres. Among the lots, there are 793 lots (69%) smaller than 8,000 square feet on 85 acres (24%). Further, 104 lots are smaller than 2,500 square feet, and it only occupies 3.5 acres. Currently, there are 180 vacant lots on 17.90 acres. Therefore, it is reasonable to allow **“Detached single-family dwelling unit, including**

manufactured dwelling, if located on a lawfully-created lot with an area of 8,000 square feet or less that existed on September 9, 2020” and focus on development of the remaining 262.1-acres in the zone (lots greater than 8,000 square feet).

It is also reasonable to allow existing single-family dwelling units as a conforming use by adding **“Detached single-family dwelling unit, including manufactured dwelling, if existing on or if a building permit was applied for before September 9, 2020, and remains valid, and if developed under the standards set forth for single-family dwelling units within the R-1 zone.”**

R-M Zone						Percentage
Count:	1,153	lots				100%
Minimum:	65.4	sq.ft.	0.0015	acres		
Maximum:	710,105.6	sq.ft.	16.3018	acres		
Sum:	15,120,682.8	sq.ft.	347.1231	acres		100%
Mean:	13,114.2	sq.ft.	0.3011	acres		
Std:	37,151.3	sq.ft.	0.8529	acres		

Lots Smaller than 8,000 sq.ft.

Count:	793	lots				69%
Minimum:	65.4	sq.ft.	0.0015	acres		
Maximum:	7,995.6	sq.ft.	0.1836	acres		
Sum:	3,702,977.0	sq.ft.	85.0087	acres		24%
Mean:	4,669.6	sq.ft.	0.1072	acres		
Std:	1,654.2	sq.ft.	0.0380	acres		

Lots Smaller than 2,500 sq.ft.

Count:	104	lots				9%
Minimum:	65.4	sq.ft.	0.0015	acres		
Maximum:	2,492.7	sq.ft.	0.0572	acres		
Sum:	153,315.0	sq.ft.	3.5196	acres		1%
Mean:	1,474.2	sq.ft.	0.0338	acres		
Std:	540.5	sq.ft.	0.0124	acres		

GC District

Also on the April 26, 2021 Agenda was a Resolution (Resolution 2021-18) to add two additional hotels to the list of emergency operations uses (extended stay hotels for fire victims). In response to questioning, the attorney noted that there are several bills in the legislature to allow conversion of hotels to shelters and housing. [e.g. HB3261 and HB2006].

As your new Planning Director, I am suggesting that we may want to get ahead of the issue and amend our GC Chapter to expressly authorize conversion, especially when the conversion is for workforce housing purposes. While the restoration of single family to the RM zone (above) may be viewed by DLCD as contrary to the purposes of Goal 10, to provide the full range of housing types / diverse housing, the allowance for conversion to multi-family workforce in the GC zone may be seen as an offset to that restoration. Examples include Ocean Breeze Hotel, Coastal Lincoln City Motel, and Motel 6 that would generate approximately 130 affordable units.

LCMC 17.32.020 (General Commercial (GC) Zone) currently permitted uses that include some residential: Single-family, duplex, manufactured homes, and tiny homes. This zone does not list: "multi-family" and/or "residential condominium" as permitted. An amendment to add a permitted use of: "**Conversion of Existing Hotel/Motel/Resort Units to Multi-Unit Residential including 20% of the units as workforce housing. For purposes of this section only "workforce housing" means not to exceed 125% of median family income / area median income for Lincoln County**" should be considered.

The Planning Commission Options:

The Planning Commission may:

1. Recommend the City Council adopt proposed amendments to LCMC 17.20 and/or
2. Recommend the City Council adopt proposed amendments to LCMC 17.32;
3. Recommend the City Council do not adopt the proposed amendments
4. (The Ordinance could also be divided into two ordinances – one for Rm one for GC)

Potential Motions:

The Planning Commission:

Recommend the City Council to adopt Ordinance 2021-14 amending Title 17, LCMC Chapter 17.20 and LCMC Chapter 17.32. (one, or the other, or both)

STAFF RECOMMENDATION

Hold the public hearing, close the public hearing and record, and deliberate.

The Planning Commission:

1. Recommend the City Council adopt proposed amendments to LCMC 17.20 and/or

2. Recommend the City Council adopt proposed amendments to LCMC 17.32;
3. Recommend the City Council do not adopt the proposed amendments

Attachments:

Ordinance 2021-14 (RM and GC fix) (DOCX)

Ord Exhibit A Findings Doc (DOCX)

Map - Lots smaller than 8000 sf (PDF)

Townsend's Memo (PDF)

Public Comment - Objection - 20210623 - Kenney (PDF)

1
2 **17.20.020 Permitted uses.**

3
4 A. Attached single-unit dwellings;

5 B. Attached single-unit dwellings developments;

6 **C. Detached single-family dwelling unit, including manufactured dwelling, if**
7 **located on a lawfully-created lot with an area of 8,000 square feet or less that**
8 **existed on September 9, 2020;**

9 **D. Detached single-family dwelling unit, including manufactured dwelling, if**
10 **existing on or if a building permit was applied for before September 9, 2020, and**
11 **remains valid, and if developed under the standards set forth for single-family**
12 **dwelling units within the R-1 zone.**

13 ~~E. C.~~ Community or market gardens not larger than 12,500 square feet, subject to the
14 provisions of LCMC 17.80.080;

15 ~~F. D.~~ Cottage housing developments, subject to the provisions of LCMC 17.80.120;

16 ~~G. E.~~ Duplexes;

17 ~~H. F.~~ Multi-unit dwellings;

18 ~~I. G.~~ Residential facilities;

19 ~~J. H.~~ Residential homes;

20 ~~K. I.~~ Structures used temporarily on the site and only during construction of a permitted
21 or conditional use for which a building permit has been issued, but not exceeding six
22 months;

23 ~~L. J.~~ Tiny house developments, subject to the provisions of LCMC 17.80.040.(C);

24 ~~M. K.~~ Transportation uses.

25
26 **SECTION 2.** Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.020 (*Permitted Uses*),
27 is amended to read as follows:

28
29 **17.32.020 Uses permitted.**

30 In a GC zone, the following are given as examples of those uses that meet the intent of
31 this zone:

32 A. Convenience service/retail use;

33 B. Eating and drinking establishments, excluding drive-in restaurants;

34 C. Carpet, rug, fabric and interior decorating shops including reupholstering, making of
35 draperies and other similar articles which are conducted as part of, and secondary to, a
36 retail sales operation;

37 D. Sporting goods stores;

38 E. Motels and resorts;

39 F. Building supply stores;

40 G. Public facilities;

41 H. Garden supplies and nursery;

42 I. Community meeting buildings, fraternal or social organizations;

43 J. Automotive parts and accessories;

44 K. Printing;

1 L. Carpenter, plumbing, cabinet, upholstering and sheet metal shops, if conducted wholly
2 within an enclosed building;

3 M. Appliance sales and service;

4 N. Single-family dwellings and duplexes, if developed under the standards in the R-1
5 zone;

6 O. Mini-warehouses, if existing on or if site plan approval was applied for before June 9,
7 2008. Mini-warehouses in existence on or applied for before June 9, 2008, may be
8 expanded within the boundaries of the lot or lots they occupied as of that date, subject
9 to the standards applicable as of the date of application for expansion;

10 P. Time-share units, when developed under the standards of LCMC 17.28.050;

11 Q. Bed and breakfast accommodations;

12 R. Professional and business offices;

13 S. Art gallery and studio;

14 T. Physical therapy;

15 U. Equipment rental establishments;

16 V. Physical fitness center;

17 W. Manufactured homes when developed in accordance with the standards specified in
18 LCMC 17,28.100 (C) and 17.52.250;

19 X. Veterinary clinics;

20 Y. Community gardens and market gardens not larger than 12,500 square feet, in
21 accordance with the standards of LCMC 17.80.080;

22 Z. Mixed-use development;

23 AA. Essential emergency communications, early warning and associated emergency
24 facilities;

25 BB. Retail marijuana facilities, subject to the provisions of LCMC 17.80.130;

26 CC. Indoor theaters;

27 DD. Transportation uses, defined in Chapter 17.08 LCMC;

28 EE. Tiny house developments, subject to the provisions of LCMC 17.80.040 (C);

29 FF. Four-flat dwellings, subject to the provisions of LCMC 17.80.140;

30 GG. Places of worship, and accessory uses set forth in LCMC 17.80.160 (B);

31 HH. Mobile food units and mobile food pods, subject to the provisions of LCMC
32 17.80.170.

33 **II. Conversion of Existing Hotel/Motel/Resort Units to Multi-Unit Residential**
34 **including 20% of the units as workforce housing. For purposes of this section only**
35 **“workforce housing” means not to exceed 125% of median family income / area**
36 **median income for Lincoln County.**

37
38 **SECTION 3. Findings Adopted.** The findings contained in the Whereas Clauses of this
39 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial
40 evidence in the whole record of this legislative proceeding are incorporated into this section by
41 reference as if fully set forth herein, and are adopted in support of this legislative action.
42

1 **SECTION 4. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
2 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
3 validity of the remaining sections, subsections, paragraphs and clauses.

4
5 **SECTION 5. Savings.** Notwithstanding the amendment to this Title, the existing Title remains
6 valid and in full force and effect for purposes of all criminal, civil or administrative code
7 enforcement cases or land use actions or applications filed or commenced during the time said
8 ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions
9 commenced and continued under the laws in effect at the time the matters were originally filed.

10
11 **SECTION 6. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
12 takes effect 30 days after the date of its adoption.

13
14 **SECTION 7. Codification.** Provisions of this Ordinance shall be incorporated in the City of
15 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
16 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
17 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 3-7) need
18 not be codified and the City Recorder is authorized to correct any cross-references and any
19 typographical errors.

20
21 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
22 9.2 of the City of Lincoln City Charter on the 12th day of July 2021 (First Reading) and on the 12th
23 day of July, 2021 (Second Reading).

24
25
26 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 12th day of July
27 2021.

28
29
30
31 _____
32 SUSAN WAHLKE, MAYOR

33 ATTEST:

34
35
36 _____
37 JAMIE YOUNG, CITY RECORDER

38
39 APPROVED AS TO FORM:

40
41
42
43 _____
44 RICHARD APPICELLO, CITY ATTORNEY

Exhibit A

Findings in support of the proposed amendments to LCMC Chapter 17.20.020 and 17.32.020

Statewide Planning Goals

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The proposal is consistent with Statewide Planning Goal 1, because the process the City of Lincoln City used to develop and adopt this amendment will provide the opportunity for citizens to be involved in all phases of the planning process, as follows.

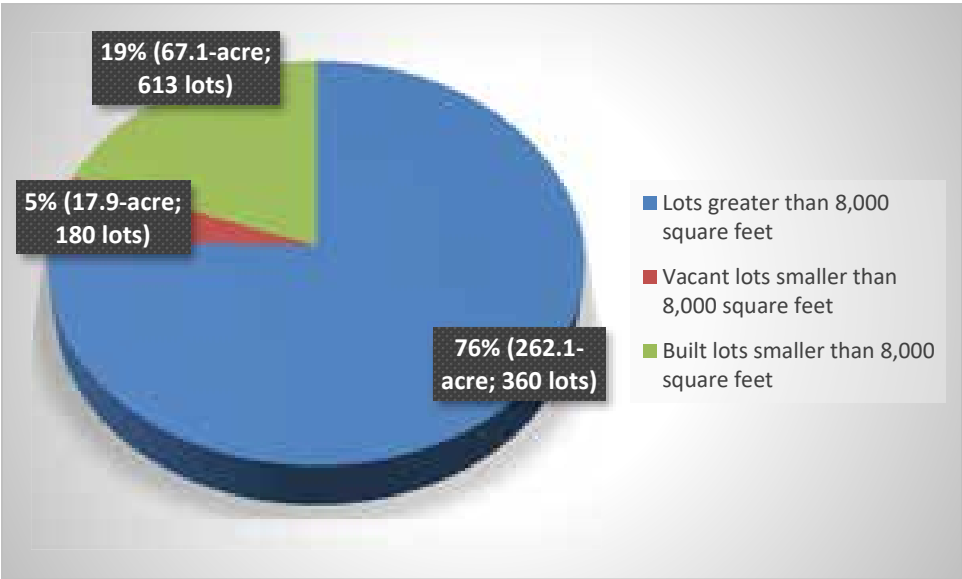
- The City Council by unanimous consent directed staff to present some options to allow single family residential developments in the Multiple-Unit Residential (R-M) Zone at their regular meeting on April 26, 2021.
- After reviewing options presented by the staff, the City Council unanimously determined to initiate the amendment at their regular meeting on May 10, 2021.
- The City is planning to notify the Oregon Department of Land Conservation and Development pursuant to ORS 197.610 of its consideration of the proposed amendment(s) on May 21, 2021.
- A written individual notice of the amendment was mailed on June 15, 2021 to the owner of each lot or parcel of property that this ordinance proposed to change under ORS 227.186(4).
- The amendment was discussed at the planning commission public hearing on July 6, 2021.
- The City Council conducted a public hearing and first read the Ordinance on July 12, 2021.
- The second reading of the Ordinance was at the City Council meeting on July 12, 2021.
- The Ordinance will be effective on August 11, 2021.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Land Conservation and Development Commission (LCDC) acknowledged the City's Comprehensive Plan and the subsequent Zoning Ordinances as complying with state planning goals.

Currently Single-Family Residential (R-1) zone allows duplex or two-family home if the property is larger than 8,000 square feet. It means that a property smaller than 8,000 square feet would not be appropriate for duplex or two-family homes.

The (R-M) zone occupies total 1,153 lots on 347.1 acres. Among the lots, there are 793 lots (69%) smaller than 8,000 square feet on 85 acres (24%). Further, 104 lots are smaller than 2,500 square feet, and it only occupies 3.5 acres. There are only 180 vacant lots on 17.90 acres. If so, allowing single-family residential developments on a property smaller than 8,000 square feet would be consistent with the requirements of R-1 zone, and it would be reasonable to focus on multiple-unit residential developments at the properties larger than 8,000 square feet or 76% of the entire R-M zone.



	Acres	# of Lots
Lots greater than 8,000 square feet	262.1	360
Vacant lots smaller than 8,000 square feet	17.9	180
Built lots smaller than 8,000 square feet	67.1	613
Total Lots	347.1	1,153

Meanwhile, encouraged by the American Rescue Plan Act of 2021, there are efforts to convert existing buildings to affordable/workforce housing. It is estimated that good numbers of workforce housing would be created instantly by allowing this at a General Commercial (G-C) zone. This will offset loss at the R-M zone. Examples include Ocean Breeze Hotel, Coastal Lincoln City Motel, and Motel 6 that expressed, by far, their willingness to participate the conversion efforts and would generate approximately 130 affordable units immediately.

These findings provide an adequate factual basis for action. The amendment, therefore, conforms to the established land use planning process and framework consistent with Goal 2.

Goal 3 – “Agricultural Lands” *To preserve and maintain agricultural lands.*

This State Goal is not applicable to Lincoln City.

Goal 4 – “Forest Lands” *To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

The area covered by this amendment is completely within the city’s urban growth boundary (UGB), and does not include forest lands. This amendment pertains only to both R-M and G-C zones.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

This amendment does not change any status of open spaces, scenic and historic areas, and natural resources. This ordinance is consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water, and land resources of the state.*

Allowing single-family residential units on small lots in R-M zone and converting existing hotel/motel/inn buildings to multi-family residential units in G-C zone will not impact on air, water, and land resources quality. The city council finds the ordinance is consistent with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards: *To protect people and property from natural hazards.*

This amendment does not relate directly to areas subject to natural disasters and hazards, and do not affect the way the city regulates them. The city council finds the ordinance is consistent with Goal 7.

Goal 8 - Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

This amendment does change neither the residential pattern nor the traffic circulation that requires additional recreational needs in the City. The city council finds the ordinance is consistent with Goal 8.

Goal 9 – Economic Development: *Requires the provision of adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.*

There will be a temporary reduction in collection of Transient Room Tax (TRT) if existing hotels/motels/inns will be converted to workforce housing units. However, this is a market function that is leveraged by the American Rescue Plan Act and eventually the market will drive additional hotel/motel/inn construction to balance the demand and supply.

The city council finds this ordinance supports Goal 9.

Goal 10- Housing: *To provide for the housing needs of citizens of the state.*

This amendment provides reasonable adjustments to the R-M zone while accommodating workforce housing units immediately in the G-C zone. The City has been looking for an opportunity to support low-income workforce population and the American Rescue Plan Act provides such opportunity. The city council finds this ordinance is consistent with Goal 10.

Goal 11 - Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

This amendment does change neither the residential pattern nor the traffic circulation that requires additional public facilities and services. The city council finds this ordinance serves Goal 11.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

This amendment does change neither the residential pattern nor the traffic circulation. The city council finds the ordinance supports Goal 12.

Goal 13 - Energy: *To conserve energy.*

This amendment supports conversion of existing hotels/motels/inns to workforce housing and provide compact residential housing units. Therefore, this amendment supports economic operation of energy supply to compact residential units. The city council finds the ordinance supports Goal 13.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

This amendment does not promote conversion of rural lands to urban uses. The city council finds the ordinance supports this goal.

Goal 15 – Willamette Greenway: “To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

These amendments do not impact any areas within the Willamette River Greenway; therefore, the city council finds Goal 15 does not apply.

Goal 16 – Estuarine Resources: *To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.*

There will be no impact on Estuarine Resources. The city council finds the ordinance is consistent with Goal 16.

Goal 17 – Coastal Shore Lands: *To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shore lands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shore land areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon’s coastal shore lands.*

There will be no impact on Coastal Shore Lands. The city council finds the ordinance is compatible with Goal 17.

Goal 18 – Beaches and Dunes: *To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

This amendment will have no impacts on beaches and dunes. The city council finds the ordinance is compatible with Goal 18.

Goal 19 – Ocean Resources: *To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

The city council finds this amendment is consistent with this goal, since the requirements would not impact the ocean resources.

Lincoln City Comprehensive Plan Goals

(1) Planning Goal

“To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental jurisdictions during their preparation, review, and revision. This amendment does not propose to change use of land. The findings for this comprehensive goal incorporate by reference the Statewide Planning Goal 2, Land Use Planning.

(2) Citizen Involvement Goal

“Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process.”

The City has developed a citizen involvement program, which it consistently follows. The process for considering these amendments will be very open and inclusive. The public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establish conformance with this goal. The findings for this comprehensive goal incorporate by reference the Statewide Planning Goal 1, Citizen Involvement.

(3) Public Services and Utilities Goal

“To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development.”

The proposed amendment does not require any additional public services and utilities other than what has been provided to the area. Findings for this goal incorporate findings for Statewide Planning Goal 11 by reference. The city council finds the amendments are consistent with this goal.

(4) Urbanization Goal

“To promote an orderly and efficient transition of land uses from rural to urban.”

The city council finds this amendment is consistent with this goal, because the amendments support compact urban residential development while preserving the existing residential pattern. Findings for this goal incorporate findings for Statewide Planning Goal 12 by reference.

(5) Natural Hazard Goal

“The City shall control development in hazardous areas to protect life and property from natural disasters and hazards.”

This amendment does not allow development in hazardous areas. The amendments incorporate the findings for Statewide Planning Goal 7. The city council finds these amendments are consistent with this goal.

(6) Housing Goal

“To provide for the housing needs of all citizens.”

This amendment protects existing ownership, allows better utilization of small lots, and adds more workforce housing units. The amendments incorporate the findings for Statewide Planning Goal 10. The city council finds these amendments are consistent with this goal.

(7) Economy Goal

“To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.”

By providing more workforce housing units, this amendment will allow long-term residents living in a compact environment. It will then achieve a degree of diversity and allow a balanced economy. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 9, Economic Development. The city council finds these amendments are consistent with the economy goal.

(8) Aesthetic Goal

“To develop a livable and pleasing city that enhances man’s activities while protecting the exceptional aesthetic quality of the area.”

Conversion and renovation as well as allowing small lot development will enhance the community’s appearance and livability. The city council finds the ordinance is consistent with this goal.

(9) Transportation Goal

“To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.”

This amendment does not change existing traffic patterns. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 12.

(10) Energy Goal

“To conserve energy.”

There will be neither major changes in land use nor traffic pattern. The compact form of converted workforce housing for long-term residents would rather encourage energy savings. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 13. The city council finds these amendments are consistent with this goal.

(11) Overall Environmental Goal

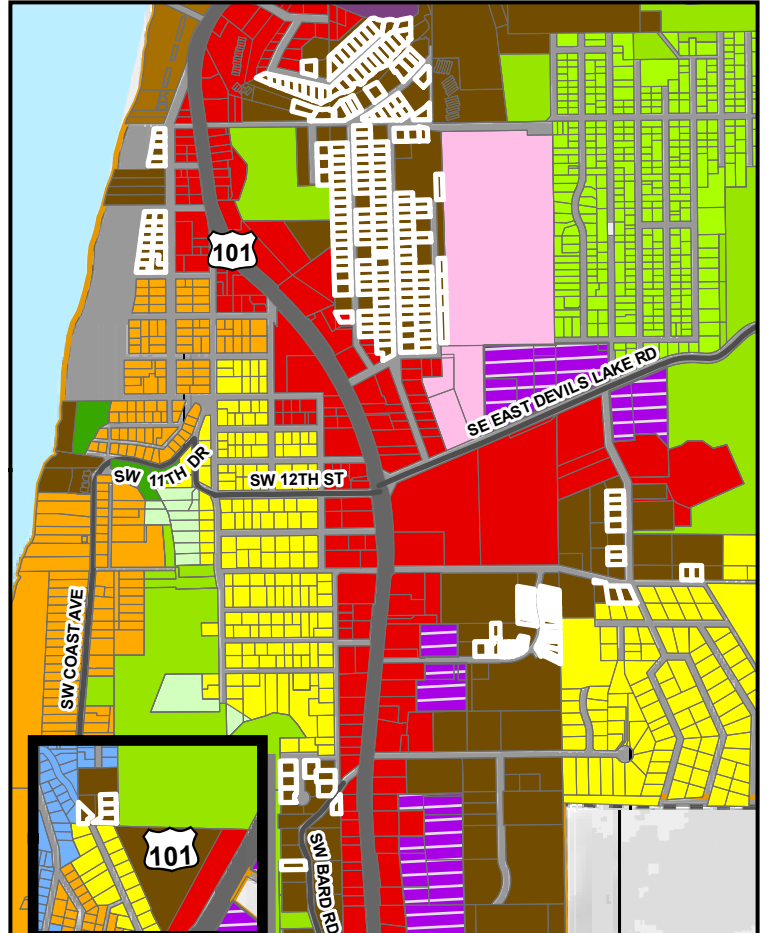
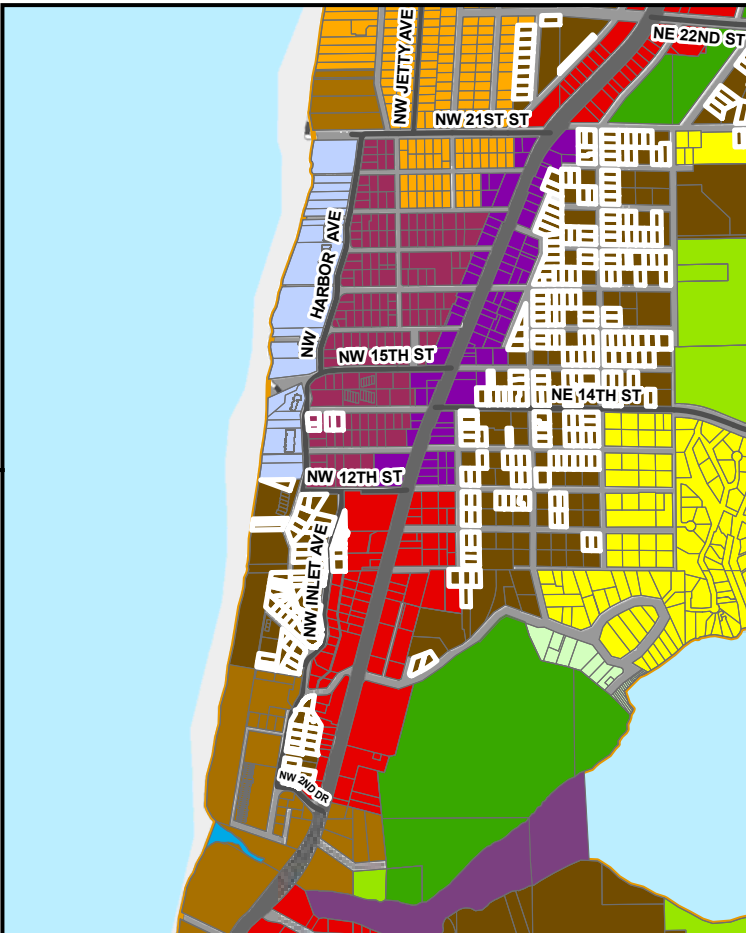
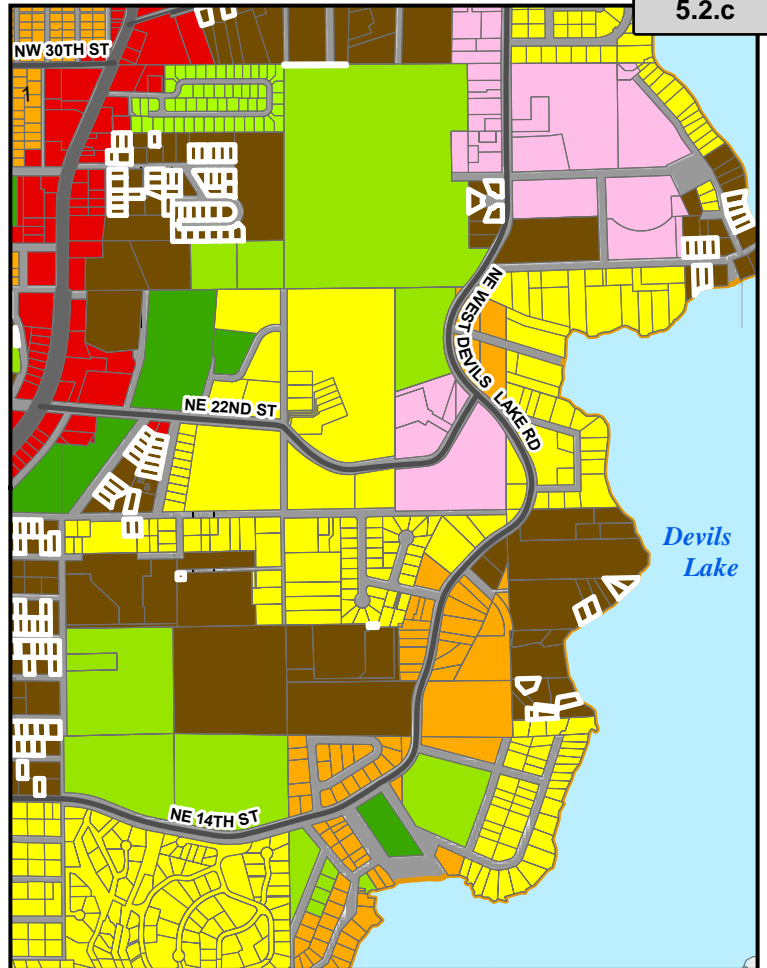
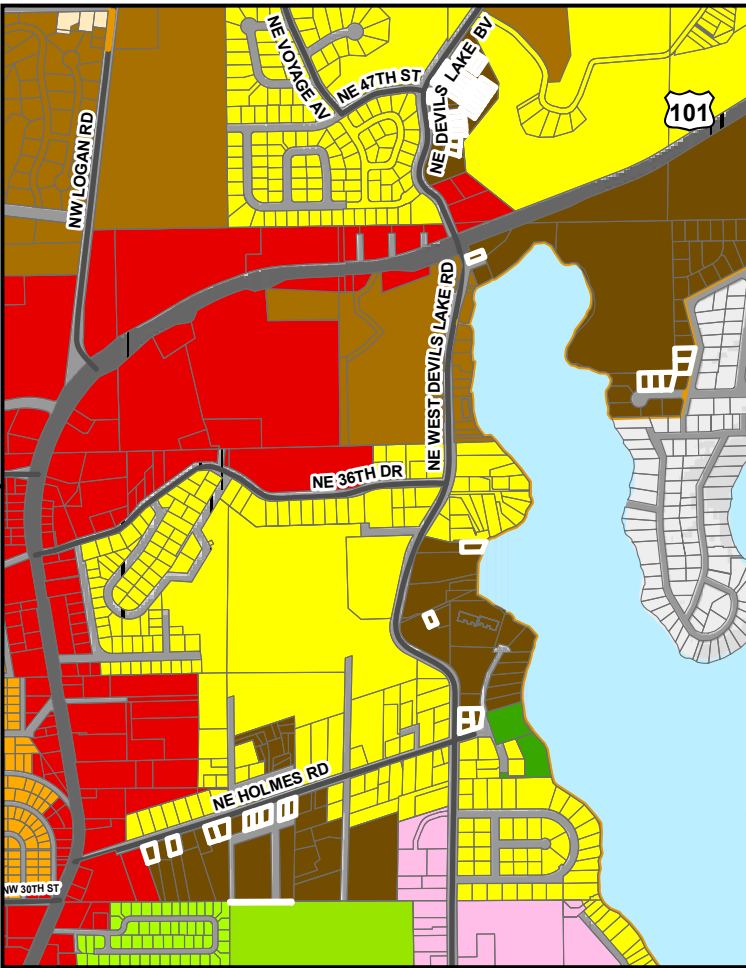
“To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city.”

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinance and plan requirement relating to protecting the natural environment will continue to apply to all properties that these requirements might affect. The findings for this goal incorporate by reference the findings for Goals 6 and 7 by reference. The city council finds these amendments are consistent with this goal.

(12) Shore land, Beaches, Dunes, Estuary and Ocean Resources Goal

“To conserve, to protect, to enhance the coastal resources of the city.”

The amendments by themselves do not allow development in areas adjacent to the city’s designated estuarine resource (i.e., Siletz Bay), in the city’s coastal shore lands, beach and dune areas, or in ocean resource areas. The findings for this goal incorporate the findings for Goals 16, 17, and 18 by reference. The city council finds these amendments are consistent with this goal.



Lots Smaller Than 8,000 Square Feet (Highlighted in White)

0 0.5

MEMORANDUM

To: Ron Chandler, Richard Appicello
From: Richard Townsend
Date: October 16, 2020
Re: R-M Zone non-conforming single-unit dwellings

Ordinance 2020-10 amended the list of allowed uses in the R-M zone to eliminate single-unit dwellings. The purpose of this amendment, to preserve R-M lands for multi-unit development, is laudable. This amendment, however, had the side-effect of rendering more than 600 existing single-unit dwellings non-conforming. This has serious implications for financing and selling these properties. Purchasers are reluctant to buy into non-conforming situations, and lenders are especially reluctant to take non-conformities as security for loans for purchasing or refinancing. This is because in most circumstances, a non-conforming structure or use that has been substantially damaged or destroyed is required to come into conformance with the code.

The municipal code does have a safety valve with respect to non-conforming single-unit dwellings that are substantially damaged or destroyed. LCMC 17.64.010.E. contains a process for allowing such a dwelling to be rebuilt, but only to its former height and footprint. No enlargement is allowed. The process involves the homeowner filing an application with the Planning & Community Development Department. The Planning & Community Development director then reviews the application and makes an administrative decision. A decision to approve an application to restore a nonconforming structure must include findings of all the following:

1. The damage was not intentionally caused by the property owner;
2. The restoration does not increase the degree of nonconformity or add new nonconformity, and restored structures conform to requirements of the code;
3. Restoration is according to plans approved by the fire marshal, building inspector and floodplain manager, and, if required, in conformance with a geo-technical report;
4. The restored structure or use does not encroach unlawfully on adjacent properties;

5. The restoration complies with reasonable conditions imposed by the city on a building permit in order to mitigate any new or increased adverse impact on adjacent property.

This allowance for rebuilding and the process involved provide limited reassurance to buyers and lenders. They like a clear and unambiguous ability to replace a building they are looking to buy or lend on.

To correct this problem there are a number of approaches. I will describe a few in the following paragraphs. I do not include merely undoing the change, because the change was needed (it just had a major fault in how it was set up). I present them in declining order of preferability in my estimation.

1. Allow single-unit dwellings on existing small lots

One approach would be to amend the R-M zone to allow single-unit dwellings on existing small lots. Substantial areas of the R-M zone are highly parcelized with small lots, most of which have been built on. Oceanlake east of the highway is a good example. Small lots are unlikely to be assembled for multi-unit development since most of them already host existing dwellings. Allowing single-unit dwellings on existing small lots would address the vast majority of the newly-created non-conformities. An amendment to the list of permitted uses in the R-M zone could be as simple as this:

Single-unit dwelling, if located on a lawfully-created lot with an area of 10,000 square feet or less that existed on January 1, 2021.

This approach would allow the existing single-unit dwellings to continue as permitted uses, and also would allow construction of new single-unit dwellings on existing in-fill lots. The 10,000 square foot size is arbitrary and conceivably could be smaller, such as 7,500 or 6,000 square feet. Some analysis would be useful to see what size might be best.

2. Allow existing single-unit dwellings as permitted uses

In an effort to prevent prime commercial lands in the GC zone from being used for mini-warehouse developments that did not contribute to a lively commercial environment, in 2008 the city adopted a code amendment that eliminated mini-warehouses as an allowed use in the GC zone. But since there were some existing mini-warehouse developments in the GC zone, and an outright ban would render them non-conforming, the amendment designated existing mini-warehouse developments as conforming uses.

In the list of permitted uses in the GC zone (LCMC 17.32.020), this language was inserted:

o. Mini-warehouses, if existing on or if site plan approval was applied for before June 9, 2008. Mini-warehouses in existence on or applied for before June 9, 2008, may be expanded within the boundaries of the lot or lots they occupied as of that date, subject to the standards applicable as of the date of application for expansion.

Similar language could be inserted into the list of permitted uses for the RM zone (LCMC 17.20.020), such as this:

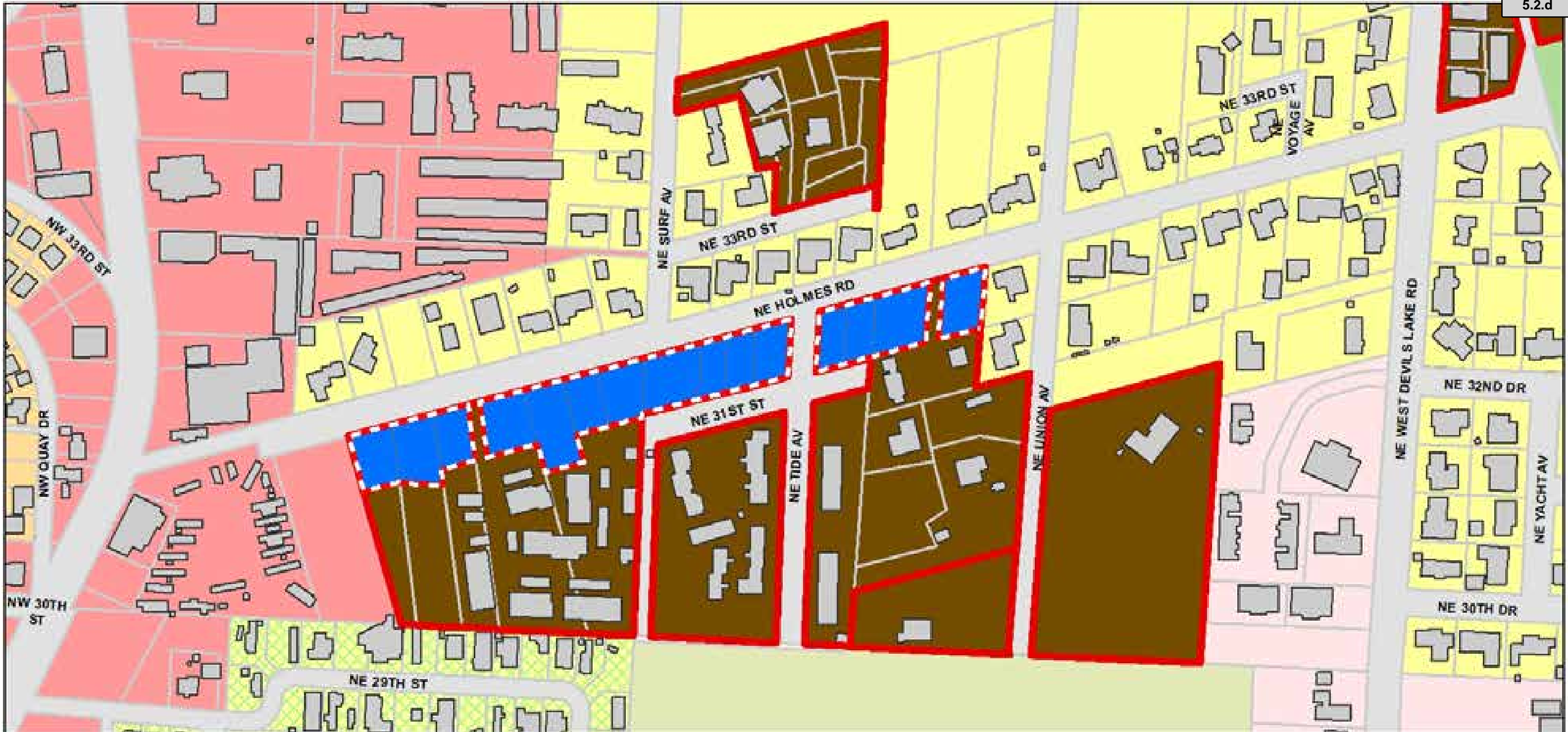
Single-unit dwellings, if existing on or if a building permit was applied for before January 1, 2021, and if developed under the standards set forth for single-unit dwellings within the R-1 zone (except for the building coverage standards, which shall be as set out in LCMC [17.20.060\(D\)](#)).

This approach does not address undeveloped in-fill lots, but Ordinance 2020-10 allows duplexes on lots as small as 2,500 square feet, so existing infill lots still have a reasonable development alternative.

3. Rezone some R-M areas to R-1

A third option is to rezone those areas of the R-M zone that are highly parcelized and intensively developed with single-unit dwellings into the R-1 zone. I took a quick look at the R-M zoned areas in the city at identified 550 lots, with a total area of 104 acres, that logically could be rezoned to R-1. They are shown on the maps accompanying this memo.

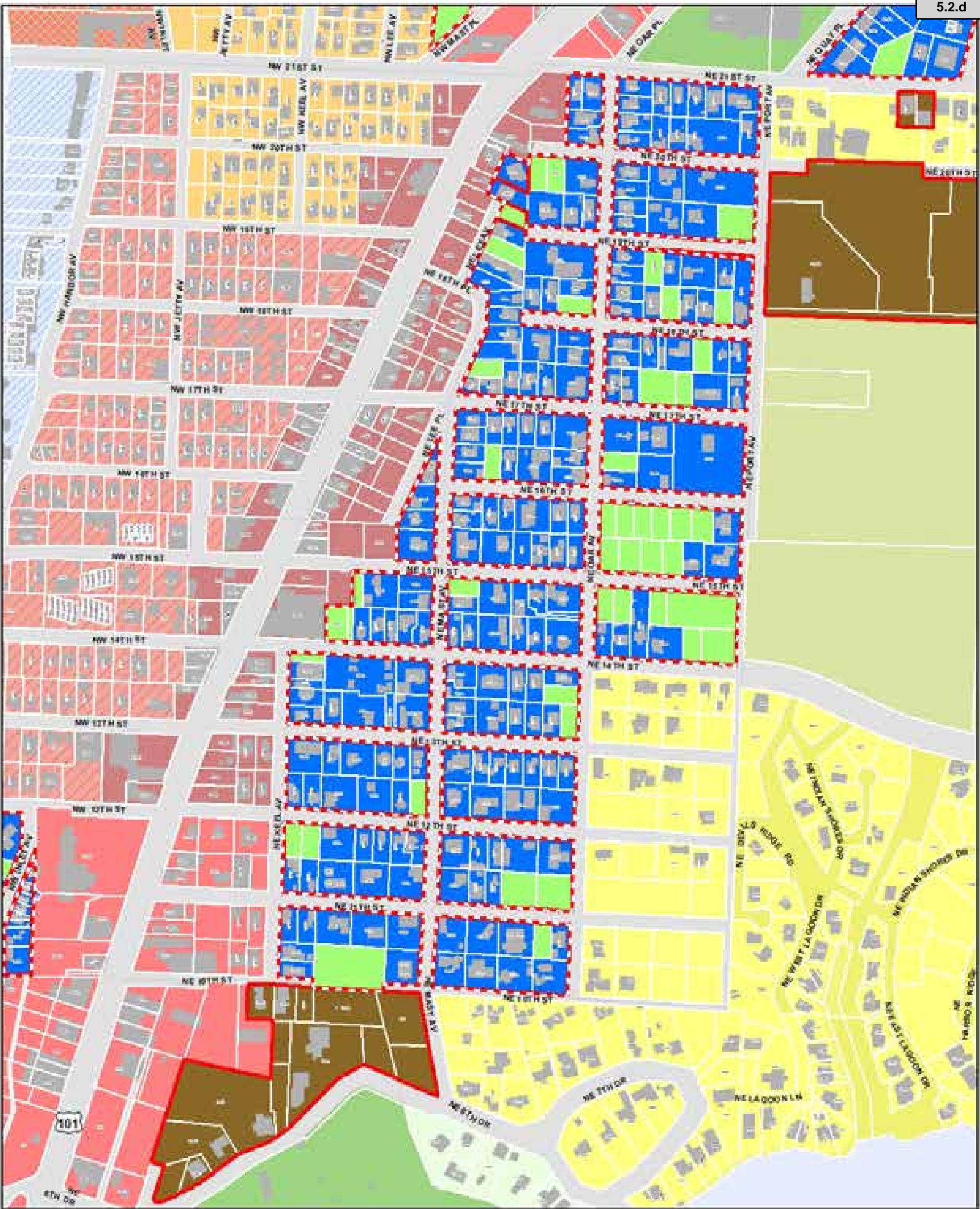
Such rezoning would have little to no effect on the amount of buildable land in the R-M zone for multi-unit dwellings. I believe the areas shown as rezoning candidates were excluded from the buildable lands inventory since they already were developed. The buildable land inventory showed a need for up to 47.1 acres of land for multi-unit and town-house development, and a supply of 83.5 acres, again net of the lands already built on.



Lincoln City
Multi-Family Zones
by use

October 2020

Proposed Rezone: 104 ac	R-1-10	R-M	NP-NBD	OP-MSH	P
530 Built Lots : 83 ac +/-	R-1-7.5	R-R	NP-NCR	P-C	County P-F
120 Unbuilt Lots : 17.0 ac +/-	R-1-5	VR	OP-IM	P-I	M-W
4 Water : 2.0 ac +/-	R-1-RE	R-C	TVC	OP-OF	
	R-1	NP-NBMU	G-C	OS	



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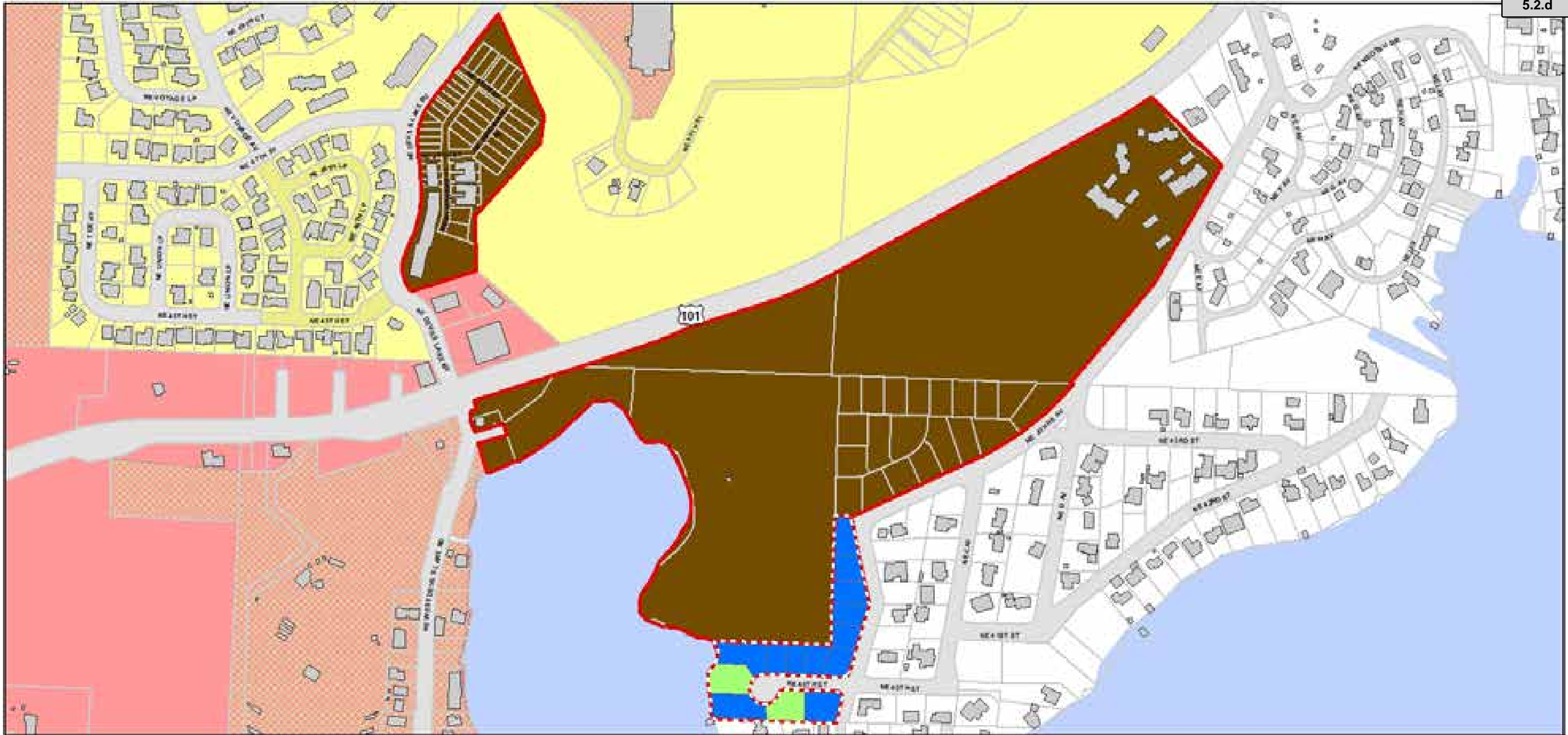
** The exact number of built vs unbuilt lots is not exact as building footprints and situs addresses can be deceiving.



Multi-Family Zones by use

October 2020

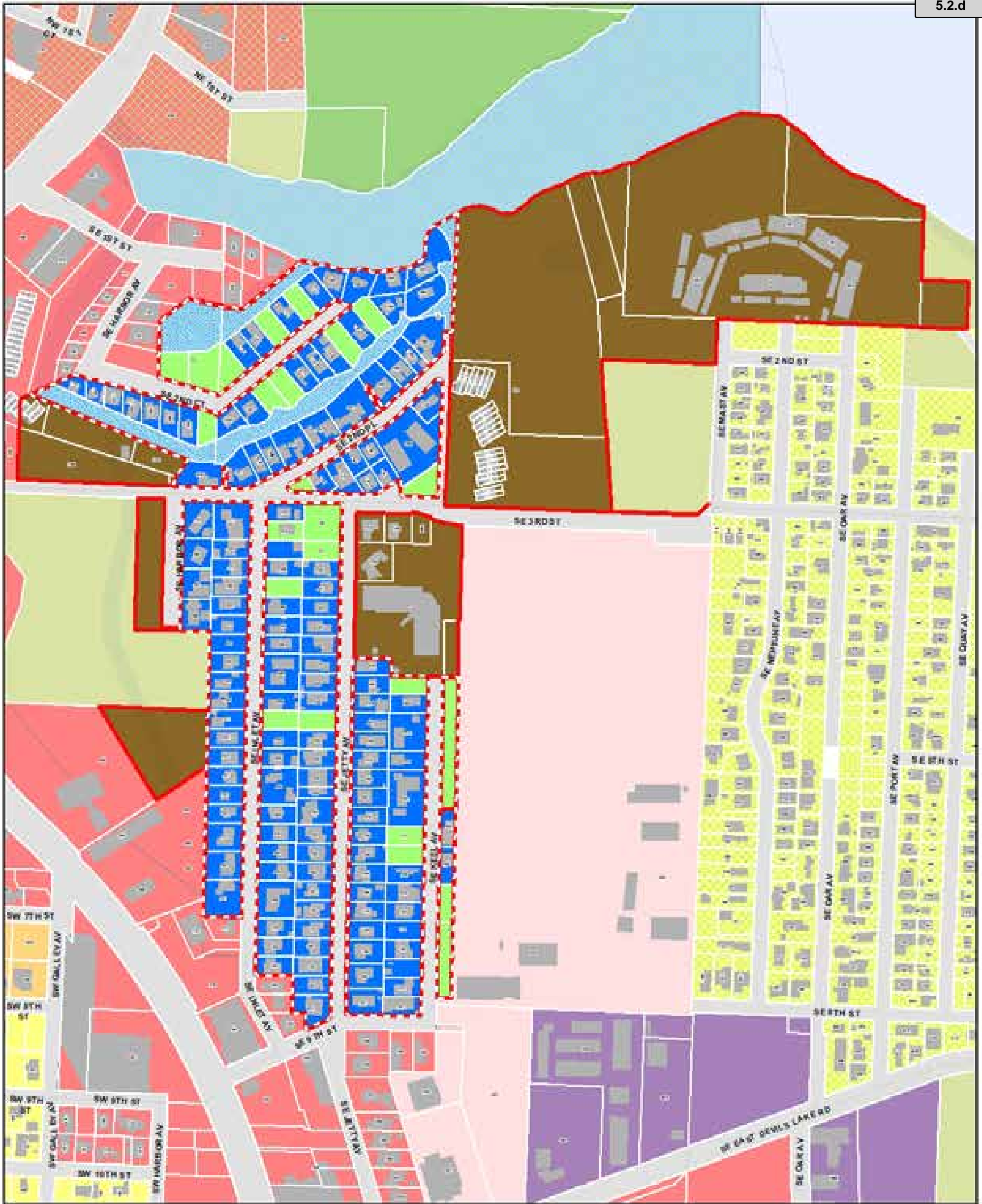
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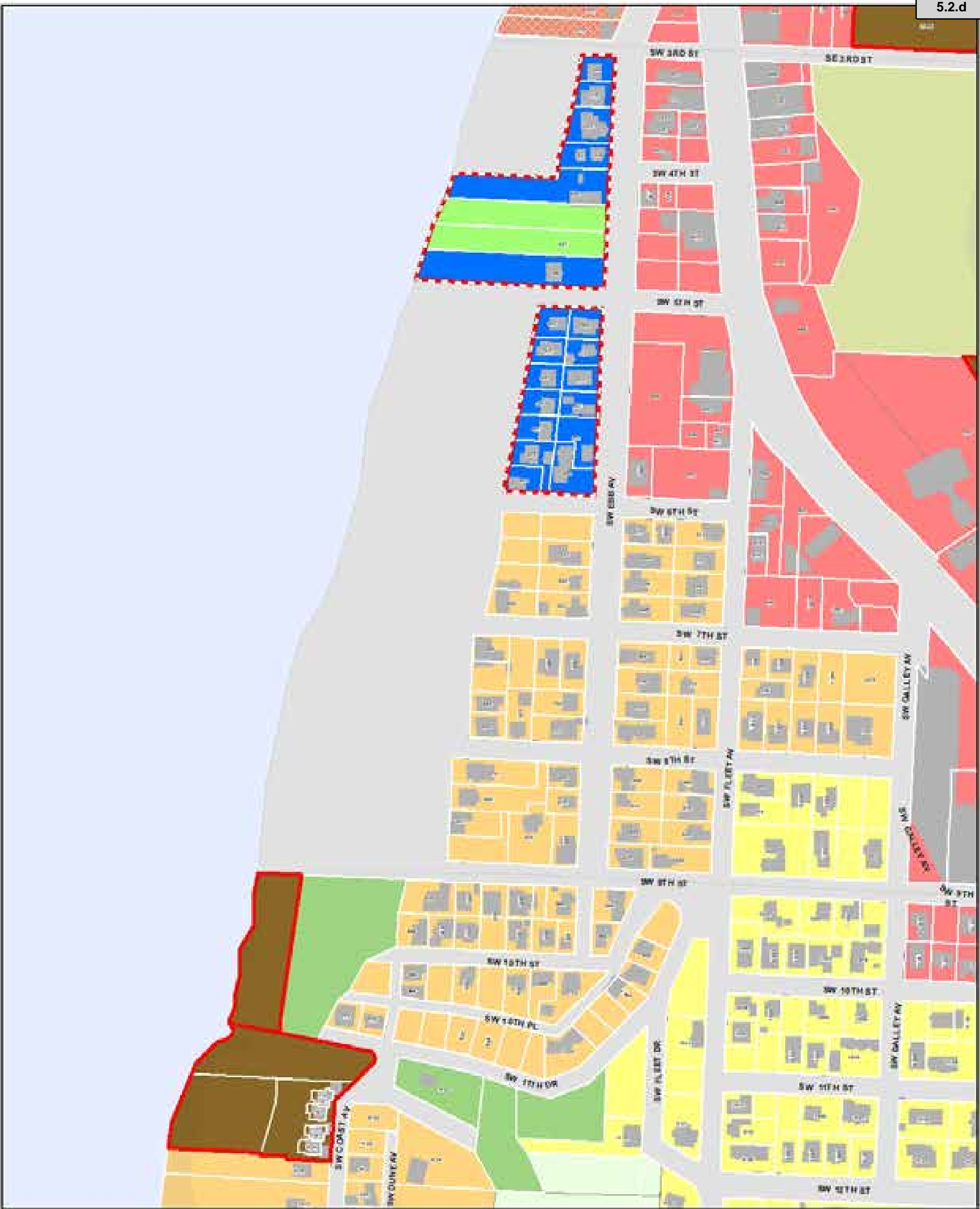


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Hello.

My name is Kevin Kenney & Kathleen Kenney.
We live at 445 S.E. Inlet Ave.

Since purchasing our home in 2014
we have proactively encouraged many
other fine, respectable, actively
engaged professionals to purchase on Inlet.
We are work force. Our family works for
the hospital, and we are involved in
our local Girl Scouts Troop 10143.

We do not want amendments ZOA 2021-03
made to an ordinance that
was designed to provide appropriate
standards for parking, build height,
setbacks, buildable lot usage,
required yard area, trash designation,
"parking," ect.

These standards provides the citizen's
with needed protections and safeguards
our founding father architected
into our city.

- 2 -

Speaking with my fellow citizens, neighbors I have discovered not one on our street actively seeking to provide accessory use buildings into "work force housing".

I believe that work force housing is being coined to benefit a specific person and lot that does not fit present criteria.

If we truly care for a affordable "work force housing" lets have vision to lift our citizens out of rent trap. We all know the only way to get ahead is to purchase land or home. That is the American Dream.

We, the citizens, purchased the Villages with much land, though in none of the designs I have seen are inclusive to think of the residents. They benefit big builders thru executive session only meetings.

- 3 -

I am not trying to be a fly
in the ointment.

I want long term vision.

This is not what I have ever heard
spoken by Mr. Ron Chandler or Mr. Ward.

We invested heavily to bury electrical
cables, disrupting traffic at River.

This is the center of our town.

Should be the most lucrative yet
it is hit by wild fire and coroner.

Now I hear rumor of converting
the hotels at River into work place.

We should be considering foot paths and
a floating dock to connect as it
was, once before in the Callin Boat
works days. This town is on the
verge of many great investments
pledge do not convert hotels/motels.

We want every tourist dollar from
occupancy tax!

We love the vision "Everything is better
at the beach!" Stay with tourism wife.

-4-

In closing I feel the change to 8000 sq ft. is unfairly benefiting only the interested parties of this new conversion without truly considering the impact to an established neighbors/Neighborhood.

Please truly think of the tax paying residents and future owners of Lincoln City. The bus barn put up a fair share of land in Holly Hills for the future they saw in Lincoln City, can we not put a few acres up for a work force housing. I also believe the people of Lincoln City should be allowed a shot to buy this new land in the former Villages area.

Thank you for listening.
I appreciate your time and help.

Sincerely,
Kevin Kenney