AGENDA

Lincoln City Planning Commission
Tuesday, December 1, 2020, 6:00 PM
Council Chambers,
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

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

2. AGENDA CHANGES OR REVISIONS

3. MINUTES

3.1. Planning Commission - Regular Meeting - Nov 3, 2020 6:00 PM

3.2. Planning Commission - Regular Meeting - Nov 17, 2020 6:00 PM

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

4.1. Final Order 2020-06 Denying APP 2020-04 Prince VRD License Appeal

5. NEW BUSINESS

5.1. Extension request for CUP 2020-01 NWN Lincoln City Resource Center

6. PUBLIC HEARINGS/DELIBERATIONS

6.1. PUD 2020-02 Lincoln Palisades Phase V

7. OLD BUSINESS

7.1. Tree Ordinance Revisions Discussion

8. PLANNING COMMISSION TRAINING

9. REPORTS & COMMENTS

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

11. ADJOURN

12. PLANNING STAFF REPORT

*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
November 3, 2020

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

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

2. AGENDA CHANGES OR REVISIONS

Commissioner Blackerby suggested that the discussion regarding the tree ordinance be moved to a different date to allow the meeting participants to follow the election.

3. MINUTES

3.1. Planning Commission - Regular Meeting - Sep 1, 2020 6:00 PM

MOTION:	No changes
MOVER:	**Kim Blackerby, Commissioner**
SECONDER:	**Joshua Brainerd, Commissioner**
AYES:	Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Marci Baker
RESULT:	**Passed**

3.2. Planning Commission - Regular Meeting - Oct 6, 2020 6:00 PM

MOTION:	No changes
MOVER:	**Lenny Nelson, Commissioner**
SECONDER:	**MacNeale Smith, Commissioner**
AYES:	Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Marci Baker
RESULT:	**Passed**

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

None

5. PUBLIC HEARINGS/DELIBERATIONS

For the purposes of this hearing, the Planning Commission will be functioning as the VRD License Appeal Board. This is an appeal of the Planning and Community Development Director's decision to

deny renewal of a Vacation Rental Dwelling license for failure to file Transient Room Tax (TRT) reports for multiple consecutive periods.

Chair Patti Kroen read the required statements for the public hearing. There were no objections to the Board's jurisdiction, and no disqualifications. No objections were raised over participation of any board member.

1. APP 2020-06 Prince VRD License

1. Staff Report

Assistant Planner Weston Fritz gave the staff report. The Planning Department was notified by Finance that the appellant had not filed his TRT reports for the last 4 quarters. The Finance Department certified that the required notices were sent out, and the applicant was not in compliance at the time of decision.

Chair Kroen asked whether the City received a response to any of the notices. TRT reports were only submitted after the denial was issued.

Commissioner Schlesinger asked if the appellant had given any reasons for not filing the reports. Mr Appicello noted that the applicant would have a chance to speak, and that the reasons were given in the appeal documents.

2. Appellant Testimony

Charles Prince, appellant and owner of the VRD in question, addressed the VRD License Appeal Board. He started by saying that he has no acceptable excuse, and that when he reviews his actions it is personal, and hard to talk about. He lost his fiance, who was also the person who did all the paperwork for the VRD, in 2019. All of the taxes were paid for the year, but he failed to file the required TRT reports. He said that he cannot go into too much detail, but that he had struggled with issues emotionally and physically, and that his inaction was based on things that he is being treated for.

Mr Prince said that he is working to make things right, and that he is hoping that he doesn't have to cancel his next bookings. It has been a very rough 2 years, and COVID took a toll. He has been fighting issues that he feels are now under control. Hired a book keeper and understand now what is required. He also claimed to have submitted the TRT reports in the payments drop box the first or second time it was re-opened, but they were done improperly.

Mr Prince continued, saying that there is not much he could say in his defense except that he has not been himself. He said that the only noise complaint he has received was this summer, and there were a lot of people misbehaving all over. He said that he believes that he can do a great job and represent Lincoln City, and that the City will never have a problem with him again.

Chair Kroen asked Mr Prince how long he has had the VRD. He responded that he has had the the VRD since 2014 or 2013, so six or seven years. He acknowledged that the need to file the TRT reports predates the issues he has had, and that he did not do his job - didn't do it in a timely fashion. He had help in the past, and so never had to do the reports himself.

Chair Kroen asked if the commissioners had any questions.

Commissioner Blackerby asked whether there have been any prior instances of reports not being filed prior to this. Mr Fritz replied that he is not personally aware of many or any issues at the house. Commissioner Blackerby responded, saying that we can assume that this is just an off year.

Chair Kroen pointed out that during the four quarters that the appellant was not responsive to the requests for the TRT reports, he was responsive to the noise complaints, which she said she finds a little odd. Mr Prince responded that he was contacted, but that he did not follow through with his responsibilities. He said that he didn't do anything willfully or intentionally to disregard or disrespect, and that the taxes had been paid even though the reports were not filed.

There were several questions from commissioners asking how the appellant knew how much tax to pay without compiling the report. Mr Prince and Mr Fritz clarified that the online platforms that Mr Prince rents through remit the taxes automatically, as required by the State of Oregon. They payments are sent in a lump sum to the City by the online platforms, rather than differentiated by individual, and the TRT reports from the license holders are important to know how much should have been paid.

Chair Kroen summarized that the obligation of the owner to file a report and remit on a quarterly basis is an import requirement to maintain a license in good standing in the city. For the last year they have not been filed for this particular dwelling. The appellant is insisting that the TRTs were paid but the reports were not filed. Regardless of what AirBNB and VRBO are doing, filing the reports is a requirement for the owner to do. A VRD is a business in the city.

5.1.3.

MOTION:	**Motion to close the publice hearing and the record for APP 2020-06**
MOVER:	**Lenny Nelson, Commissioner**
SECONDER:	**Joshua Brainerd, Commissioner**
AYES:	Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Marci Baker
RESULT:	**Passed**

4. Deliberation

Chair Kroen summarized the possible motions that could come out of deliberation - a motion to deny the appeal, which would affirm the Planning and Community Development Director's decision, or a motion to uphold the appeal, which would find the Planning and Community Development Director's decision was made in error.

Commissioner Blackerby asked whether there is an option for a probationary status - if the appellant fails to file one more report within the next year or two years. Chair Kroen replied that the VRD License Appeals Board does not have that option. Mr Appicello added that this is a quasi-judicial hearing to decide whether there is a legal basis for an error on the part of staff, based on what is in front of the Planning Commission.

Commissioner Schlesinger also expressed interest in giving the appellant another chance, saying that the appellant was a good citizen and used the home for people who were displace by the Echo Creek Fire. Chair Kroen responded that because of the quasi-judicial nature of the hearing, there is not a third option beyond upholding or denying the appeal.

Commissioner Smith said that, regardless of the feelings of the Commissioners, the question they have been asked to look at is whether or not the original decision to deny renewal of Mr Prince's VRD license is in error. He said that he cannot find an error with the original decision, regardless of how much sympathy he has for Mr Prince or his situation. He finished by stating that he believes that the original decision was correct.

Commissioner Brainerd expressed agreement with his fellow commissioners. He said that he feels for Mr Prince's life situation, but the decision that sits before the Board is not a judgment of the appellant's character, but of whether staff made the correct decision. He said that staff translated clearly what they had to do..

5.1.5.

Based on this decision, staff is directed to prepare a final order in preparation for the other meeting.

Commissioner Nelson asked whether the appellant will be able to reapply for a VRD license. Mr Chandler replied that there is a waiting list in the zone in which the home is located, but the appellant can put his nome on the waiting list. In the interim he can also apply for an accessory VRD license, which is limited to 30 nights a year.

MOTION:	**Motion to deny APP 2020-06, upholding the staff decision to deny renewal of the VRD license**
MOVER:	**Lenny Nelson, Commissioner**
SECONDER:	**MacNeale Smith, Commissioner**
AYES:	Blackerby, Brainerd, Kroen, Nelson, Smith
NAYS:	Miles Schlesinger
EXCUSED:	Marci Baker
RESULT:	**Passed**

6. OLD BUSINESS

To allow members of the Planning Commission to devote their attention to following election results, the tree ordinance discussion was continued to the next meeting, scheduled for November 17, 2020.

7. NEW BUSINESS

Report from the City Manager - the Planning and Community Development Director position has closed. The head hunter finished their review and interviews are scheduled for next week.

8. PLANNING COMMISSION TRAINING

Training is set aside until the Planning Commission is in joint session with the City Council.

9. REPORTS & COMMENTS

None

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

The tree ordinance discussion will be continued to the November 17, 2020 meeting. There are currently two public hearings on the schedule for the December 1, 2020 meeting.

11. ADJOURN

Respectfully submitted,

_____	_____
James White	Patti Kroen
Assistant Planner	Chair

LINCOLN CITY PLANNING COMMISSION
MINUTES
November 17, 2020

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

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

2. AGENDA CHANGES OR REVISIONS

Commissioner Nelson asked about the final order for APP 2020-04, the Prince VRD license appeal, which was planned for review at this meeting. Preparation of the order was overlooked, and it will be brought to the next meeting. City Attorney Richard Appicello looked up the required timeline in the City's appeal process, and reported that decisions are required to be issued within 60 days of the close of the public hearing.

3. MINUTES

3.1. Planning Commission - Regular Meeting - Nov 3, 2020 6:00 PM

Planning Commissioner Chair, Patti Kroen, and Commissioner Blackerby both commented on the rough state of the November 3, 2020 meeting minutes that were included in the meeting packet, and said that they were not prepared to sign off on them until they have more work.

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

A final order for APP 2020-04 will be prepared and provided in the meeting packet for the December 1, 2020 meeting.

5. PUBLIC HEARINGS/DELIBERATIONS

6. OLD BUSINESS

1. Tree Ordinance Work

   Chair Kroen asked Mr Appicello about the required process for inviting tree ordinance experts to talk to the Planning Commission. Mr Appicello responded that it becomes a legislative record issue in the case that eventual ordinance is appealed. He said that if the Planning Commissioner wants to have a work session and invite someone, the work session should be included in the record when the ordinance is adopted so that there is a complete land use record.

Chair Kroen said that the place to start the tree ordinance revision discussion is by defining the Planning Commission's goal. She referred to previous comments by Mr Appicello that the ordinance revision needs to be linked to the comprehensive plan, which is a series of sub-plans. Senior Planner Dave Mattison reviewed the few things that the Comprehensive Plan says about trees. Chair Kroen explained that this was the reason she created the draft community forest management plan that was included in the meeting packet - shifting away from looking at trees as landscaping and taking a more holistic approach, backing up the role of trees in mature landscapes. She suggested that the best pathway to working on the ordinance is determining what the Planning Commission wants it to look like, determining how to accomplish that, and then putting in place a management plan that can be adopted into the Comprehensive Plan.

Commissioner Blackerby thanked Chair Kroen for putting together the community forest document. He said that he thinks it is the direction that the Planning Commission needs to go in. He mentioned that we also have wildlife and wildfire issues to consider, so it is more than just a tree ordinance that is needed. He said that he had highlighted several things in the draft, but that it is a great place to start.

Commissioner Smith commented that the forest is an integral part of Lincoln City, and it gets back to identity, which is one of the things that Lincoln City really needs. We should focus on the trees, focus on heirloom trees, and focus on forested areas in the best way that we can. It is the thing that people come to Lincoln City for.

Mr Appicello made a distinction between the protection of native habitat, of which there isn't much left within the city and makes a lot of sense at the county level, and landscaping. To the extent that there is any native habitat left within the city, the Planning Commission can attempt to make the protections more substantive. He warned, however, that an impacts to residential development on residential property are subject to Measure 49, which means that any time the city enacts a regulation that restricts the ability to do residential development on lands zoned for single-family residential use, the city has to pay compensation. There are things that the Planning Commission can do within setback areas without being subject to Measure 49. Mr Appicello also encouraged the commissioners to not be quick to toss out the existing ordinance, but to keep the parts that still work because they are protected from measure 49 claims due to the date of adoption of the ordinance. He said that Measure 49 does not apply to commercial uses, so it did not affect the revision of the VRD rules. Mr Appicello also encouraged the commissioners to look at tools to incentivize tree preservation. Most of the time, working in straight-up quasi judicial review, the Planning Commission has to apply the law and see how the facts match the law. There is nothing wrong with putting incentives into the code to try to get what you want.

City Manager Ron Chandler said that Chair Kroen's approach of beginning with the end in mind is appropriate and it is a great place and the right place to begin. He said that the other thing he would suggest is, when looking at the issue as planners, to not just look at subdivision development and lot development, but also at other ways to achieve the goal. The city did something years ago - it purchased open space so that there are forested spaces within the city. The tree ordinance is only one mechanism to get there, just like within the tree ordinance there may be multiple mechanisms to get the results you want rather than just create a subdivision ordinance that deals with trees.

Chair Kroen brought up partnerships - ways that others in the city who want to get involved can participate. She said that, going through the data behind the Imagine Lincoln City visioning process (and which were included in the meeting packet), there were not as many comments

about trees as she remembered, but when you talk about what we want the city to be, and then bring in economics, it is in the best interests of the city to figure out how to manage trees cost effectively.

Commissioner Nelson asked Mr Appicello if, when the Planning Commission is dealing with a proposed subdivision, that counts as a commercial use, because the developer proposing the subdivision is a business. Mr Appicello replied that Measure 49 applies when you are taking a legislative action, when that action impacts someone with single-family residential zoning and results in restrictions to single-family residential development. In a quasi-judicial process, Measure 49 doesn't apply because you are just applying the criteria in the law.

Mr Appicello added that you have a little bit more flexibility when talking about an annexation. He said that he had sent an annexation ordinance from the City of Ashland to previous planning directors. That ordinance has standards that have to meet in order for property to be annexed, including things like affordable housing requirements. Consistent with the conversation earlier about it possibly being too late to consider native habitat protection within the existing city limits, that might not be the case with land coming in from the county, and so the Planning Commission may consider having an annexation component to the revised ordinance.

Both Mr Appicello and Chair Kroen brought up the idea of mitigation banking as a possible tool in the ordinance. Chair Kroen asked about a reference to a tree preservation fund that was established in 1992. Mr Chandler replied that such a fund does not currently exist, and if there was money in it at some point, it was probably transferred to another fund. Chair Kroen suggested that was something to be cleaned up in the code.

Chair Kroen asked if any of the commissioners had an opportunity to go through the visioning process data that was provided in the meeting packet. Commissioners Nelson and Blackerby both said that there did not seem to be much mention of trees in the visioning data.

Commissioner Baker said that the few things she noticed referencing trees did not seem like things that the tree ordinance would directly affect, such as trees along Highway 101. Chair Kroen said that she noted a few comment about trees in public places, which can be a part of the overall plan

Mr Mattison said that tree ordinances in a lot of cities only focus on trees in the right of way. The Lincoln City ordinance goes further by focusing on more than those trees that are in the right of way.

Commissioner Blackerby mentioned maintenance of community forests. He said that as he has traveled around the city, one thing he has noted is the condition of vacant lots. There is no maintenance of the vacant lots. Branches have fallen. Vegetation has grown. He said that there should be some enforcement around vacant lots and what people are expected to do with their properties or whether they are maintained. While we maintain the forest, we also want to reduce wildfire risk. Unmaintained lots do not contain wildfires. Regarding lot maintenance, Chair Kroen mentioned the existing regulations on invasive plants, and that enforcement is complaint driven. There is not a code enforcement officer driving up and down the road looking for violations. The city does not have the manpower for that.

Chair Kroen asked Mr Appicello to resend the City of Ashland annexation ordinance to the commissioners.

Commissioner Nelson said that one of the things provided when the Planning Commission first started looking at the tree ordinance was a copy of the original environmental portion of the master plan for the Villages at Cascade Head, which was developed with the help of arborists and environmentalists. The master plan was completed and adopted prior to the City purchasing the land. The City also purchased the master plan approval, which is approximately 20 years old. Chair Kroen said that she would love to see the document. Mr Chandler said that staff would have to extract just those portions of the plan pertaining to conservation so as to not overwhelm the commissioners with large parts that are not related to the conversation. Commissioner Nelson said that the main virtue of the plan was that it was brought into being by a number of people who have expertise in the subject.

Chair Kroen said that she would like to see a chart with the restrictions in the different parts of the city.

Chair Kroen said that maybe the Planning Commission should step back and look at what they want the city to look like and where they want to go. She also asked whether there is value in cleaning up the community forest document into an approach to something that is more integral to the success that they want to see in the city. Commissioner Nelson said that she thought Chair Kroen's community forestry document was excellent, and that with some revision the first part could be used as the statement of purpose.

Chair Kroen asked the commissioners to provide written comments or feedback on the document. She also said that she is interested in reaching out to those in town who have worked on such an ordinance, as was discussed at the beginning of the conversation.

Commissioner Baker said that she thinks it would be beneficial to have some people with more expertise involved if the Planning Commission is going to go through the ordinance work-session style, as opposed to digging through the ordinance and then going back and digging through it again. She also said that she had some notes on the community forest document that could be used to fine-tune the language, but that she did not have a lot to add. She said that she had a few notes about the value of trees in a community. One role that trees can play is providing food. Some trees do, and food production is sustainability. It would be interesting to throw something like that into a tree ordinance. Chair Kroen said that she lived in a place where the developer of a small community of 25 houses ringed the development with fruit trees, which was a cool added benefit.

Chair Kroen asked people to send her their written comments on the draft community forest document, and she would continue working on it. She said that she wanted to talk to the people in the community that were identified previously as having experience working with a tree ordinance to come chat with the Planning Commission. Particularly about things they would have done differently. Mr Mattison will make contact with the person who was involved in the creation of the Cannon Beach tree ordinance and the member of the Parks Board who participated in the creation of the Portland tree ordinance.

The tree ordinance revision will be on the next several agendas - possibly only a check-in at the December 1, 2020 meeting because there are several public hearings.

7. NEW BUSINESS

None

8. PLANNING COMMISSION TRAINING

Joint training with the City Council is scheduled for the first Planning Commission meeting in February 2021. The City Council will attend the Planning Commission meeting.

Mr Chandler reported that the first set of interviews for the new Planning and Community Development Director will be held on Thursday, November 19th. They are trying to schedule a zoom open house on the next Tuesday following that, with a survey afterwards. Commissioner Schlesinger asked if the open house will be broadcast. Mr Chandler answered that it could be broadcast like a regular Planning Commission or City Council meeting. He added that the open house is not something that the City does with all department head positions, but that there are some that interact a lot with the public, and the open house gives a chance to see how candidates deal with the public (which is an important part of the interview process).

9. REPORTS & COMMENTS

Chair Kroen mentioned that there are a lot of volunteer opportunities open in the city. Many commissions and boards operate through volunteers, and there are two commission seats that are coming up this year.

Commissioner Smith asked about the process for filling the mayor's position, since the mayor was elected to the state senate. Mr Chandler answered that the filling of a vacancy on the City Council is outlined in the city charter and gives latitude to the Council. Once a vacancy is created, the Council can appoint someone, can take applications and make an appointment, or hold an election. In all three cases it would be an election or appointment to fill the vacant term. So when the mayor is ready to resign and declare a vacancy, the city council will move forward.

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

None

11. ADJOURN

Respectfully submitted,

James White	Patti Kroen
Assistant Planner	Chair

PLANNING COMMISSION STAFF REPORT
MEETING DATE: December 1, 2020

Report prepared by David Mattison, Senior Planner

Final Order 2020-06 Denying APP 2020-04 Prince VRD License Appeal

Final Order Prince VRD appeal (DOC)

BEFORE THE VRD LICENSE APPEALS BOARD FOR THE CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON

[December 1, 2020]

In the Matter of an Appeal of the September 29, 2020 Decision of the Lincoln City Planning & Community Development Director to deny a VRD License Renewal.	)	**FINAL ORDER 2020-06 Appeal:**
File: **APP 2020-04.** Applicant & Appellant: Charles Prince	)	**APP 2020-04**

I. NATURE OF PROCEEDING

This matter comes before the City of Lincoln City Planning Commission sitting as the Lincoln City VRD License Appeals Board (hereinafter "Board") for an evidentiary appeal hearing pursuant to LCMC 5.14.090. The appeal is from a September 29, 2020, administrative decision of the City of Lincoln City Planning and Community Development Director denying a VRD License Renewal, based on the appellant's failure to meet the requirements set forth in LCMC 5.14.080.(E).(3).

On July 6, 2020, Charles Prince applied for renewal of his VRD license. Staff was notified at this time that Charles Prince had not filed a TRT for the past four quarters. This is a clear violation of LCMC 5.14.080(E)(3). All required notices were sent to the applicant at multiple times throughout the year. The non-compliance was certified by the Finance Department

On September 29, 2020, the City of Lincoln City Planning and Community Development Director denied the license renewal request for Charles Prince because the necessary TRT reports as required under LCMC 5.14.080(E).(3).

On October 9, 2020, the notice of denial was mailed to Charles Prince.

On October 11, 2020 an appeal to the Board was timely filed (received) with an appeal fee on behalf of Michael Barrett. The stated reason(s) for the appeal included: (1) the appellant did not file TRT reports due to extensive personal issues over the past twenty-two months; (2) the appellant states that he now has somebody to help with house cleaning and the future TRT reports; and (3) the appellant promises to remit TRT reports in conformance with LCMC 3.04 in the future.

On October 16, 2020, pursuant to Lincoln City Municipal Code (LCMC) Section 5.14.090, notification of the November 3, 2020 appeal hearing for the appeal before the Board was mailed to the appellant, area property owners within 250 feet, and affected public agencies.

On November 3, 2020, the Board conducted a public appeal hearing and considered the oral and written testimony presented, the staff report, and the record as a whole. The Board closed the hearing and closed the record. On November 3, 2020, the Board deliberated and ultimately denied the appeal, and upheld the Director's original decision denying the license renewal. The Board directed Staff to bring back written findings for adoption as provided in Chapter 5.14.

Based upon the evidence in the whole record, the Board makes the following findings of fact and conclusions of law:

II. FINDINGS OF FACT

1) The Nature of Proceeding set forth above is true and correct and is incorporated herein by this reference.

2) The subject of File Number APP 2020-04 is a decision of the Planning & Community Development Director denying a VRD license renewal. The denial was based on applicable code criteria pertaining to renewal standards.

3) The subject property has an address of 3645 SW Coast Ave, and further identified on Lincoln County Assessor's Map 07-11-27-BA as tax lot 02600. The property is in the Single-Family Residential (R-1-5) zone.

4) The Applicant/Owner for File Number APP 2020-04 is Charles Prince, with an address of 327 53rd Ave NW, Salem, OR 97304.

5) The VRD License ordinance provides as follows concerning renewal standards:

> **LCMC 5.14.080.E.: Renewal Standards.** The city will review an application for license renewal and issue a renewal of the vacation rental dwelling license provided the following standards are met:
> 3. The owner has fully complied with Chapter 3.04 LCMC (Transient Room Tax) including submitting the required report for the last quarter of the license year;

6) A participant in local land use proceedings must ascertain for itself, from the local code, what it must do to protect its rights. Columbia River Television v. Multnomah County, 299 Or 325, 329, (1985); City of Grants Pass v. Josephine County, 25 Or LUBA 722, 728 (1993); Kamppi v. City of Salem, 21 Or LUBA 498, 505 (1991); Kellogg Lake Friends v. Clackamas County, 17 Or LUBA 708, 712, n.3 (1989).

7) Reliance on erroneous information from a local government employee does not relieve a party from complying with statutory or local code requirements. Loosli v. City of Salem, 345 Or 303 (2008).

III. FINDINGS APPLYING APPLICABLE CODE CRITERIA

8) The Board finds and determines that the applicable criteria for this decision are Lincoln City Municipal Code Chapter 5.14 (Vacation Rental License), including specifically the following:

LCMC 5.14.060 Criteria for approval of a license and license renewal
LCMC 5.14.080 License renewal
LCMC 5.14.090 Appeals of VRD license determinations

The Board further finds and determines that it has received all information necessary to make a decision based on the staff report, public hearing testimony, and the evidence in the whole record including the exhibits received.

9) The Board incorporates by this reference all findings and conclusions and exhibits as set forth in the Staff Report in the record of the above-referenced Appeal File as presented to the Planning Commission. The Board finds and determines that the Staff's report and analyses are complete and accurate and support the conclusion that the license should be denied and not renewed.

10) The VRD License ordinance provides as follows concerning renewal standards of a vacation rental dwelling:

> **LCMC 5.14.080.E: Renewal Standards.** The city will review an application for license renewal and **issue a renewal of the vacation rental dwelling license provided the following standards are met**:
>
> 1. The licensee has provided all required application information within the time required, and all requirements of this chapter are met;
>
> 2. The vacation rental dwelling use of the property has been previously approved under LCMC 17.80.050 and the approval remains valid;
>
> 3. **The owner has fully complied with Chapter 3.04 LCMC (Transient Room Tax) including submitting the required report for the last quarter of the license year;**
>
> 4. Staff has reviewed the licensee's complaint log required by LCMC 5.14.070(B)(2) to determine the nature of complaints, if any, and whether complaints were timely addressed by the owner or local

representative. Where city records show more than one complaint about the vacation rental dwelling occupancy was received during the license year, including any complaints that remain unresolved, the applicant shall bear the burden of proof of demonstrating complaints have been satisfactorily resolved or the complaints are not reasonably applicable to the occupancy of the vacation rental dwelling;

5. The license subject to renewal is current, valid, and has not been suspended or revoked;

6. The property has been inspected for compliance with LCMC 5.14.070 within the last three years, either by approval of occupancy by the city building inspector in the final completion of a building permit or by compliance notice of the responsible city staff, or otherwise complies with LCMC 5.14.070(E);

7. The property has generated at least $500.00 from rental occupancy during the previous year as demonstrated by transient room tax reports filed pursuant to LCMC 3.04.070. The person responsible for receiving the transient room tax reports and verifying the amount of tax due will determine whether this standard is met by providing a summary determination to the department responsible for processing the renewal application. Where a cap is imposed, a new or renewal VRD license shall not be issued if the VRD has not obtained or maintained a VRD license in the preceding six-month period and the VRD has been rented at least 30 days in that license year. An accessory license may be issued to a VRD that does not meet the 30 days or more standard. Information provided by the owner under Chapter 3.04 LCMC shall be kept confidential to the extent allowed or required by law; and

8. The property continues to meet the standards for parking, solid waste, landscaping, irrigation and signs, as provided in LCMC 17.80.050(B).

11) The Board finds and determines that the basis of the denial of the VRD license renewal request is the above-quoted VRD license criteria in the Municipal Code, specifically that LCMC 5.14.080.B.3 requires the owner of the VRD fully complied with Chapter 3.04 LCMC (Transient Room Tax) including submitting the required report for the last quarter of the license year;

IV. ORDER

Based on the above Findings of Fact and Conclusions of Law, the Vacation Rental Dwelling License Appeals Board for the City of Lincoln City finds and determines the Planning and Community Development Director's decision is reasonable and hereby Orders the application for VRD License Renewal in file APP 2019-04 is DENIED. The decision of the Planning and Community Development Director denying the renewal is UPHELD and the APPEAL by the Owners to set aside the condition is DENIED.

ADOPTED THIS 1st DAY OF December 2020.

_____
Patti Kroen, Chair
Vacation Rental Dwelling License Appeals Board

PLANNING COMMISSION STAFF REPORT
MEETING DATE: December 1, 2020

Report prepared by David Mattison, Senior Planner

Extension request for CUP 2020-01 NWN Lincoln City Resource Center

NWN LC CUP Extension Request Narrative 111620 (PDF)
NWN LC Master Land Use App Signed 111620 (PDF)

NW NATURAL LINCOLN CITY RESOURCE CENTER

CUP Extension Request

PROJECT INFORMATION:

2815 NE 36th DRIVE

LINCOLN CITY, OR 97367

MAP AND TAX LOTS 21 AND 22

LEGAL DESCRIPTION: 07-11-02-CA-00103-00

ZONING: GENERAL COMMERCIAL (GC)

PROPERTY OWNER / NW NATURAL GAS CO:

WAYNE PIPES

250 SW Taylor Street

PORTLAND, OR 97204-3038

503.226.4211 X2496

APPLICANT REPRESENTATIVE / LRS ARCHITECTS:

MARY FIERROS BOWER

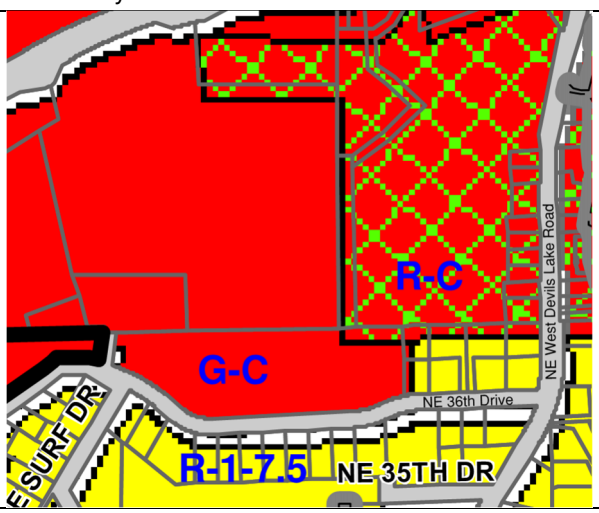
720 NW DAVIS STREET, SUITE 300

PORTLAND, OR 97209

NWN LINCOLN CITY RESOURCE

CUP Extension Request Narrative

The subject site is located on NE 36th Street in Lincoln City. The site is approximately 205,906 SF in size and carries the G-C General Commercial zoning district.

Site Information	NW NATURAL LINCOLN CITY RESOURCE CENTER
Location	2815 NE 36th Drive, Lincoln City, OR 97367, approximately 410 feet west of NE West Devils Lake Road
County	Lincoln
Tax Lots	21 and 22
Site Size	205,906 SF (4.72 acres)
Land Use	
Jurisdiction	City of Lincoln City
Base Zone	General Commercial (G-C)
Existing Use	NA (Greenfield)
Tax Map	07-11-02-CA-00103-00
Pre-Application Conference	10/24/19
Case File	PR2019-16, CUP 2020-01, SPR 2020-01 Northwest Natural Resource Center
Type of Review	CUP Extension Request
City's Local Wetland Inventory Map	No identified wetlands on the property
Overlay Districts	No overlay districts for flood hazards or soils hazards
Surrounding land uses and zones	
North:	Undeveloped and RV park; General Commercial (GC) and Recreation Commercial (RC)
South:	NE 36th Drive and residences; Single-Family Residential (R-1-7.5)
East:	Residences; Single-Family Residential (R-1-7.5)
West:	Undeveloped; General Commercial (GC)

Proposal Summary

PROJECT DESCRIPTION

NW Natural is proposing to build a new Resource Center on greenfield land in Lincoln City on NE 36th Drive that is not open to customers or the public. The subject resource center is a communications and dispatch center for gas line repair response crews, along with the fleet vehicle and materials storage needed for that purpose. The existing NW Natural facility that serves the same purpose is currently in Lincoln City. Relocating it will increase resiliency because it will be built to a category 4 operational seismic standard.

The scope includes a new 1 story 4,270 SF office building designed to seismic category IV "Immediate occupancy". Including a new 7,408 SF vehicle storage / warehouse building designed to seismic category II "immediate occupancy", with drive-thru bays and a truck washing equipment (Landa) room. Site work scope includes, a covered truck washing pad, a trash enclosure, an emergency generator, and staff and fleet parking spaces. Site structures include an enclosed vehicle storage garage for temperature sensitive vehicles, a covered pipe storage metal shed, a covered spoil & a decant bin area and a fueling tank canopy.

DEVELOPMENT REVIEW

The applicant received Conditional Use Permit and Site Plan Design Review approvals on February 18, 2020.

The applicant is requesting approval of a CUP extension.

Title 17 Development Code, LCMC 17.60.080 Time Limitation, states that: 'A conditional use permit shall become void one year after approval (February 18, 2021 in this case), or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alternation or enlargement has been commenced and diligently pursued or, if no such construction, alternation or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The planning commission may extend a use permit for an additional period of one year, subject to the requirements of this title. No more than one such extension may be granted. The CUP Extension fee is ($750) and is submitted with this application. Fees are based on Planning and Community Development Fee Schedule.

LCMC, 17.60 Conditional Uses

LCMC 17.60.080 TIME LIMITATION

CUP EXTENSTION REQUEST

- Given the ongoing state of COVID-19, the timing of NW Natural's Facilities Retrofit program has been impacted. This has impacted the schedule for their Lincoln City Resource Center project. The current schedule is for NW Natural to begin design work including construction documents on April 1, 2021. The start of construction is estimated to begin in January 2022 with completion in October 2022.

Conclusion

Approval of the CUP extension application will allow the Applicant to construct a well-designed NW Natural Resource Center within the project schedule noted above. The Applicant therefore respectfully requests approval of the subject Conditional Use Permit extension application.

OFFICE USE ONLY		OFFICE USE ONLY
Date Filed: _____ Amount/Fee: _____ Receipt No: _____ Received By: _____ 30 Days: _____ Deemed Incomplete: _____ Deemed Complete: _____ 120 Day Deadline: _____	City of Lincoln City **LAND USE APPLICATION**	Stamp Date Received **File No:**

APPLICATION TYPE

☐ ANNEXATION	☐ LOT LINE ADJUSTMENT	☐ SITE PLAN REVIEW
☐ APPEAL OF PLANNING COMMISSION DECISION	☐ MINOR PARTITION	☐ SUBDIVISION
☐ APPEAL OF PLANNING DEPARTMENT DECISION	☐ NATURAL RESOURCE DEVELOPMENT REVIEW	☐ URBAN GROWTH BOUNDARY AMENDMENT
☐ COMPREHENSIVE PLAN & ZONING MAP AMENDMENT	☐ NATURAL RESOURCE DEVELOPMENT VARIANCE	☐ VACATION
☐ COMPREHENSIVE PLAN &/OR ZONING ORDINANCE TEXT AMENDMENT	☐ PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN	☐ VARIANCE
☐ CONDITIONAL USE PERMIT	☐ PLANNED UNIT DEVELOPMENT FINAL MASTER PLAN	☑ OTHER CUP Extension

NAME OF APPLICANT: Mary Fierros Bower (Applicant's Representative / Agent)

MAILING ADDRESS: 720 NW Davis Street, Suite 300

CITY: Portland STATE: OR ZIP: 97209

DAYTIME PHONE: 503.256.1572 Signature: _____

EMAIL (OPTIONAL): mfierrosbower@lrsarchitects.com

OWNER OF RECORD (if other than applicant)

NAME: Wayne Pipes

MAILING ADDRESS: 250 SW Taylor Street

CITY: Portland STATE: OR ZIP: 97204-3038

DAYTIME PHONE: 503.226.4211 x2496 Signature: _____

EMAIL (OPTIONAL): Wayne.Pipes@nwnatural.com

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:

☑ AGENT, ☐ FEE OWNER, ☐ CONTRACT PURCHASER, ☐ OPTION HOLDER, ☐ LESSEE, ☐ OTHER

PROJECT LOCATION: approximately 410 feet west of NE West Devils Lake Road

PROJECT ADDRESS: 2815 NE 36th Drive, Lincoln City, OR 97367

ASSESSOR'S MAP NO.: 07-11-02-CA-00103-00 **TAX LOT(S):** 21 and 22

AREA: 4.72 Acres **(acres)** **SQ. FT.:** 205,906 SF **ZONING:** GC-General Commercial

Planning and Community Development, 801 SW Highway 101, PO Box 50, Lincoln City, OR 97367
Tel: 541-996-2153 Fax 541-996-1284

PLANNING COMMISSION STAFF REPORT
MEETING DATE: December 1, 2020

Report prepared by David Mattison, Senior Planner

PUD 2020-02 Lincoln Palisades Phase V

PROJECT INFORMATION

Applicant/Owner	Steve Lindell dba Alpha Building Ventures 11902 SE Stark St. Portland, OR 97216
Map & Lot No.	Map 06-11-35CD, Tax Lot 101
Comprehensive Plan & Zoning	Medium Density Residential, R-1-7.5
Surrounding Land Uses And Zoning	South and East: wetlands (vacant City owned land); zoned R-1-7.5; North and West: residential (Lincoln Palisades Phase 4 and 2 respectively); zoned R-1-7.5.
Public Notice	On November 10, 2020 staff mailed a public hearing notice to property owners within 500 feet of the project site. On November 18, 2020, the News-Guard published notice of the hearing.
Relevant Substantive Criteria	Lincoln City Municipal Code 17.52.210, Planned Unit Developments Lincoln City Municipal Code Chapter 17.16 Single-family Residential (R- 1-7.5 Zone)

PC preliminary staff report LP-V (DOC)
Application Package(PDF)

STAFF REPORT, FINDINGS, RECOMMENDATION AND CONDITIONS OF APPROVAL
CASE FILE: PUD-2020-02 LINCOLN PALISADES V

PROJECT INFORMATION

Applicant/Owner: Steve Lindell dba Alpha Building Ventures
11902 SE Stark St.
Portland, OR 97216

Tax Map & Lot No: Map 06-11-35CD, Tax Lot 101

Comprehensive Plan Designation/Zoning: Medium Density Residential, R-1-7.5

Surrounding Land Uses and Zoning South and East: wetlands (vacant City owned land); zoned R-1-7.5
North and West: residential (Lincoln Palisades Phase 4 and 2 respectively); zoned R-1-7.5.

Site Conditions: The subject property has street frontage along NE 55th Place and NE Wave Lane (constructed to City standards), which are paved roads, with one lane in each direction. The subject property has a southeast orientation, sloping down towards a creek. It is moderately vegetated; however, areas near NE 55th Place and NE Wave Lane were cleared during past development.

Public Notice: On November 10, 2020 staff mailed a public hearing notice to property owners within 500 feet of the project site. On November 18, 2020, the News-Guard published notice of the hearing.

Relevant Substantive Criteria: Lincoln City Municipal Code 17.52.210, Planned Unit Developments Lincoln City Municipal Code Chapter 17.16 Single-family Residential (R- 1-7.5 Zone)

Proposal: The applicant has submitted an application for the Lincoln Palisades Phase V proposed preliminary master plan, to divide the 4.88-acre parcel into twenty lots intended for construction of single-family dwellings, as a Planned Unit Development (PUD).

BACKGROUND

In 1994 the Planning Commission approved a tentative plan for the Lincoln Palisades Subdivision, a 173-lot single-family development encompassing 71.12 acres of land. The plan, proposed by Lockhart Investments, the property owner at the time, called for the subdivision to be developed in five phases over a ten-year period. The Planning Commission's Final Order No. 94-07 approved the tentative plan with numerous conditions of approval, including dedication to the city of a large tract of open space. Lockhart Investments transferred the Lincoln Palisades property to the Cruze Family LLC, which recorded the final plat for the 173-unit subdivision. The Cruze Family LLC undertook development of part of the property, removing trees, grading the site, installing streets and utilities, and selling individual lots. This is called Lincoln Palisades Phase 1, including its six sub-phases.

In 2005 the Cruze Family LLC transferred the remainder of the Lincoln Palisades property to Palisades Properties LLC. In 2007, Palisades Properties LLC applied for revised subdivision plan approval,

seeking to increase the number of lots from 173 to 202. All were to be single-family lots. The Planning Commission approved this proposal as Lincoln Palisades Phase 2 in 2007.

In 2013, Palisades Properties LLC requested approval of an additional 234 units for Lincoln Palisades, including 57 detached single-family dwellings, 73 attached single-family dwellings (townhouses), and 104 apartment units. The applicant withdrew the application due to neighborhood opposition.

In 2015, Steve Lindell, doing business as Alpha Building Ventures LLC, partitioned 38.77 acres between NE Voyage Way and NE Devils Lake Boulevard (shown as Tract A in Lincoln Palisades Phase 2) into Parcels 1 and 2, and an 18.66 acre tract A of open space, which he dedicated to the City of Lincoln City. In 2016, he partitioned Parcel 2 into three new parcels, including the parcel approved as Lincoln Palisades 3. In 2017, the owner again received approval for a partition, including the subject parcel identified as Parcel 1.

In 2018, Alpha Building Ventures LLC, presented a revised layout that altered the west ends of several side lot lines to accommodate existing utility services. The Planning Commission approved by unanimous vote the preliminary master plan for Lincoln Palisades 4 Planned Unit Development with the revised layout, subject to conditions staff generated based on the site plan review. The Commission adopted Final Order 2018-02 on July 17, 2018. The application for the Lincoln Palisades 4 final master plan and tentative subdivision plat was received on May 7, 2018, and a Planning Commission public hearing was held on September 4th, deliberated, and approved with conditions.

The city received the Lincoln Palisades V application on September 22, deemed it complete on September 28, and held the Planned Unit Development public hearing on December 1, 2020. As stated by the applicant, the purpose of Lincoln Palisades Phase V is to utilize the flexible approach granted to development by the Planned Unit Development (PUD) process to provide detached, single-family housing to the City of Lincoln City. The subject parcel was created by partition in 2017. This partition divided the upland buildable area from the steep slopes and wetlands nearby. The result was a clear delineation between buildable land and preserved natural features. Because of the creative site planning and design permitted through a PUD, the proposed development can efficiently use the buildable land created by this partition.

AUTHORIZATION

The process for consideration of a proposed PUD consists of two steps.

- In the first step, the applicant presents to the Planning Commission a "preliminary master plan" for the proposed development.

- In the second step, the Planning Commission reviews the "final master plan" for the PUD (or for a phase of the PUD).

This is the first step, the review of the preliminary master plan. The Planning Commission considers the preliminary master plan in a public hearing and evaluates it against the various criteria of the municipal code.

LCMC 17.52.210.L. describes the Planning Commission's authority, summarized as follows.

> *The Planning Commission shall review the plan and comments in public hearings and shall give approval, approval with conditions, or disapproval to the preliminary master plan. The Planning Commission shall state its decision and its reasons in writing. The Planning Commission's consideration of the preliminary master plan shall be subject to specified criteria. The Planning*

Commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the criteria.

ANALYSIS

As described in LCMC 17.52.210.A, the Zoning Ordinance allows Planned Unit Developments (PUDs) as a means for "encouraging creative site planning and building design; to make possible greater diversification between buildings and open spaces; and to conserve land and minimize development costs". The Planning Commission may allow deviation from almost all zoning and subdivision standards other than the type of allowed use, the overall density of the project, and the city-wide 45-foot maximum height limit.

Applicable Substantive Criteria

Permitted Uses in the R-1-7.5 Zone. LCMC 17.16.020 lists single-family dwellings among the allowed uses in the R-1-7.5 zone (as well as attached single family, and duplexes). This PUD proposes only single-family dwellings; however, lots 1, 7, 8 , 9, 10, 17, 18 and 19 are large enough to allow a duplex on each.

Availability of City Services. LCMC 17.16.050 prohibits development in the R-1-7.5 zone unless all city services are available to the site. In this context "city services" means water and sewer service. City services are available for the proposed lots. Individual lot service lines are not lined up to serve each lot directly without the extension of NE 55th Place.

Lot Requirements. LCMC 17.16.070 sets out required minimums for lot size, lot width, lot depth, and required yards, and maximum lot coverage for standard subdivisions of land. Because of the intent of the PUD ordinance to allow flexibility, deviations from these standards are acceptable, except for required yards at the perimeter of the proposed development. Except for Lot 16, all lots contain more than the required minimum of 7,500 square feet. Lots 1, 7, 8 , 9, 10, 17, 18 and 19 are large enough to allow duplexes.

LCMC 17.52.210 Planned Unit Development (PUD)
A. Purpose. It is the purpose of this section to allow master planned developments in any residential or commercial zone, or any combination of them, and in doing so, to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and minimize development costs. In addition to the uses allowed in residential zones, the planned unit development approach may allow certain commercial uses subject to the specific limitations of this section.

Finding: The purpose of Lincoln Palisades Phase V is to utilize the flexible approach granted to development by the Planned Unit Development (PUD) process to provide detached, single-family housing to the City of Lincoln City. The subject parcel was created by partition in 2017 (Exhibit B). This partition divided the upland buildable area from the steep slopes and wetlands nearby. The result was a clear delineation between buildable land and preserved natural features. Because of the creative site planning and design permitted through a PUD, the proposed development can efficiently use the buildable land created by this partition.

A conversion plan was submitted by the applicant and approved with the partition application demonstrating how the property could be development to urban density. The proposed preliminary master plan mostly conforms to this conversion plan. Originally, the conversion plan showed NE 55th Place

ending in a cul-de-sac turnaround. However, in the pre-application meeting, the City of Lincoln City requested 55th Place not be terminated in a cul-de-sac. In response to these comments, the preliminary master plan allows for the ability to extend 55th Place. The proposed preliminary master plan complies with the purpose statement of LCMC 17.52.210 Planned Unit Development.

B. Planning Commission Authority. The planning commission shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to the provisions of this section.

Finding: This application narrative and accompanying preliminary master plan were submitted to the City of Lincoln City for consideration by the Planning Commission based on the review criteria set forth in LCMC 17.52.210(L).

C. Pre-Application Conference. Prior to filing an application for a planned unit development, the applicant shall review the applicant's preliminary master plan with the city manager or the city manager's designated representative at a pre-application conference. The purpose of the pre-application conference is to inform the city of the nature of a likely PUD application at an early date and to provide the potential applicant with information on what will be needed to make an application complete.

Finding: A pre-application conference for Lincoln Palisades Phase V was held on April 16th, 2020. The preliminary master plan was modified per conversations during the pre-application conference. The proposed development complies with this standard.

D. Allowable Density. The allowable residential density in a PUD that meets only the minimum PUD standards is the "maximum base residential density" and shall be determined in the following manner:

1. Determine the gross square footage of the project site.

Finding: The subject property contains an area of 4.88 acres. Therefore, the gross square footage of the subject property is 212,573 square feet.

2. Subtract from the gross square footage the square footage of any areas proposed for nonresidential development, including commercial uses, places of worship, schools, and public buildings and their associated parking areas and grounds (including required yards and landscaping areas). The result is the "preliminary gross residential area."

Finding: The proposed preliminary master plan does not include any area for nonresidential development. Therefore, the preliminary gross residential area is 212,573 square feet.

3. Subtract from the preliminary gross residential area the square footage of any areas of significant natural resources as identified in the comprehensive plan. The result is the "final gross residential area."

Finding: The subject property does not contain areas identified as significant natural resources by the Comprehensive Plan. Therefore, the final gross residential area is 212,573 square feet.

4. Multiply the final gross residential area by 0.83. The result is the "final net residential area."

Finding: When the final gross residential area (212,573 square feet) is multiplied by 0.83, the resulting final net residential density is 176,436 square feet.

5. Divide the final net residential area by the minimum lot size of the underlying zone. The result is the "maximum base residential density" expressed in dwelling units. Any number not a whole number shall be rounded down to a whole number.

Finding: The subject property is zoned R-1-7.5, which means the underlying minimum lot size is 7,500 square feet. 176,436 square feet divided by 7,500 is 23.524. Therefore, when rounded down, the maximum base residential density is 23 dwelling units.

E. Residential Density Bonus

Finding: The preliminary master plan does not propose residential density greater than permitted under LCMC 17.52.210(D). No residential density bonuses are requested with this application. Standards and requirements outlined in LCMC 17.52.210(E)(a-h) and (F) are not applicable.

G. Large-Scale, Mixed Use PUDs. This subsection sets forth special provisions for large-scale, mixed use PUDs that provide additional amenities for residents, visitors, and the larger Lincoln City community while ensuring that impacts can be internalized and mitigated through master planning and coordinated on-site management.

1. Applicability. Subsection (H) of this section may be applied only to an existing or proposed PUD that is 100 acres or larger, has direct access to an arterial street, and designates at least 35 percent of the gross PUD site area as open space.

Finding: Subsection LCMC 17.52.210(G) is only applicable if the proposed PUD that contains equal to or greater than 100 acres, has direct access to an arterial street, and designates at least 35 percent of gross PUD site area as open space. Lincoln Palisades Phase V does not contain any of these features. Therefore, this standard does not apply.

H. Preliminary Master Plan Application. Following a pre-application conference, an applicant may submit a preliminary master plan to the site plan committee established under LCMC 17.52.240 for review. The preliminary master plan, which must include a drawing showing the layout of the proposed planned unit development, must contain the following information.

Finding: The preliminary master plan attached to this application narrative contains all applicable information required in LCMC 17.52.210(H) (1-6). Please refer to the preliminary master plan for conformance to this standard.

I. Supplemental Preliminary Master Plan Information. The application also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:

1. Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements.
The outline restrictions shall identify the time at which the restrictions will be filed in the county deed records; generally who will have authority to enforce the restrictions; specifically which restrictions, if any, are proposed to be enforceable by the city; the time at which the restrictions will become enforceable; and which restrictions, if any, will not be subject to amendment without the consent of the city;

Finding: Covenants, Conditions, and Restrictions (CC&Rs) recorded with Lincoln Palisades Phase 2 will be extended to include the proposed development.

2. Approximate locations and anticipated grades of all streets. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains.

Finding: Locations, grades, and typical sections of Wave Lane and 55th Place (existing and proposed extension), as well as the location and size of utility mains (existing and proposed) are shown on the preliminary master plan. Cross-sections of the proposed streets have been provided with the application packet. All utilities are required to be located underground.

3. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pretreatment facilities and the water distribution system.

Finding: Lincoln Palisades Phase V would be served by municipal water, sanitary sewer, and storm drainage facilities operated by the City as shown on the preliminary master plan.

4. 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: Other than street rights-of-way, no property will be dedicated to the City of Lincoln City.

5. A description of any residential density bonus the applicant is requesting, including evidence demonstrating compliance with applicable density bonus standards.

Finding: The applicant is not requesting residential density bonuses outlined in LCMC 17.52.210(E)(a-h) and (F).

6. Proposed number of residential units.

Finding: Lincoln Palisades Phase V is proposing twenty detached single-family dwellings.

7. An approximate tabulation of all dwelling units by type.

Finding: Lincoln Palisades Phase V is proposing detached single-family homes and no other dwelling types will be constructed.

8. A narrative description of the planned unit development and the manner in which it meets the purpose set out in subsection (A) of this section.

Finding: A narrative description of the planned unit development and the manner in which it meets the purpose set out in subsection (A) of LCMC 17.52.210 is provided earlier in this application.

9. A statement describing the present and proposed ownership.

Finding: The undeveloped property is owned by Alpha Building Ventures LLC, who is the applicant for Lincoln Palisades Phase V. Alpha Building Ventures LC would continue to own the property through the entitlement process. The applicant may develop individual lots or sell lots for development by others.

10. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be relandscaped.

Finding: A preliminary landscape plan is included in the preliminary master plan. The proposed landscape plan utilizes native species of trees, shrubs, and groundcover as prescribed by the City's Guide to

Landscape Selections. The landscape plan shall be submitted to the Planning Department concurrent with the submittal of the final engineering plans to the Public Works Department. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9. Trees to be preserved, as shown on the Existing Conditions, Sheet Number 2.0, shall be submitted to the Planning Department concurrent with the final engineering plans.

11. A circulation plan and traffic impact analysis identifying likely circulation patterns for and traffic impacts from traffic generated by the development including patterns and impacts within the development, in the area surrounding the development, and in other affected areas of the city;

Finding: Access Engineering completed a Traffic Impact Analysis (TIA) for the entirety of Lincoln Palisades; this analysis accounted for six phases of development. However, since the TIA was completed in 2013, phase boundaries and residential unit types have changed. Because of these changes, trips generated by Lincoln Palisades Phase V have been modified to accurately reflect the qualities of this phase. Data in Table IV-2 and Table IV-3 in the application packet are based on the Ninth Edition of the Institute of Transportation Engineers Trip Generation Manual and Access Engineering's TIA.

In summary, Lincoln Palisades Phase V is forecasted to generate 25 trips during the p.m. peak hour and 242 daily trips, as shown in Table IV-3 in the application packet.

Several nearby streets would experience increased traffic from Lincoln Palisades Phase V. Urban streets constructed to City standards affected by the proposed development are NE Voyage Avenue, NE 47th Street, NE West Devils Lake Road, and NE Logan Road south of NE 50th Street. These streets are intended to accommodate traffic at full build out of the surrounding area and are in good repair. In addition to these urban streets, NE Port Lane and NE Logan Road north of NE 50th Street are two rural roads that will experience an increase in traffic. These roads have a paved lane in each direction but lack urban features such as curbs, gutters, and sidewalks. However, these roads are still capable of accommodating the increased traffic.

Additionally, twenty-nine p.m. peak hour trips is equivalent to one trip every 2.4 minutes during the peak hour. Because of the relatively low level of trip generation and overall condition of affected streets, no improvements are warranted to accommodate traffic generated by Lincoln Palisades Phase V.

12. A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases; a statement of the date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review; and a statement of the date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially completed.

Finding: The applicant intends to submit the final master plan in one phase at the earliest opportunity.

13. A tree maintenance and protection plan, which shall contain the following information:
   a. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:
   i. The shape and dimensions of the property, and the location of any existing and proposed structures or improvements;
   ii. The location of the individual trees, with a diameter of eight inches or more, on the site, and indicating species, approximate height, d.b.h., canopy spread and common name;
   iii. The location of unique trees or stands of trees as set out in the arborist report described below; and
   iv. The location of existing and proposed easements, as well as setbacks required by existing zoning requirements.

b. In lieu of the map or survey, an applicant proposing to remove trees may provide aerial photographs with overlays, GIS documentation, or maps approved by the planning director, and clearly indicating the information required by this subsection.
c. Arborist Report. The report shall identify any unique or unusual trees or stands of trees and describe the health and condition of all trees subject to removal or transplanting, and shall include information on species, common name, d.b.h., and approximate height and age.
d. Tree Protection. Unless specifically exempted by the planning director, a statement describing how trees intended to remain will be protected during tree removal and how remaining trees will be maintained.
e. Tree Identification. Unless specifically exempted by the planning director, a statement that any trees proposed for removal will be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction documents.
f. Replacement Trees. A description of the proposed tree replacement program with a detailed explanation including the number, size, species, and cost. In lieu of replacing trees, the applicant may propose to pay into the city tree fund an amount equivalent to the value of the replacement trees after installation, as provided in this subsection.
g. Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.
h. Waiver of Documentation. The planning director may waive an application document where the required information has already been made available to the city, or where the director determines the information is not necessary to review the application.

Finding: The preliminary master plan inventories trees larger than six inches DBH identified by Buena Vista Arbor Care. Forty-one trees were identified on the subject property. A breakdown of these trees is provided in Table IV-4. Additionally, unusual conditions such as multiple stems, observable decay and damage were noted. Any tree that was worthy of preservation was also noted. These trees include the following:

Douglas Fir - 4
Sitka Spruce - 20
Elderberry - 1
Red Alder - 13
Western Hemlock - 3

Along with their field inventory, Buena Vista Arbor Care provided detailed recommendations for tree maintenance and protection. These recommendations have been outlined on the preliminary master plan. This plan was completed in accordance with the standards for tree protection and removal as outlined in LCMC 17.52.220. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9. Trees to be preserved, as shown on the Existing Conditions, Sheet Number 2.0, shall be submitted to the Planning Department concurrent with the final engineering plans.

PUD approval criteria. Lincoln City Municipal Code (LCMC 17.52.210.L) contains a set of general criteria that a Planned Unit Development must meet. The remainder of the staff report lists each criterion in italics, followed by staff comments.

a. The proposed planned unit development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development.

Finding: Staff interprets “substantially” in this criterion to mean “mostly” and “compatible” to mean “capable of existing together without discord or disharmony.”

The applicant has stated that 'Substantially compatible with existing development does not imply proposed development is identical to existing nearby structures and uses. Instead, compatibility is a development's capacity to exist in harmony with nearby uses. An analysis of compatibility identifies the existing uses, describes the proposed use, assesses the type and extent of impacts created by the proposed use, and estimates the effects of those impacts.'

The test is whether the proposed PUD will be mostly capable of existing together harmoniously with present and future development in the surrounding area. The surrounding area is at least the property within 500 feet of the subject property, as this is the city's notification area for public hearings regarding a Planned Unit Development.

Four factors are useful in determining the proposed development's compatibility with uses on surrounding properties:

1) the proposed use of the subject property;
2) the proposed density (units per acre);
3) the proposed lot sizes; and
4) the general style and ambiance of the proposed development.

Traffic impacts also are a factor as shown just prior to this section of this staff report.

The applicant has shown that, 'North and west of Lincoln Palisades Phase V surrounding existing uses are residential in nature. To the south and east, Lincoln City owned land remains undeveloped for the preservation of natural features.

Lincoln Palisades (60 lots platted in 1996), Lincoln Palisades Phase 2 (34 lots platted in 2007), Lincoln Palisades Phase 3 (12 lots platted in 2018), and Lincoln Palisades Phase 4 (11 lots platted in 2019) are four subdivisions in the immediate area.

Palisades Condominiums consists of 50 units built in 1981 on 5.91 acres. The floor area of each unit is 945 SF. The density is 8.5 DU/Ac. There are five buildings with 8 units and one building with 10 units. All buildings are two-story with separate ground floor and second floor units. Buildings are oriented around a central parking area. The grounds are landscaped close to the buildings and naturally vegetated around the perimeter.

Proposed Uses. The character of the proposed PUD is residential in nature, being comprised solely of single-family dwellings. No other uses are proposed.

The project and all properties within 500 feet of the project are zoned R-1-7.5, which allows for single-family detached and attached, duplexes and other compatible uses. Developed properties within 500 feet include single-family detached directly west in Lincoln Palisades Phase 2. The density of Lincoln Palisades Phase 2 (33 single-family lots) is 3.0 units per acre. Attached condominiums further west in the Palisades Condominium development, are surrounded by trees in deep setbacks and a park-like setting at a density of 8.5 units per acre. The approved Lincoln Palisades 3 to the north allows a density of 4.21 units per acre. The density of the proposed Lincoln Palisades 4 is 11 units on 2.07 acres, which is 5.31 units per acre. With lots from 7,500 to over 12,000, this proposal is compatible in terms of use, density, and lot size.

The operating characteristics of the proposed PUD would be no different than those for the existing neighborhood in terms of light, sounds, and vehicle movement. The effect of additional traffic is summarized previously in this application narrative, those findings and conclusions being incorporated herein by reference.

It appears there will be no material difference between existing and proposed uses in terms of size, scale, and operating characteristics. Therefore, the proposed PUD is substantially compatible with the surrounding area as required by this criterion.'

Figure 1 Lincoln Palisades 2 homes on west side of Voyage Way

Among the aims of the PUD approach to development is to preserve existing trees. According to the inventory in the application materials, trees include 20 Sitka spruce, 13 red alders, 3 western hemlocks, 1 elderberry, and 4 Douglas fir. No tree removal is necessary for installation of sidewalks or utilities. All of the trees on this property are on proposed lots, so tree removal, where necessary, will coincide with individual building permits.

b. The number of years proposed for completion of the development or each phase of the development is reasonable taking into consideration the possibility of changing land use patterns in or requirements of the City over time. In order to ensure that the development will be compatible with land use patterns in and requirements of the city at the time of approval of a final master plan, the planning commission shall establish an expiration date for the preliminary master plan approval, not sooner than two years after approval of the preliminary master plan; may impose conditions requiring that a final master plan or phases thereof be submitted for commission review within a specified period or periods of time, not sooner than one year after approval of the preliminary master plan; or may impose conditions requiring commission reevaluation of as yet unbuilt portions of the development, for conformity with then-existing city zoning ordinance requirements in relation to then-existing conditions, not sooner than five years after approval of the preliminary master plan, and at such periodic intervals of not less than five years thereafter as the commission deems appropriate to ensure conformity.

Finding: The application states that the applicant, Alpha Building Ventures, LLC, intends to complete the proposed PUD in a single phase within two years of approval.

c. Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the planning commission may impose conditions including but not limited to:

i. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur;

ii. Prohibitions of open burning on the site during construction;
iii. Prohibitions or limitations on construction track-out;
iv. Restrictions on construction noise; and
v. Restrictions on construction traffic.

Finding: This criterion addresses the impacts to the surrounding area from the construction activities related to the proposed development. Typically such impacts have included noise, smoke, track-out of mud, and traffic.

Construction traffic and daytime noise may have some impact on the surrounding properties, typical of any residential development project in the vicinity. Construction must comply with the city's ordinance limiting noise especially between the hours of 7 p.m. and 7 a.m. Staff recommends a condition limiting the hours of truck traffic to the same time period in order to decrease negative impacts on the surrounding property or the City.

Grading and filling can have adverse impacts on properties in close proximity; however, this is a relatively small subdivision to be completed in one phase. The code does not allow open burning on the site. The project is subject to erosion control measures that will reduce potential negative impacts to adjacent properties and the wetland area in the east side of the project.

As stated by the applicant, 'Short-term construction impacts are typically associated with clearing of land, movement of vehicles, storage of materials, and operation of equipment. Municipal ordinances adopted by the City safeguard the public welfare against these and other factors. Those protections include the following:

· LCMC 8.08.020 Outdoor burning of construction waste is prohibited.
· LCMC 8.12.040 Authorized construction projects must apply reasonable safeguards to avoid creating attractive nuisances.
· LCMC 9.10.030 Sound that exceeds 50 dBA as measured at the property boundary is prohibited between 7:00 p.m. and 7:00 a.m.
· LCMC 9.10.040 Construction activities are exempt from sound limitations between 7:00 a.m. and 7:00 p.m.
· LCMC Chapter 12.08 Contractor must install and maintain City-approved erosion control measures.
· LCMC 12.12.090 All work undertaken, including but not limited to excavation, backfilling, surface restoration, protection of utilities, traffic control, safety precautions, noise and dust control and cleanup, shall be approved by the city.

These local ordinances restrict many activities associated with construction. No additional construction activities have been identified that would warrant mitigation. Therefore, no additional restrictions are proposed.'

d. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the planning commission may require the filing of restrictions in the county deed records including but not limited to restrictions:
i. Prohibiting the removal of specified landscaping; and
ii. Prohibiting open burning during construction.

Findings: This criterion addresses the impacts of the development itself, as opposed to the construction of the development addressed in the previous criterion. The proposed development will most impact the closest neighbors, those who live on the west side of NE Wave Lane and NE 55th Place. Housing construction may cause tree removal. The landscape plan shows a 5.5-foot landscape strip in the right-of-way extending along the entire frontage between the sidewalk and a utility easement. The preliminary

landscape plan indicates new trees on each lot, but does not show anything within the landscape strip. Code section 16.16.100 does not require the subdivider to plant street trees, but if planted, requires that they are according to city requirements and of a species compatible with the width of planting strip and utilities. The city's landscape standards require groundcover, trees, and shrubs with new home construction. The landscape plan shall be submitted to the Planning Department concurrent with the submittal of the final engineering plans to the Public Works Department. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9. Trees to be preserved, as shown on the Existing Conditions, Sheet Number 2.0, shall be submitted to the Planning Department concurrent with the final engineering plans.

Revised Section 12.04.070 requires five feet of unobstructed sidewalks. The plan shows five-foot sidewalks along the entire frontage of NE 55th Place, NE Wave Lane and NE Swell Drive.

LCMC 17.52.300 requires a traffic impact analysis for developments that generate 100 or more PM peak-hour trips on the local transportation system. The number of peak hour trips per acre is 5.12, so the anticipated total for the 4.88 acres in the development would be 10 per hour. The typical number of peak hour trips per single-family home is 1.25. Based on that average, the anticipated number for the 20 homes would be 25 per peak hour. A traffic impact analysis has been completed to show the traffic impact.

As stated by the applicant, 'Appropriate Use of Property: The subject property is planned and zoned for residential development under the terms and conditions of the Lincoln City Municipal Code. The proposed preliminary master plan would be the first step in development of the subject property for uses intended by the Code.

To construct buildings, streets, and utilities, it would be necessary to remove some brush and trees that directly conflict with these improvements. However, every effort has been made in the design of the site improvements to retain significant natural vegetation including large trees that are compatible with development. Additional brush and undergrowth may be removed for safety and security purposes. The City Engineer is responsible for reviewing plans for tree removal and preservation of remaining trees. Details of those plans are presented earlier in this narrative under review criterion LCMC 17.52.210(I)(13). Those findings and conclusions are incorporated herein by reference.

As noted in the preceding subsection, outdoor burning of construction waste is prohibited. [LCMC 8.08.020] No specified landscaping would be removed to construct improvements envisioned by the preliminary master plan. Approved landscaping planted in accordance with the preliminary master plan would not be removed in subsequent phases, Therefore, the proposed PUD would not create unreasonable negative impacts on the surrounding area.'

> *e. Street, water, sewer, drainage and drainage pre-treatment, storm water detention, and other similar facilities in the area surrounding the development and in the City are or will be adequate to provide for the health, safety, and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.*

Findings: This criterion's intent is for the commission to evaluate all facilities and conditions in the area surrounding the proposed development and to determine if they are adequate to provide for the proposal and future growth in the area. Following is information regarding those items:

Streets - Streets in the proposed PUD are designed to comply with city standards to accommodate anticipated traffic loads. Off-site traffic impacts are summarized earlier in this application narrative, which are incorporated herein by reference.

Water - The municipal water supply that would serve the proposed PUD is stored in a reservoir on Port Lane, a short distance from the subject property. Transmission lines are of sufficient capacity to serve the planned needs of the proposed PUD and the surrounding area.

Sewer - The subject property will have access to city sewer lines. The proposed PUD is situated in sewer basin 4007.

Drainage, Drainage Pre-Treatment, and Storm water Detention - The proposed PUD would be developed in a manner designed to minimize the impact of the downstream area as well as the environment within the development. Detention and water quality features would be designed as necessary to regulate any increased runoff caused by the development and to help minimize the impact of sediments on runoff facilities.

LCMC 17.46.040.B. prohibits activities that would alter the hydrology of a significant wetland, or that would introduce sediment or lead to erosion. The applicant has shown an onsite detention system that will maintain pre-development water flow from the site. Staff has determined that because the developer has the capability, through the engineering of on-site detention, to avoid adding additional flooding to the surrounding area, and is required to do so, this part of this criterion is met.

> *f. Streets, water, sewer, drainage, and drainage pre-treatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.*

Findings: This criterion addresses the adequacy of on-site facilities. The City of Lincoln City has adopted and maintained standards for streets, water systems, sanitary sewer systems, stormwater drainage systems, stormwater pretreatment, and stormwater detention to protect the health, safety, and welfare of its citizens. The design and construction of these facilities in Lincoln Palisades Phase V as shown on the utilities plan would conform to those standards. Specifications to meet and maintain City requirements are identified in the conditions of approval.

Generally the design and construction of the infrastructure for the proposed PUD must conform to city standards.

> *g. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least 15 percent of the gross area is dedicated to landscaping.*

Findings: The maximum number of residential units, as determined by LCMC 17.52.210(E)(2), is 23 units. Lincoln Palisades Phase V will only construct 20 residential units.

Regarding 15% of the gross area dedicated to landscaping, the city's landscape ordinance in 17.52.100 requires in Section D, Impervious Surface Limits that single-family lots have a maximum of 55% of impervious surface. Using that number, staff calculates that the pervious lot area alone would constitute 37.5% of the gross area of the PUD. In addition, the applicant proposes the 5.5-foot landscape strip in the right-of-way along the frontage.

COMMENTS RECEIVED

Comments were received from Liz Fordham on November 17th. She states that, she want to express her "concern about further developments in the area called Lincoln Palisades V. That specific area is an elk migration site, as well as all the other wildlife, like deer, opossums, coyote, birds, etc. (which has already been displaced by crowded development and fires). Have people actually explored that area of land, because there has to be regard for whether or not it is wetland, and requires protection."

“Also, with fitting 19 lots into that tract of land, the so-called tree protection plan needs more thought. The size of the lots won't allow individuals to build a home AND keep the trees, as has happened in the past phases of Lincoln Palisades. In order to develop this tract of land more responsibly, the lots should be larger, or there should be "reserved" lots not up for development to actually protect the land (and the wildlife) from over-development.”

“I understand that Alpha Building is a company and is only interested in profit, but by over-developing, the resource of the natural beauty of the area will be diminished. Thank you for your time and consideration.”

A copy of this letter has been attached to these findings for review.

CONDITIONS OF APPROVAL

Planning

1. The project shall be developed in one phase, with completion of required infrastructure and final plat recording by December 1, 2022.
2. A detailed final landscaping plan that shows compliance with the landscaping requirements listed in city code shall be submitted to the Planning Department concurrent with the submittal of the final engineering plans to the Public Works Department. Specifically, the detailed final landscaping plan shall show the site devoted to landscaping, of which the wetland area may be included.
3. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9.
4. Trees to be preserved, as shown on the Existing Conditions, Sheet Number 2.0, shall be submitted to the Planning Department concurrent with the final engineering plans.
5. The developer shall not grade or remove trees from individual lots until they have received building permits.
6. The project shall comply with the Oregon Department of State Lands (DSL) removal fill law, including requirements noted in DSL’s response to this project.
7. With submittal of the final engineering plans, the applicant shall submit a waste disposal plan 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.
8. The project plan set submitted with the request for review of the final engineering plans shall show compliance with 2020 Oregon Fire Code 503 and Appendix D for Fire Apparatus Access Roads, and 2020 Oregon Fire Code 507 and Appendix C for Fire Protection Water Supplies for one- and two-family dwellings.
9. 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. Al right-of-way work planned shall be noted on the approved plans and performed as shown.
10. The project site exceeds one or more acres of land disturbance throughout construction. The applicant is responsible for application for, acquisition of, and compliance with an Oregon DEQ 1200-C Stormwater permit.
11. A net cut/fill calculation shall be completed an submitted with the application. If net cut exceeds 5,000 CY, the proposed permitted fill disposal site shall be identified by the applicant.
12. Planting and slope stabilization shall be completed per the final landscape plan for finished slopes prior to final approval by the Lincoln City Public Works Department.
13. All materials shall adhere to LCPW standards including, but not limited to: asphalt paving

depth, aggregate base, striping, pipe, fittings, and structures.
14. Deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements shall be filed in the Lincoln County deed records.
15. Any and all street lighting shall be the responsibility of the developer and maintained by the HOA.
16. Private Street maintenance responsibility shall be clearly delegated to the HOA formed for the planned unit development.
17. 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.
18. All serviced lots must have frontage on proposed public utilities. Long service laterals parallel to the roadway will not be allowed.
19. Private street/roads shall note the required blanket utility and access easements on the final master plan.
20. The applicant shall provide inspection and verification of engineered utility construction to the City for the City's records
21. All utility service connections shall be underground in accordance with City standards;

Public Works

Engineering Plans:
1. 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.
2. 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.
3. 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.
4. 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. As-builts shall note all installed water & sewer service locations, as well as sewer cleanout depths. 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.

Erosion Control, Site Preparation, and Grading:
5. 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.
6. 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.

7. All grading work shall adhere to building code appendix 33, Excavation & Grading, as adopted in LCMC 12.08. This shall include:
8. Compaction procedures for fill >2' shall be submitted as part of the engineered grading plan. Compaction testing shall be completed within the Right of Way per LCPW standards & be submitted to LCPW prior to final approval & show no less than 90% compaction.
9. Planting & slope stabilization methods and materials shall be noted in the approved grading plan & implemented prior to final approval by Lincoln City Public Works. Additional planting & slope stabilization measures for grades exceeding 1:2 shall be implemented by the applicant as needed.
10. The proposed grading noted on NE Swell Drive shall be adjusted to accommodate the minimum site boundary distance (17.5' per 3314.3), required terracing (6' horizontal per 30' vertical per 3315.2)

Street Improvements (17.52.230):

11. New sidewalk, curb, gutter and necessary pavement repair shall be constructed, as part of subdivision construction, along all subdivision 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.
12. A curb ramp shall be added across from NE Swell Drive in compliance with ADA requirements.
13. ADA compliant transitions shall be installed at all end of walks in compliance with state and federal Public Right of Way Accessible Guidelines.
14. The clear vision triangle, 50'Lx10'W visibility at highway access, shall be maintained in site plan layout.
15. All materials & methods shall adhere to LCPW standards including, but not limited to: asphalt paving, aggregate base, roadway fabric, striping, subgrade preparation, and compaction.
16. Required street signage shall be provided and installed by the owner, including: Street names, stop signs, striping, and no parking signs.
17. Any and all street lighting shall be the responsibility of the developer & maintained by the HOA.

Storm Sewer:

18. Existing Stormwater outfall at Lot 18 shall be extended or conveyance graded the full length of lot 18. A stormwater easement shall be dedicated along property line for constructed facilities and public stormwater discharge.
19. Utility easement shall be dedicated over stormwater infrastructure proposed at the end of NE 55th place.
20. 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.
21. 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 OR calculations shall be submitted demonstrating dispersion to pre-development flows prior to storm system termination.
22. 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.
23. Rip-Rap Swale Construction shall be designed and installed at stormwater discharges.

Sanitary Sewer:

24. All work and materials shall be completed in accordance with Lincoln City Public Works 2018 Design Standards
25. Cleanouts shall be installed at the property line and property stubs extended beyond franchise utilities for future access. End of pipe shall be marked with green painted 2"x4" set flush with finished grade.
26. Sanitary Sewer plans shall be additionally submitted to Oregon DEQ for approval. Applicant shall be responsible for adhering to any additional approval conditions. After construction, facilities shall be flushed, pressure tested, TV-ed, and mandrelled according to the 2018 ODOT Standard specification.

Manholes shall be vacuumed 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.

Water Utilities:

27. 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
28. Applicant is responsible for the verification of existing infrastructure and any repairs required. Applicant shall be responsible for verification of existing utilities proposed for use.
29. 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.
30. Material submittals for all public water improvements shall be submitted to LCPW for review and approval in accordance with LCPW Water Distribution standards.
31. All water meters shall be placed at back of walk, outside of the sidewalk.
32. Owner shall be responsible for all chlorination, pressure testing, and coordination with LCPW water distribution staff according to LCPW Standards.
33. Proposed 8" water line on NE Swell Drive shall be looped NE Voyage Way, have automated blow-off assemblies installed, or otherwise be adequately sized for service and to reduce maintenance.

CONCLUSION

This application narrative, findings and conditions of approval demonstrate that all applicable provisions of the City of Lincoln City Municipal Code are satisfied. Therefore Staff respectfully request approval of this Preliminary Master Plan application.

Approved by:

David Mattison November 25, 2020

David Mattison, Senior Planner Date

OFFICE USE ONLY
Date Filed: Pmnt 9/22/2020
Amount/Fee: $2,000
Receipt No:
Received By:
30 Days:
Deemed Incomplete:
Deemed Complete:
120 Day Deadline:

City of Lincoln City

LAND USE APPLICATION

OFFICE USE ONLY
Stamp Date Received
RECEIVED
Sep 22 2020
PLANNING
File No: PUD 2020-02

APPLICATION TYPE

☐ ANNEXATION	☐ LOT LINE ADJUSTMENT	☐ SITE PLAN REVIEW
☐ APPEAL OF PLANNING COMMISSION DECISION	☐ MINOR PARTITION	☐ SUBDIVISION
☐ APPEAL OF PLANNING DEPARTMENT DECISION	☐ NATURAL RESOURCE DEVELOPMENT REVIEW	☐ URBAN GROWTH BOUNDARY AMENDMENT
☐ COMPREHENSIVE PLAN & ZONING MAP AMENDMENT	☐ NATURAL RESOURCE DEVELOPMENT VARIANCE	☐ VACATION
☐ COMPREHENSIVE PLAN &/OR ZONING ORDINANCE TEXT AMENDMENT	☑ PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN	☐ VARIANCE
☐ CONDITIONAL USE PERMIT	☐ PLANNED UNIT DEVELOPMENT FINAL MASTER PLAN	☐ OTHER_____

NAME OF APPLICANT: Steve Lindell dba Alpha Building Ventures, LLC
MAILING ADDRESS: P.O. Box 688
CITY: McMinnville STATE: Oregon ZIP: 97128
DAYTIME PHONE: 503-723-5347 Signature: Managing Member
EMAIL (OPTIONAL): slindell@onlinenw.com

OWNER OF RECORD (if other than applicant)
NAME: Same as applicant.
MAILING ADDRESS:
CITY: STATE: ZIP:
DAYTIME PHONE: Signature: Alpha Building Ventures LLC
EMAIL (OPTIONAL): Steve Lindell managing member

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:

☐ AGENT, ☑ FEE OWNER, ☐ CONTRACT PURCHASER, ☐ OPTION HOLDER, ☐ LESSEE, ☐ OTHER

PROJECT LOCATION: Intersection of NE 55th Place and NE Wave Lane.
PROJECT ADDRESS: Unaddressed.
ASSESSOR'S MAP NO.: 06s11w35CD **TAX LOT(S):** 101
AREA: 4.88 **(acres)** **SQ. FT.:** 212,573 **ZONING:** R-1-7.5

Planning and Community Development, 801 SW Highway 101, PO Box 50, Lincoln City, OR 97367
Tel: 541-996-2153 Fax 541-996-1284

PLANNED UNIT DEVELOPMENT
PRELIMINARY MASTER PLAN
EVIDENCE TO SUPPORT OF FINDINGS OF FACT

Directions: Please provide factual and supportive evidence that your application meets the Findings of Fact listed below. It is the applicant's responsibility to demonstrate that the conditional use permit will comply with these Findings of Fact. Additional sheets may be attached if necessary.

SECTION 17.52.210 (A) Purpose.

It is the purpose of this section to allow master planned developments in any residential or commercial zone, or any combination of them, and in doing so, to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and minimize development costs. In addition to the uses allowed in residential zones, the planned unit development approach may allow certain commercial uses subject to the specific limitations of this section.

SECTION 17.52.210 (B) Planning Commission Authority.

The Planning Commission shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to the provisions of this section.

THE FOLLOWING ATTACHMENTS SHALL ACCOMPANY THE FILING OF AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT:

☑ **SITE PLAN AND/OR ELEVATIONS**. (Or other depiction or documents indicating the nature of the PUD request).

☑ **EVIDENCE IN SUPPORT OF REQUISITE FINDINGS OF FACT**.

FINDINGS OF FACT: In order to grant any planned unit development, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The proposed planned unit development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development.

Findings of fact demonstrating compliance with this criterion are provided under "Section V" of the attached application narrative.

2. The number of years proposed for completion of the development or each phase of the development is reasonable, taking into consideration the possibility of changing land use patterns in or requirements of the City over time. In order to ensure that the development will be compatible with land use patterns in and requirements of the City at the time of approval of a final master plan, the Planning Commission shall establish an expiration date for the preliminary master plan approval, not sooner than 2 years after approval of the preliminary master plan; may impose conditions requiring that a final master plan or phases thereof be submitted for Commission review within a specified period or periods of time, not sooner than 1 year after approval of the preliminary master plan; or may impose conditions requiring Commission re-evaluation of as yet unbuilt portions of the development, for conformity with then-existing City zoning ordinance requirements in relation to then-existing conditions, not sooner than 5 years after approval of the preliminary master plan, and at such periodic intervals of not less than 5 years thereafter as the Commission deems appropriate to ensure conformity.

Findings of fact demonstrating compliance with this criterion are provided under "Section V" of the attached application narrative.

3. Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the City. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the City, the Planning Commission may impose conditions including but not limited to:
   a. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur;
   b. Prohibitions of open burning on the site during construction;
   c. Prohibitions or limitations on construction track-out;
   d. Restrictions on construction noise; and
   e. Restrictions on construction traffic.

Findings of fact demonstrating compliance with this criterion are provided under "Section V" of the attached application narrative.

4. The development will not create unreasonable negative impacts on the area surrounding the development or in the City. In order to assure the avoidance or mitigation of negative impacts, the Planning Commission may require the filing of restrictions in the County deed records including but not limited to restrictions:
   a. Prohibiting the removal of specified landscaping; and

b. Prohibiting open burning during construction.

Findings of fact demonstrating compliance with this criterion are provided under "Section V" of the attached application narrative.

5. Street, water, sewer, drainage and drainage pre-treatment, storm water detention, and other similar facilities in the area surrounding the development and in the City are or will be adequate to provide for the health, safety, and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.

Findings of fact demonstrating compliance with this criterion are provided under "Section V" of the attached application narrative.

6. Street, water, sewer, drainage and drainage pre-treatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.

Findings of fact demonstrating compliance with this criterion are provided under "Section V" of the attached application narrative.

7. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least 15% of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.

Findings of fact demonstrating compliance with this criterion are provided under "Section V" of the attached application narrative.

This application is hereby submitted, and the statements and information are true and complete to the best of my/our knowledge.

Alpha Building Ventures LLC

D. St. Hill Managing Member

APPLICANT'S SIGNATURE

7-15-20

DATE

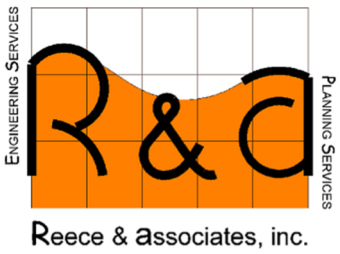
NOTE TO APPLICANT: Since the burden of presenting evidence to support the request rests with the applicant at the public hearing, your attendance and participation at this public meeting, or that of your representative, is respectfully requested.

Lincoln Palisades Phase V

Preliminary Master Plan Application

Prepared for:
Alpha Building Ventures
C/O Steve Lindell
P.O. Box 688
McMinnville, Oregon 97128

Prepared by:



Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
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August 28, 2020

Project Summary

Request:	Application for approval of the Preliminary Master Plan for Lincoln Palisades Phase V, a nineteen-lot residential planned unit development.
Location:	Unaddressed. Intersection of NE 55th Place and NE Wave Lane Lincoln County Assessor's Map No. 6s11w35CD, Lot 100
Applicant/Owner:	Alpha Building Ventures, LLC C/O Steven Lindell P.O. Box 688 McMinnville, Oregon 97128 503-723-53-47 slindell@onlinenw.com
Engineer/Planner:	**Reece & associates, Inc.** 321 1st Avenue Suite 3A Albany OR 97321 541-926-2428 Engineer: David J. Reece, PE dave@r-aengineering.com Planner: Hayden Wooton haydenw@r-aengineering.com

Exhibits:

A – Lincoln County Assessor's Map No. 6s11w35CD
B – Partition Plat No. 2016-5
C – R&a Conversation Plan
D – Aerial Photograph
E – City of Lincoln City Zoning Map
F – CC&Rs

Plan Set:

1 – Title Sheet
2 – Existing Conditions
3 – Street Layout
4 – Overall Utility Layout
5 – NE Swell Drive Profiles
6 – NE 55th Place Profiles
7 - NE 55th Place Profiles
8 – Preliminary Landscape Plan & Tree Inventory

I. Project Description

Lincoln Palisades Phase V, the proposed preliminary master plan, will divide the 4.88-acre parcel into twenty lots intended for construction of single-family dwellings.

Alpha Building Ventures LLC, the applicant, intends to complete construction of the proposed development in a single phase to minimize conflicts with nearby residences.

The proposed development conforms to all applicable sections of the Lincoln County Municipal Code (LCMC). This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the LCMC.

II. Existing Condition

The subject property is unaddressed but can be identified as Lincoln County Assessor's Map 06-11-35-CD, lot 101 (Exhibit A). The site has street frontage along NE 55th Place and NE Wave Lane, which are paved roads, with one lane in each direction, and constructed to City of Lincoln City local road standards. The site has a southeast orientation, sloping down towards a creek. The site is moderately vegetated; however, areas near NE 55th Place and NE Wave Lane were cleared during past development. Adjacent zones and land uses (Exhibit D for an aerial photograph and Exhibit E for City of Lincoln City zoning map):

North: Single-family dwellings construction under Lincoln Palisades Phase 4. Zoned R-1-7.5 by the City of Lincoln City.

South: City of Lincoln City owned open space tract zoned R-1-7.5.

East: City of Lincoln City owned open space tract zoned R-1-7.5.

West: Single-family dwelling constructed under Lincoln Palisades Phase 2. Zoned R-1-7.5 by the City of Lincoln City.

III. LCMC 17.52.210 Planned Unit Development (PUD)

A. Purpose. It is the purpose of this section to allow master planned developments in any residential or commercial zone, or any combination of them, and in doing so, to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and minimize development costs. In addition to the uses allowed in residential zones, the planned unit development approach may allow certain commercial uses subject to the specific limitations of this section.

The purpose of Lincoln Palisades Phase V is to utilize the flexible approach granted to development by the Planned Unit Development (PUD) process to provide detached, single-family housing to the City of Lincoln City. The subject parcel was created by partition in 2017 (Exhibit B). This partition divided the upland buildable area from the steep slopes and wetlands nearby. The result was a clear delineation between buildable land and preserved natural features. Because of the creative site planning and design permitted through a PUD, the proposed development can efficiently use the buildable land created by this partition.

A conversion plan was submitted and approved with the partition application demonstrating how the property could be development to urban density (Exhibit C). The proposed preliminary master plan mostly conforms to this conversion plan. Originally, the conversion plan showed NE 55th Place ending in a cul-de-sac turnaround. However, in the pre-application meeting, the City of Lincoln City requested 55th Place not be terminated in a cul-de-sac. In response to these comments, the preliminary master plan allows for the ability to extend 55th Place. The proposed preliminary master plan complies with the purpose statement of LCMC 17.52.210 Planned Unit Development.

B. Planning Commission Authority. The planning commission shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to the provisions of this section.

This application narrative and accompanying preliminary master plan have been submitted to the City of Lincoln City for consideration by the Planning Commission based on the review criteria set forth in LCMC 17.52.210(L).

C. Pre-Application Conference. Prior to filing an application for a planned unit development, the applicant shall review the applicant's preliminary master plan with the city manager or the city manager's designated representative at a pre-application conference. The purpose of the pre-application conference is to inform the city of the nature of a likely PUD application at an early date and to provide the potential applicant with information on what will be needed to make an application complete.

A pre-application conference for Lincoln Palisades Phase V was held on April 16th, 2020. The preliminary master plan has been modified per conversations during the pre-application conference. The proposed development complies with this standard.

D. Allowable Density. The allowable residential density in a PUD that meets only the minimum PUD standards is the "maximum base residential density" and shall be determined in the following manner:

1. Determine the gross square footage of the project site.

The subject property contains an area of 4.88 acres. Therefore, the gross square footage of the project site is 212,573 square feet.

2. Subtract from the gross square footage the square footage of any areas proposed for nonresidential development, including commercial uses, places of worship, schools, and public buildings and their associated parking areas and grounds (including required yards and landscaping areas). The result is the "preliminary gross residential area."

The proposed preliminary master plan does not include any aera for nonresidential development. Therefore, the preliminary gross residential area is 212,573 square feet.

3. Subtract from the preliminary gross residential area the square footage of any areas of significant natural resources as identified in the comprehensive plan. The result is the "final gross residential area."

The subject property does not contain areas identified as significant natural resources by the Comprehensive Plan. Therefore, the final gross residential area is 212,573 square feet.

4. Multiply the final gross residential area by 0.83. The result is the "final net residential area."

When the final gross residential area (212,573 square feet) is multiplied by 0.83, the resulting final net residential density is 176,436 square feet.

5. Divide the final net residential area by the minimum lot size of the underlying zone. The result is the "maximum base residential density" expressed in dwelling units. Any number not a whole number shall be rounded down to a whole number.

The subject property is zoned R-1-7.5, which means the underlying minimum lot size is 7,500 square feet. 176,436 square feet divided by 7,500 is 23.524. Therefore, when rounded down, the maximum base residential density is 23 dwelling units.

E. Residential Density Bonus

The preliminary master plan does not propose residential density greater than permitted under LCMC 17.52.210(D). No residential density bonuses are requested with this application. Standards and requirements outlined in LCMC 17.52.210(E)(a-h) and (F) are not applicable.

G. Large-Scale, Mixed Use PUDs. This subsection sets forth special provisions for large-scale, mixed use PUDs that provide additional amenities for residents, visitors, and the larger Lincoln City community while ensuring that impacts can be internalized and mitigated through master planning and coordinated on-site management.

1. Applicability. Subsection (H) of this section may be applied only to an existing or proposed PUD that is 100 acres or larger, has direct access to an arterial street, and designates at least 35 percent of the gross PUD site area as open space.

Subsection LCMC 17.52.210(G) is only applicable if the proposed PUD that contains equal to or greater than 100 acres, has direct access to an arterial street, and designates at least 35 percent of gross PUD site area as open space. Lincoln Palisades Phase V does not contain any of these features. Therefore, this standard does not apply.

H. Preliminary Master Plan Application. Following a pre-application conference, an applicant may submit a preliminary master plan to the site plan committee established under LCMC 17.52.240 for review. The preliminary master plan, which must include a drawing showing the layout of the proposed planned unit development, must contain the following information.

The preliminary master plan attached to this application narrative contains all applicable information required in LCMC 17.52.210(H) (1-6). Please refer to the preliminary master plan for conformance to this standard.

IV. LCMC 17.52.210(I) Supplemental Preliminary Master Plan Information

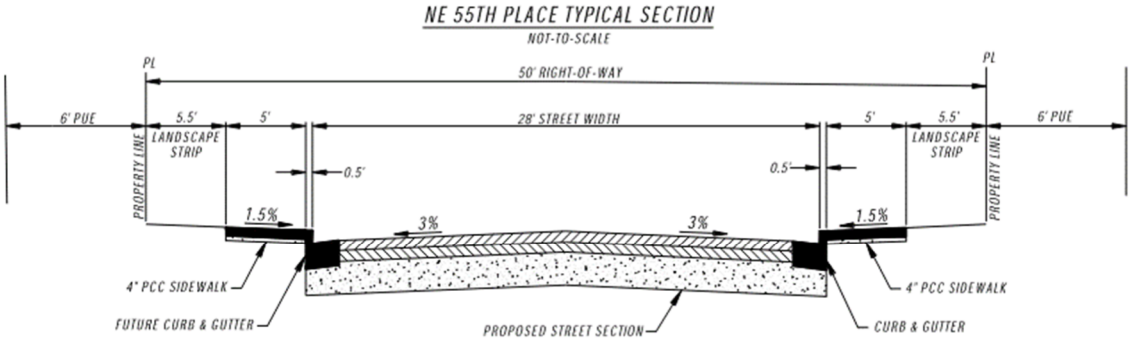
The application also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:

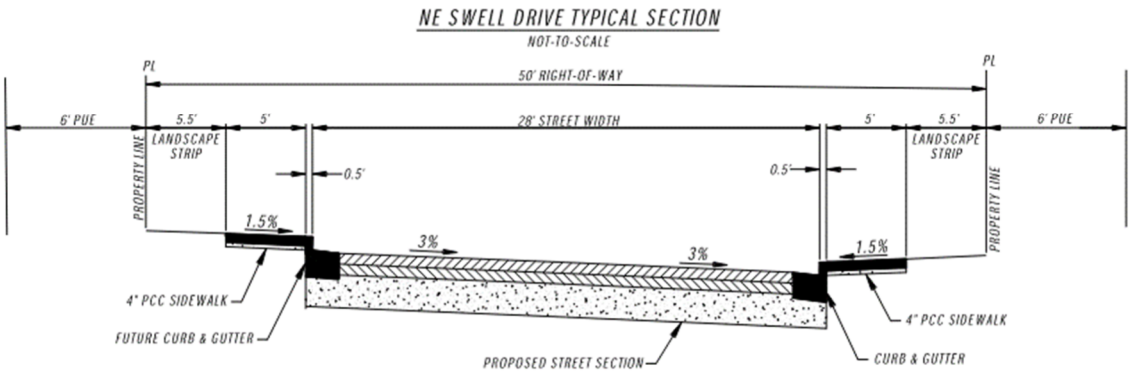
1. *Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements. The outline restrictions shall identify the time at which the restrictions will be filed in the county deed records; generally who will have authority to enforce the restrictions; specifically which restrictions, if any, are proposed to be enforceable by the city; the time at which the restrictions will become enforceable; and which restrictions, if any, will not be subject to amendment without the consent of the city;*

Covenants, Conditions, and Restrictions (CC&Rs) recorded with Lincoln Palisades Phase 2 (Exhibit F) will be extended to include the proposed development.

2. *Approximate locations and anticipated grades of all streets. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains.*

Locations, grades, and typical sections of Wave Lane and 55th Place (existing and proposed extension), as well as the location and size of utility mains (existing and proposed) are shown on the preliminary master plan. Cross-sections of the proposed streets are provided below.





3. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pretreatment facilities and the water distribution system.

Lincoln Palisades Phase V would be served by municipal water, sanitary sewer, and storm drainage facilities operated by the City as shown on the preliminary master plan.

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

Other than street rights-of-way, no property will be dedicated to the City of Lincoln City.

5. A description of any residential density bonus the applicant is requesting, including evidence demonstrating compliance with applicable density bonus standards.

The applicant is not requesting residential density bonuses outlined in LCMC 17.52.210(E)(a-h) and (F).

6. Proposed number of residential units.

Lincoln Palisades Phase V is proposing twenty detached single-family dwellings.

7. An approximate tabulation of all dwelling units by type.

Lincoln Palisades Phase V is proposing detached single-family homes and no other dwelling types will be constructed.

8. A narrative description of the planned unit development and the manner in which it meets the purpose set out in subsection (A) of this section.

A narrative description of the planned unit development and the manner in which it meets the purpose set out in subsection (A) of LCMC 17.52.210 is provided earlier in this application.

9. A statement describing the present and proposed ownership.

The undeveloped property is owned by Alpha Building Ventures LLC, who is the applicant for Lincoln Palisades Phase V. Alpha Building Ventures LC would continue to own the property through the entitlement process. The applicant may develop individual lots or sell lots for development by others.

10. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be relandscaped.

A preliminary landscape plan is included in the preliminary master plan. The proposed landscape plan utilizes native species of trees, shrubs, and groundcover as prescribed by the City's Guide to Landscape Selections.

11. A circulation plan and traffic impact analysis identifying likely circulation patterns for and traffic impacts from traffic generated by the development including patterns and impacts within the development, in the area surrounding the development, and in other affected areas of the city;

Access Engineering completed a Traffic Impact Analysis (TIA) for the entirety of Lincoln Palisades; this analysis accounted for six phases of development. However, since the TIA was completed in 2013, phase boundaries and residential unit types have changed. Because of these changes, trips generated by Lincoln Palisades Phase V have been modified to accurately reflect the qualities of this phase. Data in Table IV-2 and Table IV-3 are based on the Ninth Edition of the Institute of Transportation Engineers Trip Generation Manual and Access Engineering's TIA.

Table IV-2, Trip Generation Rates

ITE Land Use Code	Land Use Description	Independent Variable	Trip Ends Rate		In/Out Split (Percent)	
			PM Peak Hour	Daily	PM Peak Hour	Daily
210	Single Detached Homes	20	1.25	12.10	52/48	50/50

Lincoln Palisades Phase 5 is forecasted to generate 25 trips during the p.m. peak hour and 242 daily trips, as shown in Table IV-3.

Table IV-3, Trip Generation Forecast

ITE Land Use Code	Land Use Description	Independent Variable	PM Peak Hour Trip Ends			Daily
			In	Out	Total	
210	Single Detached Homes	20	13	12	25	242

Several nearby streets would experience increased traffic from Lincoln Palisades Phase V. Urban streets constructed to City standards affected by the proposed development are NE Voyage Avenue, NE 47th Street, NE West Devils Lake Road, and NE Logan Road south of NE 50th Street. These streets are intended to accommodate traffic at full build out of the surrounding area and are in good repair. In addition to these urban streets, NE Port Lane and NE Logan Road north of NE 50th Street are two rural roads that will experience an increase in traffic. These roads have a paved lane in each direction but lack urban features such as curbs, gutters, and sidewalks. However, these roads are still capable of accommodating the increased traffic.

Additionally, twenty-nine p.m. peak hour trips is equivalent to one trip every 2.4 minutes during the peak hour. Because of the relatively low level of trip generation and overall condition of affected streets, no improvements are warranted to accommodate traffic generated by Lincoln Palisades Phase V.

12. A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases; a statement of the date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review; and a statement of the date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially completed.

The applicant intends to submit the final master plan in one phase at the earliest opportunity.

13. A tree maintenance and protection plan, which shall contain the following information:

The preliminary master plan inventories trees larger than six inches DBH identified by Buena Vista Arbor Care. Forty-one trees were identified on the subject property. A breakdown of these trees is provided in Table IV-4. Additionally, unusual conditions such as multiple stems, observable decay and damage were noted. Any tree that was worthy of preservation was also noted.

Table IV-4, Tree Inventory	
Tree Species	Count
Douglas Fir	4
Sitka Spruce	20
Elderberry	1
Red Alder	13
Western Hemlock	3

Along with their field inventory, Buena Vista Arbor Care provided detailed recommendations for tree maintenance and protection. These recommendations are outlined on the preliminary master plan. This plan was completed in accordance with the standards for tree protection and removal as outlined in LCMC 17.52.220.

V. LCMC 17.52.210(L) Planning Commission Consideration of Preliminary Master Plan

Following receipt of comments on the preliminary master plan from the site plan committee, the planning commission shall review the plan and comments in public hearings and shall give approval, approval with conditions, or disapproval to the preliminary master plan. The planning commission shall state its decision and its reasons in writing. The applicant may appeal the decision to the city council in accordance with the provisions of LCMC 17.76.040. The planning commission shall issue its written decision in a timely manner so that the city's final decision, inclusive of all appeals, can be made within 120 days after submission of a complete preliminary master plan. The planning commission's consideration of the preliminary master plan shall be subject to the following:

1. The commission shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria.

a. The proposed planned unit development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development.

Substantially compatible with existing development does not imply proposed development is identical to existing nearby structures and uses. Instead, compatibility is a development's capacity to exist in harmony with nearby uses. An analysis of compatibility identifies the existing uses, describes the proposed use, assesses the type and extent of impacts created by the proposed use, and estimates the effects of those impacts.

North, south, and west of Lincoln Palisades Phase V surrounding existing uses are residential in nature. To the east, Lincoln City owned land remains undeveloped for the preservation of natural features.

Lincoln Palisades (60 lots platted in 1996), Lincoln Palisades Phase 2 (34 lots platted in 2007), Lincoln Palisades Phase 3 (12 lots platted in 2018), and Lincoln Palisades Phase 4 (11 lots platted in 2019) are four subdivisions in the immediate area.

Palisades Condominiums consists of 50 units built in 1981 on 5.91 acres. The floor area of each unit is 945 SF. The density is 8.5 DU/Ac. There are five buildings with 8 units and one building with 10 units. All buildings are two-story with separate ground floor and second floor units. Buildings are oriented around a central parking area. The grounds are landscaped close to the buildings and naturally vegetated around the perimeter.

Proposed Uses. The character of the proposed PUD is residential in nature, being comprised solely of single-family dwellings. No other uses are proposed.

The operating characteristics of the proposed PUD would be no different than those for the existing neighborhood in terms of light, sounds, and vehicle movement. The effect of additional traffic is summarized previously in this application narrative, those findings and conclusions being incorporated herein by reference.

The foregoing description and analysis finds no material difference between existing and proposed uses in terms of size, scale, and operating characteristics. Therefore, the proposed PUD is substantially compatible with the surrounding area as required by this criterion.

b. The number of years proposed for completion of the development or each phase of the development is reasonable, taking into consideration the possibility of changing land use patterns in or requirements of the city over time. In order to ensure that the development will be compatible with land use patterns in and requirements of the city at the time of approval of a final master plan, the planning commission shall establish an expiration date for the preliminary master plan approval, not sooner than two years after approval of the preliminary master plan; may impose conditions requiring that a final master plan or phases thereof be submitted for commission review within a specified period or periods of time, not sooner than one year after approval of the preliminary master plan; or may impose conditions requiring commission reevaluation of as yet unbuilt portions of the development, for conformity with then-existing city zoning ordinance requirements in relation to then-existing conditions, not sooner than five years after approval of the preliminary master plan, and at such periodic intervals of not less than five years thereafter as the commission deems appropriate to ensure conformity.

Alpha Building Ventures, LLC intends to complete the proposed PUD in a single phase within two years of approval.

c. Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the planning commission may impose conditions including but not limited to:

i. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur.

ii. Prohibitions of open burning on the site during construction.

iii. Prohibitions or limitations on construction track-out.

iv. Restrictions on construction noise; and

v. Restrictions on construction traffic.

Short-term construction impacts are typically associated with clearing of land, movement of vehicles, storage of materials, and operation of equipment. Municipal ordinances adopted by the City safeguard the public welfare against these and other factors. Those protections include the following:

- LCMC 8.08.020 Outdoor burning of construction waste is prohibited.
- LCMC 8.12.040 Authorized construction projects must apply reasonable safeguards to avoid creating attractive nuisances.
- LCMC 9.10.030 Sound that exceeds 50 dBA as measured at the property boundary is prohibited between 7:00 p.m. and 7:00 a.m.
- LCMC 9.10.040 Construction activities are exempt from sound limitations between 7:00 a.m. and 7:00 p.m.
- LCMC Chapter 12.08 Contractor must install and maintain City-approved erosion control measures.
- LCMC 12.12.090 All work undertaken, including but not limited to excavation, backfilling, surface restoration, protection of utilities, traffic control, safety precautions, noise and dust control and cleanup, shall be approved by the city.

These local ordinances restrict many activities associated with construction. No additional construction activities have been identified that would warrant mitigation. Therefore, no additional restrictions are proposed.

d. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the planning commission may require the filing of restrictions in the county deed records including but not limited to restrictions:

i. Prohibiting the removal of specified landscaping; and

ii. Prohibiting open burning during construction.

Appropriate Use of Property: The subject property is planned and zoned for residential development under the terms and conditions of the Lincoln City Municipal Code. The proposed preliminary master plan would be the first step in development of the subject property for uses intended by the Code.

Vegetation Removal: To construct buildings, streets, and utilities, it would be necessary to remove some brush and trees that directly conflict with these improvements. However, every effort has been made in the design of the site improvements to retain significant natural vegetation including large trees that are compatible with development. Additional brush and undergrowth may be removed for safety and security purposes. The City Engineer is responsible for reviewing plans for tree removal and preservation of remaining trees. Details of those plans are presented earlier in this narrative under review criterion LCMC 17.52.210(I)(13). Those findings and conclusions are incorporated herein by reference.

As noted in the preceding subsection, outdoor burning of construction waste is prohibited. [LCMC 8.08.020] No specified landscaping would be removed to construct improvements envisioned by the preliminary master plan. Approved landscaping planted in accordance with the preliminary master plan would not be removed in subsequent phases, Therefore, the proposed PUD would not create unreasonable negative impacts on the surrounding area.

e. Street, water, sewer, drainage and drainage pretreatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.

Streets in the proposed PUD are designed to comply with city standards to accommodate anticipated traffic loads. Off-site traffic impacts are summarized earlier in this application narrative, which are incorporated herein by reference.

The municipal water supply that would serve the proposed PUD is stored in a reservoir on Port Lane, a short distance from the subject property. Transmission lines are of sufficient capacity to serve the planned needs of the proposed PUD and the surrounding area.

The proposed PUD is situated in sewer basin 4007.

The proposed PUD would be developed in a manner designed to minimize the impact of the downstream area as well as the environment within the development. Detention and water quality features would be designed as necessary to regulate any increased runoff caused by the development and to help minimize the impact of sediments on runoff facilities.

f. Street, water, sewer, drainage and drainage pretreatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.

The City of Lincoln City has adopted and maintained standards for streets, water systems, sanitary sewer systems, stormwater drainage systems, stormwater pretreatment, and stormwater detention to protect the health, safety, and welfare of its citizens. The design and construction of these facilities in Lincoln Palisades Phase 5 as shown on the utilities plan would conform to those standards.

g. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least 15 percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space, and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.

The maximum number of residential units, as determined by LCMC 17.52.210(E)(2), is 23 units. Lincoln Palisades Phase V will only construct 20 residential units.

VI. Conclusion

This application narrative and accompanying plan set demonstrate that all applicable provisions of the City of Lincoln City Municipal Code are satisfied. We therefore respectfully request approval of this Preliminary Master Plan application.

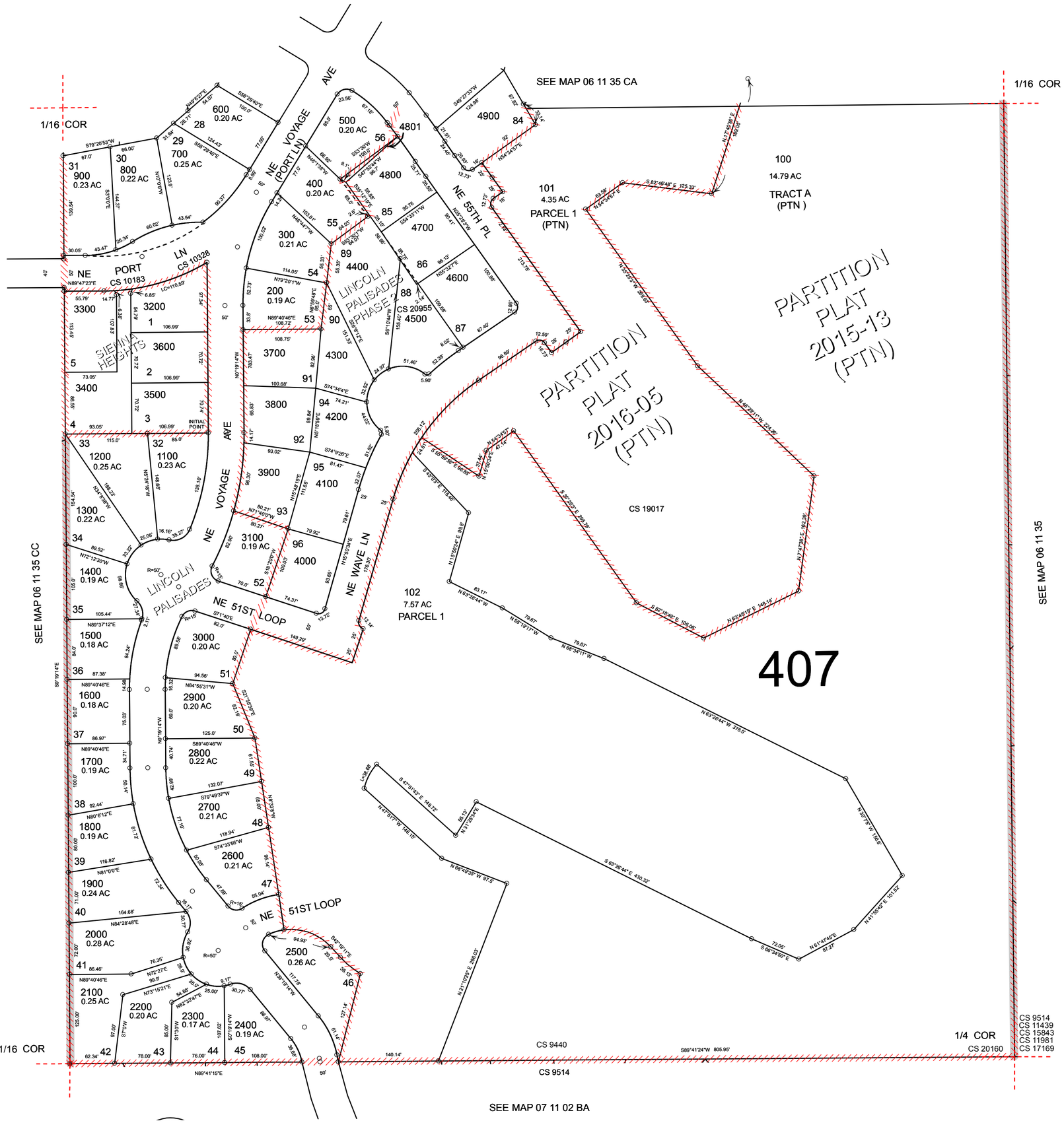
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

S.E.1/4 S.W.1/4 SEC.35 T.6S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

06 11 35 CD
LINCOLN CITY

Cancelled
1000
1001
1002



Revised: SAO
11/02/2016

LINCOLN CITY
06 11 35 CD

PARTITION PLAT 2016-5

A REPLAT OF PARCEL 2 OF PARTITION PLAT 2015-13
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35,
TOWNSHIP 6 SOUTH, RANGE 11 WEST OF THE
WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY,
LINCOLN COUNTY, OREGON

FOR: ALPHA BUILDING VENTURES, LLC.

DATE: AUGUST 23, 2016

SHEET 1 OF 5

REGISTERED
PROFESSIONAL
LAND SURVEYOR

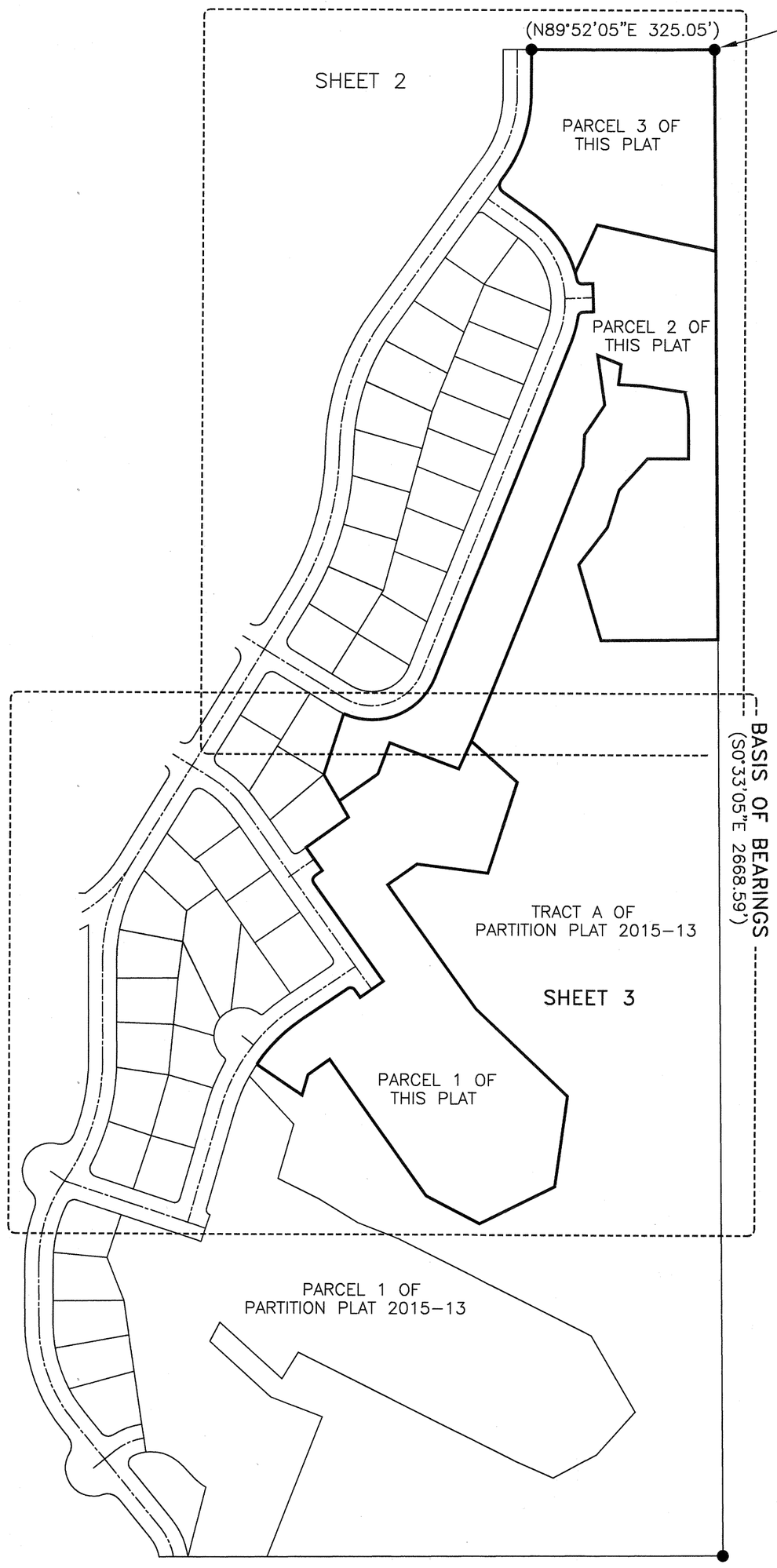
OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341

EXPIRES 6/30/18

COLE SURVEYING, LLC

BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 929-5500

I, BRIAN SCOTT SAILOR, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PARTITION PLAT.



④FD 3-1/4" ALUMINUM CAP AT THE SOUTH 1/4 CORNER OF SECTION 35

⑤ WE ORIGINALLY FOUND A 1" BERNSTEN G-1 PISTON MONUMENT BENT AND MISSING THE BRASS CAP AT THE CENTER OF SECTION 35. THIS MONUMENT WAS STRAIGHTENED AND RE-SET WITHOUT THE BRASS CAP AS PER THE PLAT OF "ROCK CREEK VILLAGE". WE HELD THE MONUMENT AS RE-SET FOR "ROCK CREEK VILLAGE".

SURVEYOR'S NARRATIVE:

PURPOSE

THE PURPOSE OF THIS PARTITION PLAT IS TO MEET THE REQUIREMENTS OF THE CITY OF LINCOLN CITY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT FILE NUMBER PAR 2016-02.

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE LINE BETWEEN THE CENTER 1/4 CORNER OF SECTION 35 AND THE SOUTH 1/4 CORNER OF SECTION 35 AS PER LINCOLN COUNTY PLAT "LINCOLN PALISADES PHASE 2".

BOUNDARY DETERMINATION

THE BOUNDARY OF PARCEL 2 OF PARTITION PLAT 2015-13 WAS PREVIOUSLY DETERMINED BY OUR OFFICE. OUR ORIGINAL CONTROL HAS BEEN RECOVERED AND THE EXISTING MONUMENTS SHOWN AS BEING FOUND HAVE BEEN TIED AND ARE IN THEIR ORIGINAL POSITION, UNLESS OTHERWISE NOTED AND RE-ESTABLISHED.

SCALE: 1" = 200'

LEGEND

■	SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC MARKED "COLE SURV. LS 61341"
□	FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "COLE SURV. LS 61341", PER PP 2015-13
○	FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "COLE SURV LS 51523", PER C.S. 19017
●	FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "COLE SURV LS 51523" AS PER PLAT OF "LINCOLN PALISADES PHASE 2" OR LINCOLN COUNTY REESTABLISHMENT AFFIDAVIT 2009-03436, UNLESS OTHERWISE NOTED
PP	PARTITION PLAT
IR	IRON ROD
FD	FOUND
PUE	PUBLIC UTILITY EASEMENT FOR FRANCHISE UTILITIES AND CITY OF LINCOLN CITY UTILITIES, AS PER "LINCOLN PALISADES PHASE 2"
YPC	YELLOW PLASTIC CAP
R/W	RIGHT OF WAY
C.S.	LINCOLN COUNTY SURVEY
[ ]	MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER PP 2015-13
< >	MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER C.S. 19017
( )	MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER THE PLAT OF "LINCOLN PALISADES PHASE 2", UNLESS OTHERWISE NOTED
	④ C.S. 9292
	⑤ PLAT OF "ROCK CREEK VILLAGE"

SHEET INDEX

SHEET 1 – SURVEY OVERVIEW WITH SHEET INDEX, SURVEYOR'S NARRATIVE
SHEET 2 – NORTHERN PORTION OF PLAT
SHEET 3 – SOUTH PORTION OF PLAT
SHEET 4 – EXISTING SANITARY SEWER EASEMENTS, OTHER DOCUMENTS OF RECORD
SHEET 5 – SURVEYOR'S CERTIFICATE, OWNER'S DECLARATION, NOTARY ACKNOWLEDGEMENT, APPROVAL SIGNATURES AND RECORDING INFORMATION

Book 2016 Page 5

1587 3PART2

PARTITION PLAT 2016-5

A REPLAT OF PARCEL 2 OF PARTITION PLAT 2015-13
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35,
TOWNSHIP 6 SOUTH, RANGE 11 WEST OF THE
WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY,
LINCOLN COUNTY, OREGON

FOR: ALPHA BUILDING VENTURES, LLC.

DATE: AUGUST 23, 2016

SHEET 2 OF 5

SCALE: 1" = 60'

LEGEND

■	SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC MARKED "COLE SURV. LS 61341"
□	FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "COLE SURV. LS 61341", PER PP 2015-13
○	FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "COLE SURV LS 51523", PER C.S. 19017
●	FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "COLE SURV LS 51523" AS PER PLAT OF "LINCOLN PALISADES PHASE 2" OR LINCOLN COUNTY REESTABLISHMENT AFFIDAVIT 2009-03436, UNLESS OTHERWISE NOTED
PP	PARTITION PLAT
IR	IRON ROD
FD	FOUND
PUE	PUBLIC UTILITY EASEMENT FOR FRANCHISE UTILITIES AND CITY OF LINCOLN CITY UTILITIES, PER "LINCOLN PALISADES PHASE 2"
YPC	YELLOW PLASTIC CAP
R/W	RIGHT OF WAY
C.S.	LINCOLN COUNTY SURVEY
[ ]	MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER PP 2015-13
< >	MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER C.S. 19017
( )	MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER THE PLAT OF "LINCOLN PALISADES PHASE 2", UNLESS OTHERWISE NOTED
	④ C.S. 9292
	⑤ PLAT OF "ROCK CREEK VILLAGE"

C#	Radius	Delta	Length	Bearing	Chord
(C1	245.00'	35°30'13"	151.81'	N 17°37'12" E	149.40')
(C2	15.00'	89°49'16"	23.52'	N 9°32'20" W	21.18')
(C3	190.00'	42°32'01"	141.05'	N 33°10'57" W	137.83')
(C4	9.00'	80°09'45"	12.59'	N 51°59'49" W	11.59')
(C5	9.00'	80°09'45"	12.59'	N 47°50'26" E	11.59')
(C6	190.00'	14°01'56"	46.53'	N 14°46'31" E	46.42')
[C7	175.00'	15°23'18"	47.00'	N 8°14'41" W	46.86']
(C8	120.00'	92°46'28"	194.31'	N 68°10'43" E	173.76')
<C20	190.00'	3°46'47"	12.53'	N 13°48'20" W	12.53'>
<C21	190.00'	38°45'15"	128.52'	N 35°04'20" W	126.07'>

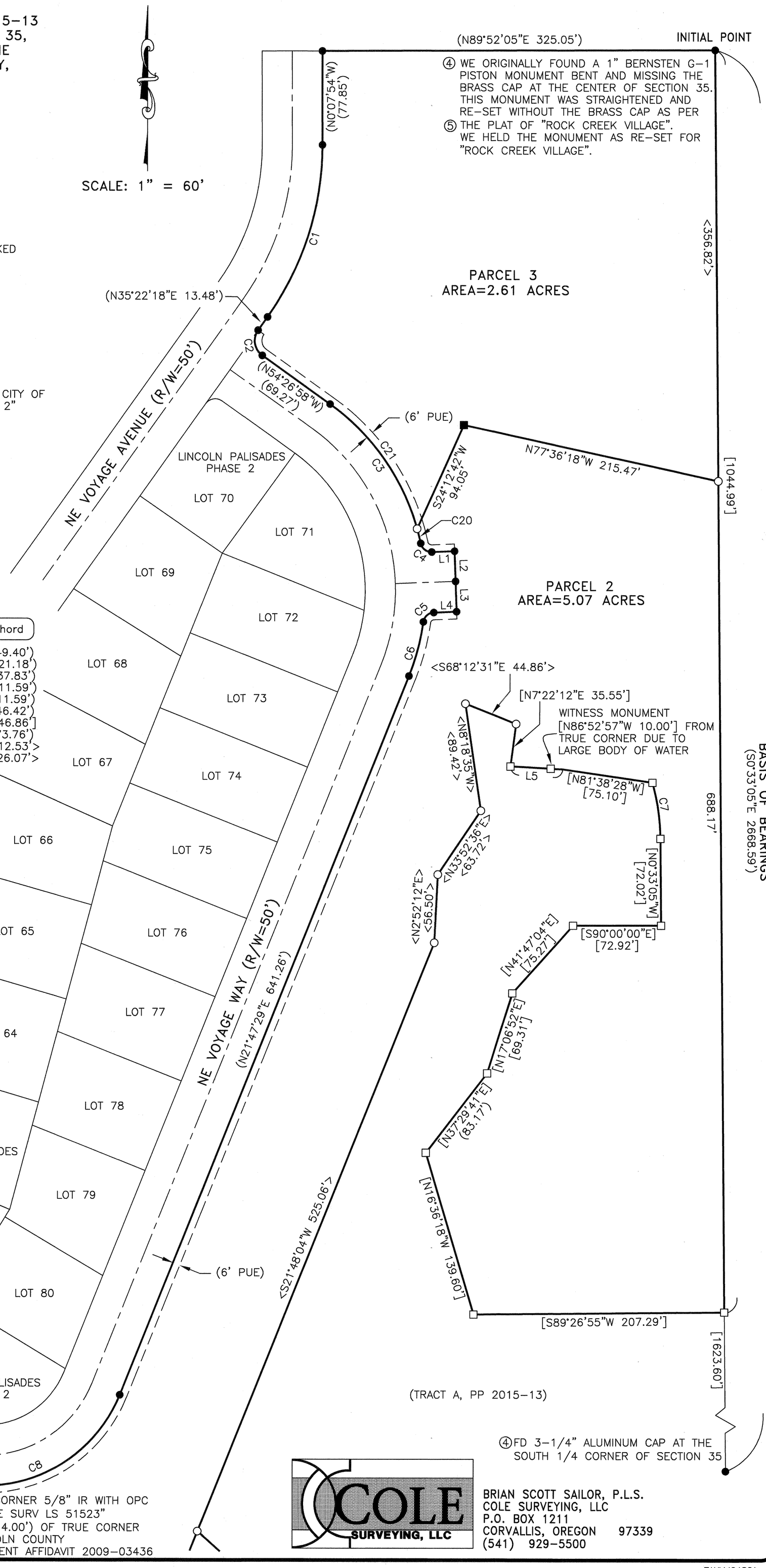
L#	Bearing	Length
(L1	S 87°55'19" W	18.93')
(L2	N 2°04'41" W	25.00')
(L3	N 2°04'41" W	25.00')
(L2+L3	N 2°04'41" W	50.00')
(L4	N 87°55'19" E	18.93')
(L5	N 86°52'57" W	43.39')

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341

EXPIRES 6/30/18

I, BRIAN SCOTT SAILOR, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PARTITION PLAT.



COLE SURVEYING, LLC

BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 929-5500

15873PART2

Book 2016 Page 5A

PARTITION PLAT 2016-5

A REPLAT OF PARCEL 2 OF PARTITION PLAT 2015-13
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35,
TOWNSHIP 6 SOUTH, RANGE 11 WEST OF THE
WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY,
LINCOLN COUNTY, OREGON

FOR: ALPHA BUILDING VENTURES, LLC.

DATE: AUGUST 23, 2016

SHEET 3 OF 5

LEGEND

- ■ SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC MARKED "COLE SURV. LS 61341"
- □ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "COLE SURV. LS 61341", PER PP 2015-13
- ○ FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "COLE SURV LS 51523", PER C.S. 19017
- ● FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "COLE SURV LS 51523" AS PER PLAT OF "LINCOLN PALISADES PHASE 2" OR LINCOLN COUNTY REESTABLISHMENT AFFIDAVIT 2009-03436, UNLESS OTHERWISE NOTED
- PP PARTITION PLAT
- IR IRON ROD
- FD FOUND
- PUE PUBLIC UTILITY EASEMENT FOR FRANCHISE UTILITIES AND CITY OF LINCOLN CITY UTILITIES, PER "LINCOLN PALISADES PHASE 2"
- YPC YELLOW PLASTIC CAP
- R/W RIGHT OF WAY
- C.S. LINCOLN COUNTY SURVEY
- [ ] MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER PP 2015-13
- < > MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER C.S. 19017
- ( ) MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER THE PLAT OF "LINCOLN PALISADES PHASE 2", UNLESS OTHERWISE NOTED
- ④ C.S. 9292
- ⑤ PLAT OF "ROCK CREEK VILLAGE"

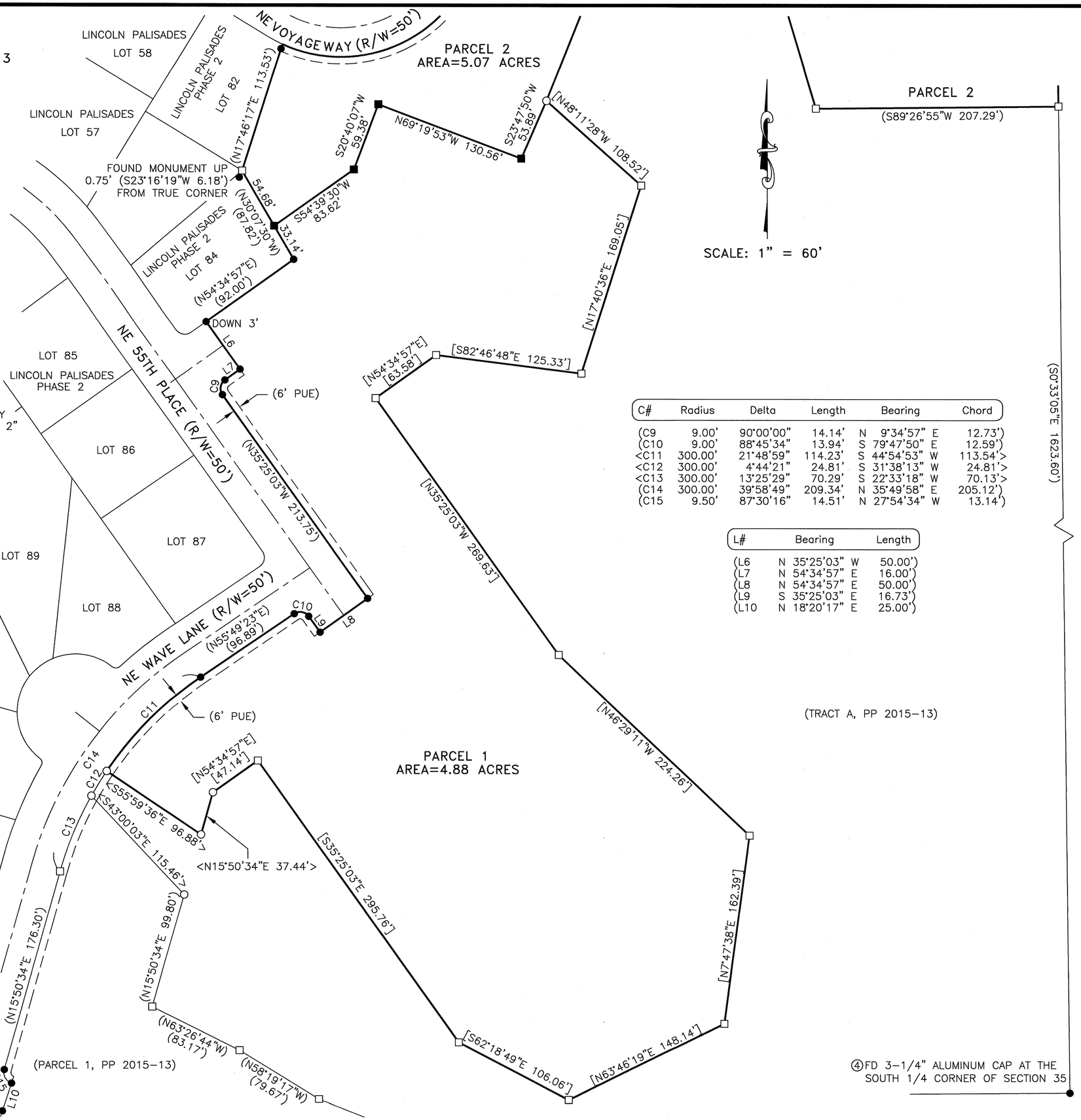
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341
EXPIRES 6/30/18

I, BRIAN SCOTT SAILOR, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PARTITION PLAT.

BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 929-5500

COLE SURVEYING, LLC

15873PART2



C#	Radius	Delta	Length	Bearing	Chord
(C9	9.00'	90°00'00"	14.14'	N 9°34'57" E	12.73')
(C10	9.00'	88°45'34"	13.94'	S 79°47'50" E	12.59')
<C11	300.00'	21°48'59"	114.23'	S 44°54'53" W	113.54'>
<C12	300.00'	4°44'21"	24.81'	S 31°38'13" W	24.81'>
<C13	300.00'	13°25'29"	70.29'	S 22°33'18" W	70.13'>
(C14	300.00'	39°58'49"	209.34'	N 35°49'58" E	205.12')
(C15	9.50'	87°30'16"	14.51'	N 27°54'34" W	13.14')

L#	Bearing	Length
(L6	N 35°25'03" W	50.00')
(L7	N 54°34'57" E	16.00')
(L8	N 54°34'57" E	50.00')
(L9	S 35°25'03" E	16.73')
(L10	N 18°20'17" E	25.00')

Book 2016 Page 58

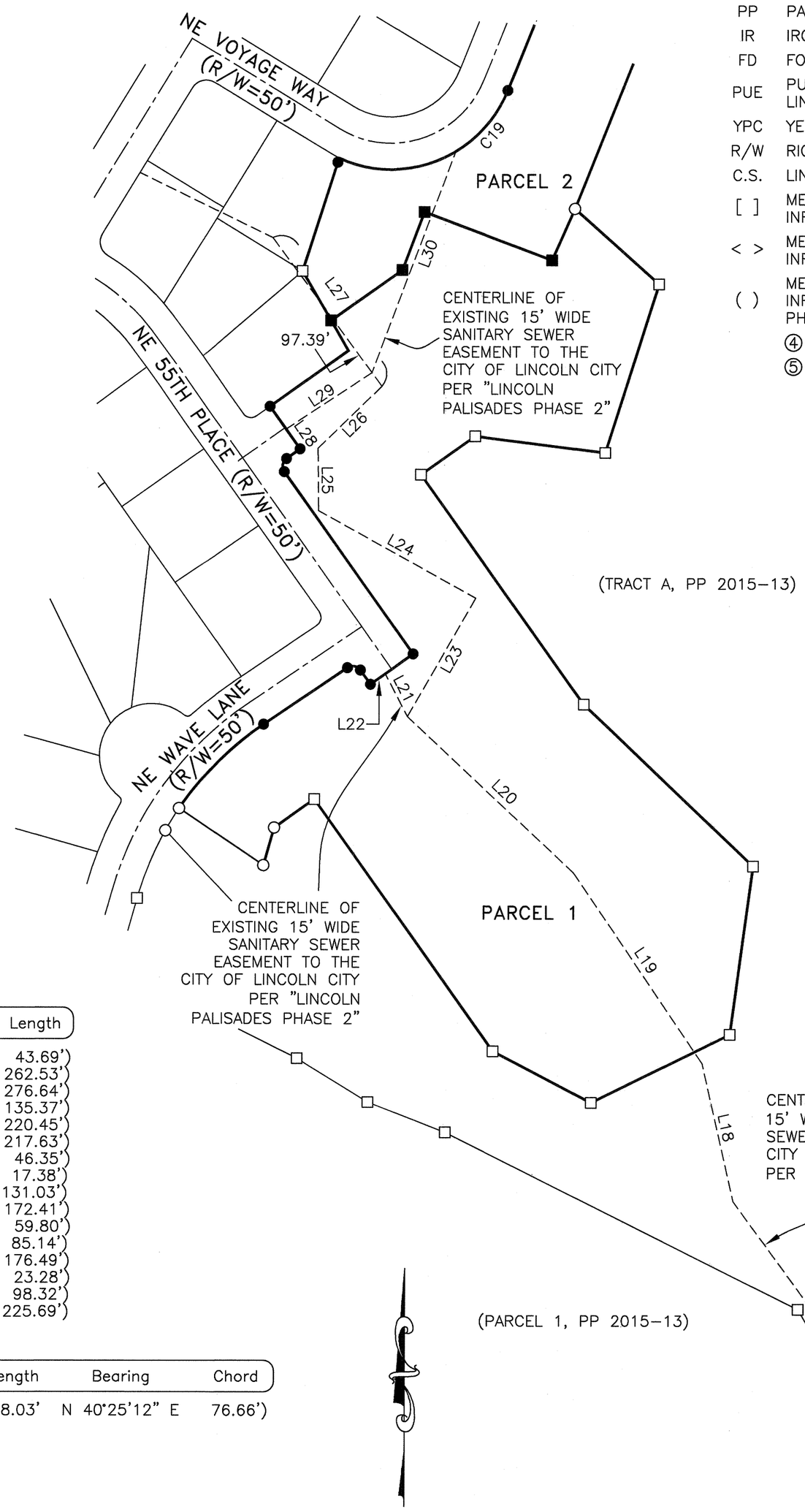
PARTITION PLAT 2016-5

A REPLAT OF PARCEL 2 OF PARTITION PLAT 2015-13
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35,
TOWNSHIP 6 SOUTH, RANGE 11 WEST OF THE
WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY,
LINCOLN COUNTY, OREGON

FOR: ALPHA BUILDING VENTURES, LLC.

DATE: AUGUST 23, 2016

SHEET 4 OF 5



SCALE: 1" = 100'

LEGEND

■	SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC MARKED "COLE SURV. LS 61341"
□	FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "COLE SURV. LS 61341", PER PP 2015-13
○	FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "COLE SURV LS 51523", PER C.S. 19017
●	FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "COLE SURV LS 51523" AS PER PLAT OF "LINCOLN PALISADES PHASE 2" OR LINCOLN COUNTY REESTABLISHMENT AFFIDAVIT 2009-03436, UNLESS OTHERWISE NOTED
PP	PARTITION PLAT
IR	IRON ROD
FD	FOUND
PUE	PUBLIC UTILITY EASEMENT FOR FRANCHISE UTILITIES AND CITY OF LINCOLN CITY UTILITIES, PER "LINCOLN PALISADES PHASE 2"
YPC	YELLOW PLASTIC CAP
R/W	RIGHT OF WAY
C.S.	LINCOLN COUNTY SURVEY
[ ]	MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER PP 2015-13
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( )	MEASURED INFORMATION IS THE SAME AS RECORD INFORMATION PER THE PLAT OF "LINCOLN PALISADES PHASE 2", UNLESS OTHERWISE NOTED
④	C.S. 9292
⑤	PLAT OF "ROCK CREEK VILLAGE"

DOCUMENTS OF RECORD:

1.) THERE ARE EXISTING PACIFIC POWER AND LIGHT EASEMENTS PER LINCOLN COUNTY DEED RECORD BOOK 131, PAGE 43 AND BOOK 343, PAGE 1773 THAT DO NOT AFFECT THE PROPERTY.

2.) PROPERTY IS SUBJECT TO THE DEED RESTRICTION, INCLUDING THE TERMS AND PROVISIONS THEREOF, SET FORTH IN LINCOLN COUNTY DEED RECORD BOOK 314, PAGE 588.

3.) PROPERTY IS SUBJECT TO THE COVENANTS, EASEMENTS AND RESTRICTIONS SET FORTH IS LINCOLN COUNTY DEED RECORD BOOK 348, PAGE 1921 AND LINCOLN COUNTY DEED RECORD 200811946.

4.) PROPERTY IS SUBJECT TO A TRUST DEED PER LINCOLN COUNTY DEED RECORD 200514674.

5.) PROPERTY IS EITHER SITUATED WITHIN THE URBAN RENEWAL BOUNDARIES OR WITHIN THE SHARED AREA OF THE YEAR 2000 DEVELOPMENT PLAN, LINCOLN CITY, OREGON, AND IS SUBJECT TO THE TERMS AND PROVISIONS THEREOF, AS OUTLINED IN LINCOLN COUNTY DEED RECORD BOOK 202, PAGE 1261 AND AMENDED IN LINCOLN COUNTY DEED RECORD BOOK 211, PAGE 1675 AND LINCOLN COUNTY DEED RECORDS 2014-08573 AND 2015-03700.

L#	Bearing	Length
(L15	N 0°33'05" W	43.69')
(L16	N 30°39'52" W	262.53')
(L17	N 36°10'41" W	276.64')
(L18	N 12°48'15" W	135.37')
(L19	N 34°09'57" W	220.45')
(L20	N 46°53'57" W	217.63')
(L21	N 27°17'15" W	46.35')
(L22	N 54°34'57" E	17.38')
(L23	N 29°53'29" E	131.03')
(L24	N 61°04'17" W	172.41')
(L25	N 0°40'14" W	59.80')
(L26	N 45°45'41" E	85.14')
(L27	N 36°25'42" W	176.49')
(L28	N 35°25'03" W	23.28')
(L29	S 56°31'22" W	98.32')
(L30	S 20°40'07" W	225.69')

C#	Radius	Delta	Length	Bearing	Chord
(C19	120.00'	37°15'25"	78.03'	N 40°25'12" E	76.66')

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341

EXPIRES 6/30/18

I, BRIAN SCOTT SAILOR, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PARTITION PLAT.

BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 929-5500

COLE
SURVEYING, LLC

Book 2016 Page 5C

15873PART2

Book 2016-5D

PARTITION PLAT 2016-5

A REPLAT OF PARCEL 2 OF PARTITION PLAT 2015-13
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35,
TOWNSHIP 6 SOUTH, RANGE 11 WEST OF THE
WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY,
LINCOLN COUNTY, OREGON

FOR: ALPHA BUILDING VENTURES, LLC.

DATE: AUGUST 23, 2016

SHEET 5 OF 5

DECLARATION:

KNOW ALL PERSONS BY THESE PRESENTS, THAT ALPHA BUILDING VENTURES, LLC., IS THE OWNER OF THE LAND SHOWN ON THE ATTACHED MAP AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO PARCELS AS SHOWN ON THE ATTACHED MAP.

Thomas Shauklas

THOMAS SHAUKLAS, AS MEMBER FOR ALPHA BUILDING VENTURES, LLC.

ACKNOWLEDGMENT:

STATE OF OREGON)
) SS
COUNTY OF Clackamas)

THIS IS TO CERTIFY THAT ON THIS 6 DAY OF September, 2016, BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF OREGON, DID PERSONALLY APPEAR THOMAS SHAUKLAS, AND WHO EXECUTED THE FOREGOING INSTRUMENT AND DOES HEREBY ACKNOWLEDGE SAID INSTRUMENT TO BE OF HIS OWN FREE ACT AND DEED.

Cynthia Galindo

NOTARY PRINTED NAME Cynthia Galindo
NOTARY PUBLIC – OREGON
COMMISSION No. 925745
MY COMMISSION EXPIRES March 02, 2018

OFFICIAL STAMP
CYNTHIA MATA GALINDO
NOTARY PUBLIC-OREGON
COMMISSION NO. 925745
MY COMMISSION EXPIRES MARCH 02, 2018

APPROVALS:

APPROVED _____ 9/8/16
LINCOLN CITY PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR — DATE

APPROVED Linda Pilson by KJ 9-19-16
LINCOLN COUNTY TAX COLLECTOR — DATE

APPROVED Joe Davidson, by SAO 9-19-16
LINCOLN COUNTY ASSESSOR — DATE

APPROVED Eathan D. Nicley 9-14-2016
LINCOLN COUNTY SURVEYOR Deputy — DATE

SURVEYOR'S CERTIFICATE:

I, BRIAN SCOTT SAILOR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE PARCELS SHOWN ON THE ATTACHED MAP, THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARTITION PLAT 2015-13, A PARTITION PLAT OF RECORD LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 35 OF TOWNSHIP 6 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON, BEING MORE PARTICULARILY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A 1 INCH IRON PIPE AT THE CENTER OF SECTION 35 OF TOWNSHIP 6 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON, ALSO BEING THE NORTHEAST CORNER OF SAID PARCEL 2; THENCE ALONG THE EAST LINE OF SAID PARCEL 2 SOUTH 0°33'05" EAST 1044.99 FEET TO A 5/8 INCH IRON ROD AT THE MOST EASTERLY SOUTHEAST CORNER OF SAID PARCEL 2, ALSO BEING THE MOST EASTERLY NORTHEAST CORNER OF TRACT A OF SAID PARTITION PLAT 2015-13; THENCE ALONG THE BOUNDARIES OF SAID PARCEL 2 AND TRACT A THE FOLLOWING COURSES: SOUTH 89°26'55" WEST 207.29 FEET TO A 5/8" IRON ROD, NORTH 16°36'18" WEST 139.60 FEET TO A 5/8" IRON ROD, NORTH 37°29'41" EAST 83.17 FEET TO A 5/8" IRON ROD, NORTH 17°06'52" EAST 69.31 FEET TO A 5/8" IRON ROD, NORTH 41°47'04" EAST 75.27 FEET TO A 5/8" IRON ROD, SOUTH 90°00'00" EAST 72.92 FEET TO A 5/8" IRON ROD, NORTH 0°33'05" WEST 72.02 FEET TO A 5/8" IRON ROD, ALONG THE ARC OF A 175.00 FOOT RADIUS CURVE TO THE LEFT 47.00 FEET (THE LONG CHORD OF WHICH BEARS NORTH 8°14'41" WEST 46.86 FEET) TO A 5/8" IRON ROD, NORTH 81°38'28" WEST 75.10 FEET TO A POINT BEING WITNESSED BY A 5/8 INCH ROD WHICH BEARS NORTH 86°52'57" WEST 10.00 FEET FROM THE TRUE CORNER, NORTH 86°52'57" WEST 43.39 FEET TO A 5/8" IRON ROD, NORTH 7°22'12" EAST 35.55 FEET TO A 5/8" IRON ROD, NORTH 68°12'31" WEST 44.86 FEET TO A 5/8" IRON ROD, SOUTH 8°18'35" EAST 89.42 FEET TO A 5/8" IRON ROD, SOUTH 33°52'36" WEST 63.72 FEET TO A 5/8" IRON ROD, SOUTH 2°52'12" WEST 56.50 FEET TO A 5/8" IRON ROD, SOUTH 21°48'04" WEST 525.06 FEET TO A 5/8" IRON ROD, SOUTH 48°11'28" EAST 108.52 FEET TO A 5/8" IRON ROD, SOUTH 17°40'36" WEST 169.05 FEET TO A 5/8" IRON ROD, NORTH 82°46'48" WEST 125.33 FEET TO A 5/8" IRON ROD, SOUTH 54°34'57" WEST 63.58 FEET TO A 5/8" IRON ROD, SOUTH 35°25'03" EAST 269.63 FEET TO A 5/8" IRON ROD, SOUTH 46°29'11" EAST 224.26 FEET TO A 5/8" IRON ROD, SOUTH 7°47'38" WEST 162.39 FEET TO A 5/8" IRON ROD, SOUTH 63°46'19" WEST 148.14 FEET TO A 5/8" IRON ROD, NORTH 62°18'49" WEST 106.06 FEET TO A 5/8" IRON ROD, NORTH 35°25'03" WEST 295.76 FEET TO A 5/8" IRON ROD, SOUTH 54°34'57" WEST 47.14 FEET TO A 5/8" IRON ROD, SOUTH 15°50'34" WEST 37.44 FEET TO A 5/8" IRON ROD, AND NORTH 55°59'36" WEST 96.88 FEET TO A 5/8" IRON ROD ON THE EASTERLY RIGHT OF WAY LINE OF NE WAVE LANE: THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES: ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT 114.23 FEET (THE LONG CHORD OF WHICH BEARS NORTH 44°54'53" EAST 113.54 FEET) TO A 5/8" IRON ROD, NORTH 55°49'23" EAST 96.89 FEET TO A 5/8" IRON ROD, AND ALONG THE ARC OF A 9.00 FOOT RADIUS CURVE TO THE RIGHT 13.94 FEET (THE LONG CHORD OF WHICH BEARS SOUTH 79°47'50" EAST 12.59 FEET TO A 5/8" IRON ROD ON THE WESTERLY RIGHT OF WAY LINE OF NE 55TH PLACE; THENCE ALONG SAID WESTERLY LINE OF 55TH PLACE SOUTH 35°25'03" EAST 16.73 FEET TO A 5/8" IRON ROD AT THE SOUTHERLY END OF 55TH PLACE; THENCE ALONG SAID SOUTHERLY END OF 55TH PLACE NORTH 54°34'57" EAST 50.00 FEET TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT OF WAY LINE OF SAID 55TH PLACE; THENCE ALONG SAID EASTERLY LINE OF 55TH PLACE THE FOLLOWING COURSES: NORTH 35°25'03" WEST 213.75 FEET TO A 5/8 INCH IRON ROD, ALONG THE ARC OF A 9.00 FOOT RADIUS CURVE TO THE RIGHT 14.14 FEET (THE LONG CHORD OF WHICH BEARS NORTH 9°34'57" EAST 12.73 FEET) TO A 5/8 INCH IRON ROD, NORTH 54°34'57" EAST 16.00 FEET TO A 5/8 INCH IRON ROD, AND NORTH 35°25'03" WEST 50.00 FEET TO A 5/8 INCH IRON ROD ON THE SOUTHERLY LINE OF LOT 84 OF "LINCOLN PALISADES PHASE 2", A SUBDIVISION PLAT OF RECORD LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 35 OF TOWNSHIP 6 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 84 NORTH 54°34'57" EAST 92.00 FEET TO A 5/8 INCH IRON ROD AT THE MOST EASTERLY CORNER OF SAID LOT 84; THENCE ALONG THE EASTERLY LINE OF SAID LOT 84 NORTH 30°07'30" WEST 87.82 FEET TO A 5/8 INCH IRON ROD AT THE MOST SOUTHERLY CORNER OF LOT 82 OF SAID "LINCOLN PALISADES PHASE 2"; THENCE ALONG THE EAST LINE OF SAID LOT 82 NORTH 17°46'17" EAST 113.53 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 82, ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF NE VOYAGE WAY AND BEING WITNESSED BY A 5/8 INCH IRON ROD WHICH BEARS SOUTH 17°46'17" WEST 4.00 FEET FROM THE TRUE CORNER; THENCE ALONG THE SOUTH LINE OF SAID VOYAGE WAY ALONG THE ARC OF A 120.00 FOOT RADIUS CURVE TO THE LEFT 194.31 FEET (THE LONG CHORD OF WHICH BEARS NORTH 68°10'43" EAST 173.76 FEET) TO A 5/8 INCH IRON ROD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID VOYAGE WAY THE FOLLOWING COURSES: NORTH 21°47'29" EAST 641.26 FEET TO A 5/8 INCH IRON ROD, ALONG THE ARC OF A 190.00 FOOT RADIUS CURVE TO THE LEFT 46.53 FEET (THE LONG CHORD OF WHICH BEARS NORTH 14°46'31" EAST 46.42 FEET) TO A 5/8 INCH IRON ROD, ALONG THE ARC OF A 9.00 FOOT RADIUS CURVE TO THE RIGHT 12.59 FEET (THE LONG CHORD OF WHICH BEARS NORTH 47°50'26" EAST 11.59 FEET) TO A 5/8 INCH IRON ROD, NORTH 87°55'19" EAST 18.93 FEET TO A 5/8 INCH IRON ROD, NORTH 2°04'41" WEST 50.00 FEET TO A 5/8 INCH IRON ROD, SOUTH 87°55'19" WEST 18.93 FEET TO A 5/8 INCH IRON ROD, ALONG THE ARC OF A 9.00 FOOT RADIUS CURVE TO THE RIGHT 12.59 FEET (THE LONG CHORD OF WHICH BEARS NORTH 51°59'49" WEST 11.59 FEET) TO A 5/8 INCH IRON ROD, ALONG THE ARC OF A 190.00 FOOT RADIUS CURVE TO THE LEFT 141.05 FEET (THE LONG CHORD OF WHICH BEARS NORTH 33°10'57" WEST 137.83 FEET) TO A 5/8 INCH IRON ROD, NORTH 54°26'58" WEST 69.27 FEET, AND ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.52 FEET (THE LONG CHORD OF WHICH BEARS NORTH 9°32'20" WEST 21.18 FEET) TO A 5/8 INCH IRON ROD ON THE EAST ON THE EAST RIGHT OF WAY LINE OF NE VOYAGE AVENUE; THENCE ALONG THE EAST LINE OF SAID VOYAGE AVENUE THE FOLLOWING COURSES: NORTH 35°22'18" EAST 13.48 FEET TO A 5/8 INCH IRON ROD, ALONG THE ARC OF A 245.00 FOOT RADIUS CURVE TO THE LEFT 151.81 FEET (THE LONG CHORD OF WHICH BEARS NORTH 17°37'12" EAST 149.40 FEET) TO A 5/8 INCH IRON ROD, AND NORTH 0°07'54" WEST 77.85 FEET TO A 5/8 INCH IRON ROD AT THE MOST NORTHERLY NORTHWEST CORNER OF THE AFOREMENTIONED PARCEL 2 OF PARTITION PLAT 2015-13; THENCE ALONG THE NORTH LINE OF SAID PARCEL 2 NORTH 89°52'05" EAST 325.05 FEET TO THE POINT OF BEGINNING AND THE INITIAL POINT.

PARTITION PLAT CONSENT AFFIDAVIT BY OAK BROOK FINANCIAL CORPORATION, RECORDED IN LINCOLN COUNTY, OREGON DEED RECORDS AS DOCUMENT No. 2016-00831.

STATE OF OREGON)
COUNTY OF LINCOLN) S.S.

I DANA W. JENKINS, LINCOLN COUNTY CLERK, DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORDING ON THIS 19th DAY OF September, 2016 AT 3:19 O'CLOCK P M. AND RECORDED AS PARTITION PLAT NO. 2016-5, 5A, 5B, 5C, 5D LINCOLN COUNTY RECORDS.

LINCOLN COUNTY CLERK — 09/19/2016 DATE

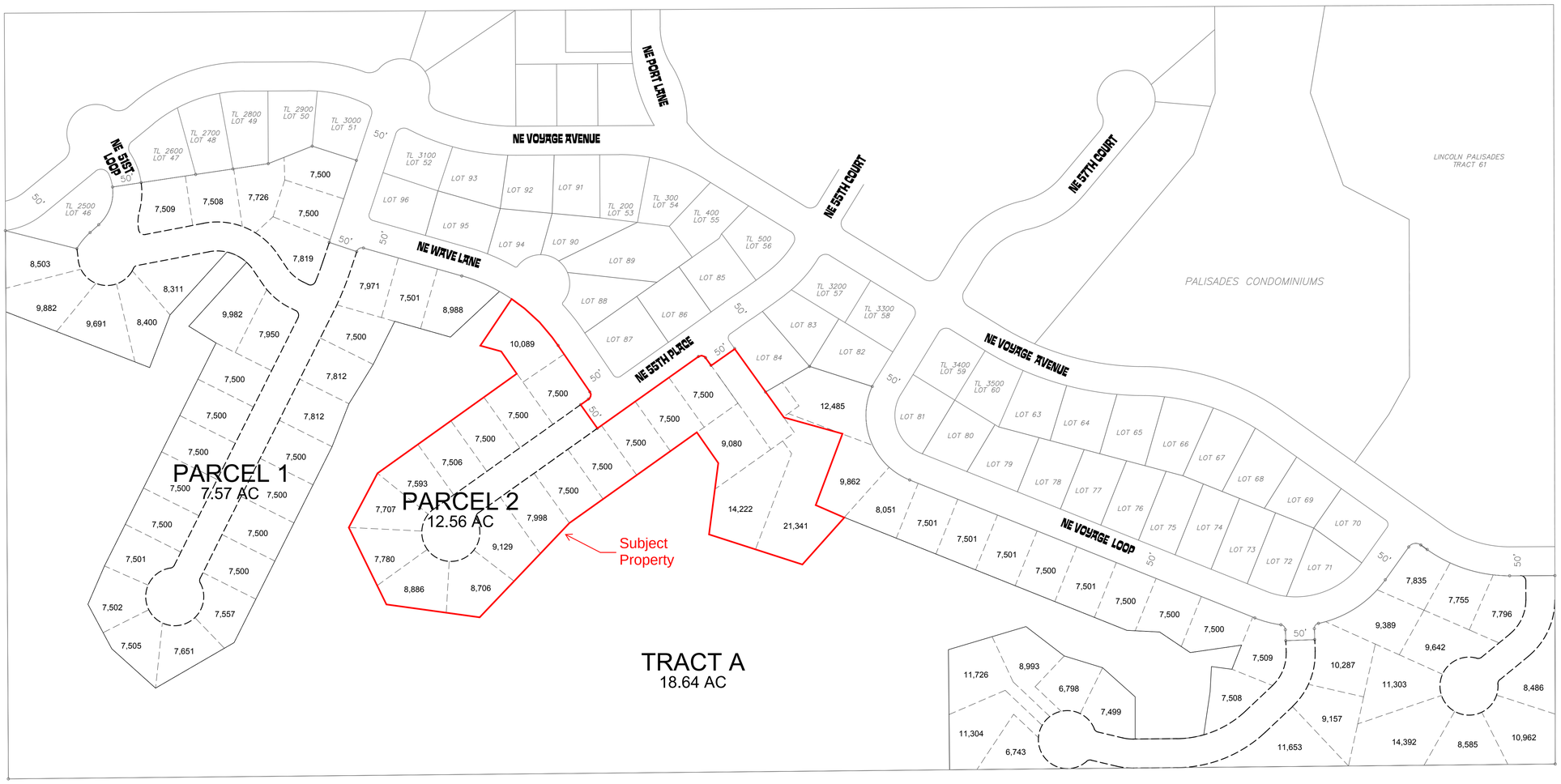
I, BRIAN SCOTT SAILOR, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PARTITION PLAT.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341
EXPIRES 6/30/18

BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 929-5500

COLE SURVEYING, LLC

15873PART2



FUTURE CONVERSION PLAN

SCALE: 1" = 100'

Area of future lots shown in square feet.

Reece & Associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-926-2428
fax: 541-926-2456

PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 16, 1982
DAVID J. REECE
EXP. 12/31/16

NOT APPROVED FOR CONSTRUCTION

LINCOLN PALISADES
FUTURE CONVERSION PLAN

ALPHA BUILDING VENTURES, LLC
LINCOLN CITY, OREGON

REV.	DATE	BY

PROJECT NO.
ABV1501

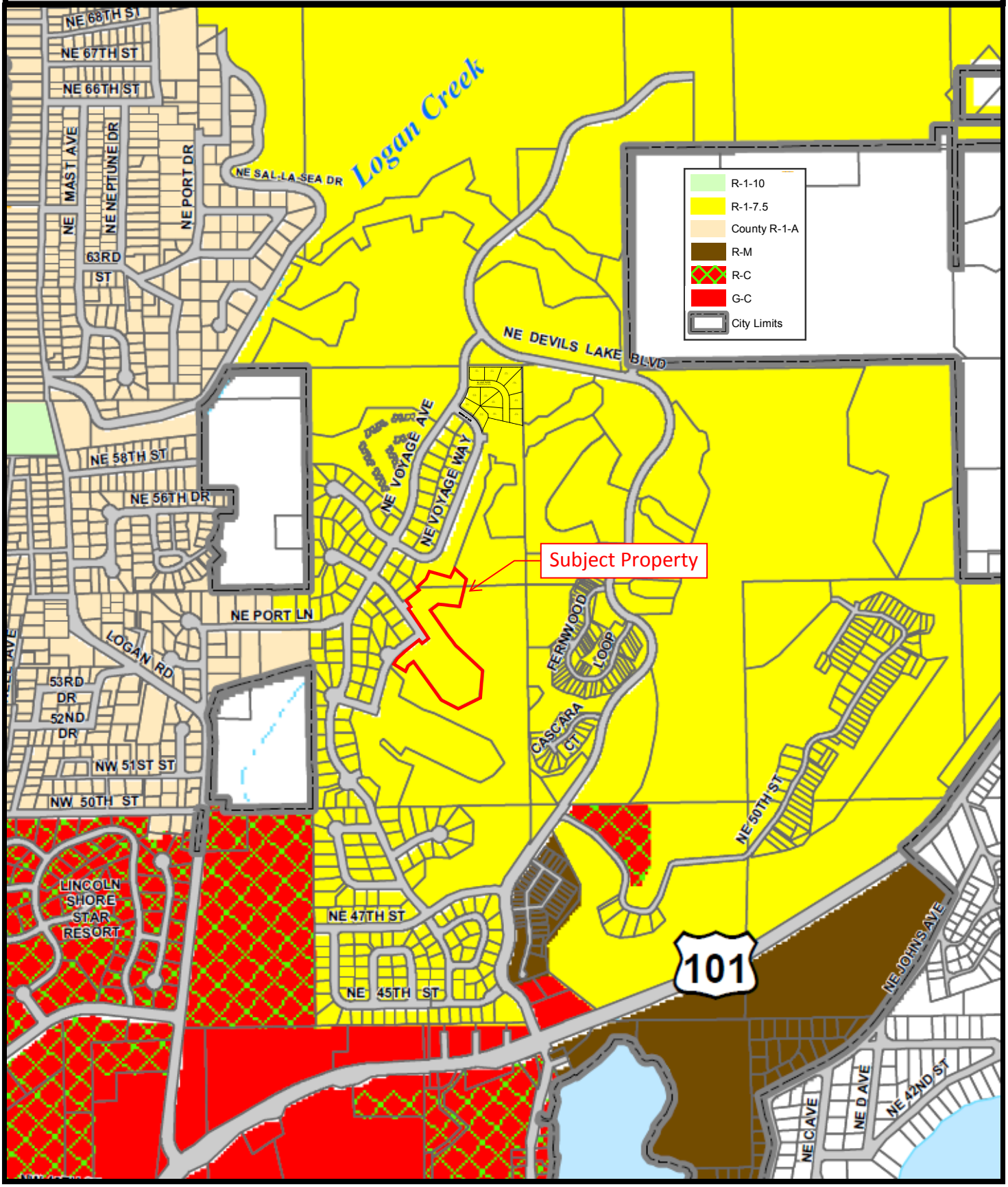
DATE	06/15/15
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	
SCALE	AS INDICATED

IF THIS GRAPHIC BAR DOES NOT MEASURE ONE INCH (1") THEN THE DRAWING IS NOT TO SCALE!

SHEET NUMBER
C2

Aerial Photograph

Lincoln City Zoning



LINCOLN PALISADES
Phase Two

DECLARATION OF PROTECTIVE COVENANTS,

CONDITIONS, RESTRICTIONS AND EASEMENTS

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**DECLATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS, AND EASEMENTS
FOR LOTS 1 THROUGH 34, LINCOLN PALISADES PHASE TWO
IN LINCOLN CITY, OREGON**

THIS DECLARATION is made this _____ day of _____, 2007, by Palisades Properties, LLC ("Delcarant").

Delcarant owns all the real property and improvements thereon located in an unincorporated area of Lincoln County, Oregon, described on Exhibit "A" (the "Property"). All capitalized terms used herein shall have the meanings attributed to them in Article 1 hereof.

Declarant intends to develop the Property as a planned development, which shall be called Lincoln Palisades, and to impose mutually beneficial covenants, conditions, restrictions, easements, assessments and liens on the Property under a comprehensive general plan of improvement and development for the benefit of all the Owners, the Lots within Lincoln Palisades. Lincoln Palisades is a planned subdivision of thirty-four (34) Lots with no Common Area.

NOW, THEREFORE, Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the following covenants, conditions, restrictions, easements, charges and liens, which shall run with the land, which shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof, and which shall insure to the benefit of the of the Association and each Lot Owner.

ARTICLE 1

DEFINITIONS

As used in this Declaration, the terms set forth below shall have the following meanings:

1.1 "Architectural Review Committee" or "ARC" shall mean and refer to Declarant until the Turnover Meeting as defined in Section 8.2 hereof, has been held and thereafter shall refer to the Board of Directors unless the Board has appointed a separate body or architectural firm to carry out the functions described in Article 6 hereof, in which case "Architectural Review Committee" or "ARC" shall refer to the body so appointed.

1.2 "Declarant" shall mean and refer to Palisades Properties, LLC, its successors and assigns, or any successor or assign to all or the remainder of its interest in the development of the Property.

1.3 "Declaration" shall mean the covenants, conditions, restrictions, and all other provisions set forth in this Declaration of Covenants, Conditions and Restrictions.

1.4 "General Plan of Development" shall mean Declarant's general plan of development of the Property, as approved by appropriate government agencies, as such plan may be amended from time to time.

1.5 "Home" shall mean and refer to any portion of a structure situated on a Lot, which portion is designed and intended for use and occupancy as a residence by a single family or household.

1.6 "Living Unit" shall mean and refer to any portion of a structure situated on a Lot or Lots, which portion is designed and intended for use and occupancy as a residence by a single family or household.

1.7 "Lot" shall mean and refer to each and any lot which is shown on the Plat and which is subject to this Declaration.

1.8 "Occupant" shall mean and refer to the occupant of a Home who shall be either the Owner, a lessee or any other person authorized by the Owner to occupy the premises.

1.9 "Owner" shall mean and refer to the owner of record, whether one (1) or more persons or entities, of the fee simple title to any Lot or to a purchaser in possession under a land sale contract. The foregoing does not include persons or entities that hold an interest in any Lot merely as security for the performance of an obligation.

1.10 "Plat" shall mean and refer to the plat for Lincoln Palisades Phase Two, which has been recorded in Lincoln County and which depicts the Lots.

1.11 "Property" shall mean and refer to all real property that is subject to this Declaration, including Lots and all improvements located thereon, as more particularly set forth on Exhibit "A".

1.12 "Rules and Regulations" shall mean and refer to the documents containing rules, regulations and policies adopted by the ARC; as such documents may be from time to time amended.

1.13 "Tracts" shall mean and refer to those parcels of land that are designated as a Tract on the Plat.

1.14 "Lincoln Palisades Phase Two" shall mean the Lots described on the Plat.

ARTICLE 2

PROPERTY SUBJECT TO THIS DECLARATION

The real property that is and that shall be held, transferred, sold, conveyed and occupied and improved subject to this Declaration is located in The City Limits of Lincoln City and of Lincoln County, Oregon, and is shown on the Plat for Lincoln Palisades Phase Two, which has been filed in the plat records of Lincoln County, Oregon, and also is described as Exhibit "A".

ARTICLE 3

OWNERSHIP AND EASEMENTS

3.1 **Ownership of Lots**. Title to each Lot in Lincoln Palisades Phase Two shall be conveyed in fee to an Owner. If more than one (1) person and/or entity owns an undivided interest in the same Lot, such person and/or entity shall constitute one (1) Owner.

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3.2 **Easements**. Individual deeds to Lots may, but shall not be required to, set for the easements specified in Article 3.

3.2.1 **Easements on Plat**. Lots are subject to the easements and rights of way shown on the Plat.

3.2.2 **Additional Easements**. Notwithstanding anything expressed or implied to the contrary on the Plat, the Bylaws or herein, this Declaration shall be subject to all easements granted by Declarant for the installation and maintenance of utilities and drainage facilities necessary for the development of Lincoln Palisades Phase Two. No structure, planting or other material that may damage or interfere with the installation or maintenance of utilities, that may change the direction of flow of drainage channels in the easement areas, or that may obstruct or retard the flow of water through drainage channels in the easement areas shall be placed or permitted to remain within any easement area. The easement area of each Lot and all improvements thereon shall be maintained continuously by the Owner of the Lot, except for those improvements for which a public authority or a utility company.

ARTICLE 4

LOTS AND HOMES

4.1 **Residential Use.** The Lots with residential designations shall be used for only residential purposes. Except with the consent of the Board, no trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any Lot; nor shall any goods, equipment, vehicles, materials or supplies used in connection with any trade service or business be kept or stored on any Lot. Nothing in this paragraph 4.1 shall be deemed to prohibit (a) activities relating to the sale of residences, (b) the right of Declarant or any contractor or homebuilder to construct residences on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any residence as a sales office or model home for purposes of sales in Lincoln Palisades Phase Two, and (c) the right of the Owner of a Lot to maintain his professional or personal library, keep his personal business or professional records or accounts, handle his personal business or professional telephone calls or confer with business or professional associates, clients or customers in his residence. The Board shall not approve commercial activities otherwise prohibited by this residence. The Board shall not approve commercial activities otherwise prohibited by this paragraph 4.1 for residential properties unless the Board determines that only normal residential activities would be observable outside of the residence and that the activities would not be in violation of Lincoln City or County ordinances. The Lot with the commercial/retail designation shall be utilized in accordance with the uses allowed for this property under the Lincoln City and County Zoning Ordinance.

4.2 **Construction of Homes**. No construction, reconstruction or exterior alterations shall occur on a Lot unless the approval of the ARC is first obtained pursuant to Article 6 hereof. Declarant shall adopt architectural and landscaping guidelines for the ARC and shall act as the ARC until the Turnover Meeting. Considerations such as sitting, shape, size, color, design, height, solar access, or material may be taken into account by the ARC in determining whether or not to consent to any proposed work. No residence shall be more than 35 feet high from the ground. Check building code for requirements.

4.3 **Maintenance of Lots and Homes.** Each Owner shall maintain all portions of his or her Lot and all improvements on such Lot in a clean and attractive condition, in good repair and in such fashion as not to create a fire hazard. Such maintenance shall include, without limitation, painting, repair, and replacement of and care for roofs, gutters, downspouts, exterior building surfaces, walks and other exterior improvements and glass surfaces. All repainting or restaining and exterior remodeling shall be subject to prior review and approval by the ARC. In addition, each Owner shall keep all shrubs, trees, grass and plantings of every kind on his Lot neatly trimmed, properly cultivated and free of trash, weeds and other unsightly material. Owner must also have basic landscaping on grounds. No trees, in excess of six feet in height, or four inches in diameter, may be removed without a tree cutting permit issued by the ARC or

Lincoln City. Damage caused by fire, flood, storm, earthquake, riot, vandalism, or other causes shall likewise be the responsibility of each Owner, and any Lot or improvement thereon that is so damaged shall be restored within a reasonable period of time.

4.4 **Rental of Homes**. Owner shall abide by the Lincoln City Rental Code.

4.5 **Animals.** No animals, livestock or poultry of any kind, other than four (4) household pets, which are not kept, bred or raised for commercial purposes and which are reasonably controlled so as not to be a nuisance, shall be permitted within any Lot. Any inconvenience, damage or unpleasantness caused by such pets shall be the responsibility of the respective Owners thereof. Dogs shall not be permitted to roam the Property unattended, and all dogs shall be kept on a leash while outside their owner's Lot. An Owner may be required to remove a pet upon the receipt of the third notice in writing from the Board of violation of any rule, regulation or restriction governing pets within the Property. Any dog which the Board of Directors reasonably determines is vicious or dangerous to Owners of Lots, their families and guests, shall be removed by the Owner thereof immediately upon written notice from the Board of Directors. At the owner's request after such removal, a hearing will be held by the Board of Directors to review its determination and affirm or reverse its previous determination. Any dog, which is considered vicious under any Lincoln City or County ordinance, shall be conclusively deemed a vicious dog, which the Board of Directors shall exclude from the Property.

4.6 **Offensive or Unlawful Activities.** No noxious or offensive activities shall be carried on upon any Lot, nor shall anything be done or placed on any Lot which interferes with or jeopardizes the enjoyment of other Lots, or which is a source of annoyance to residents. No unlawful use shall be made of a Lot nor any part thereof, and all valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction thereof shall be observed.

4.7 **Parking.** Parking of commercial vehicles, boats, trailers, motorcycles, trucks, truck campers or other recreational vehicle or equipment shall not be allowed on any part of the Property, except only if or within the confines of an enclosed garage or screened area, the plans of which shall have been reviewed and approved by ARC prior to construction, and no portion of the same may project beyond the screened area. No vehicle owned, rented, borrowed or under the control of the occupant of the dwelling located on the Lot and no vehicles owned by others who are guests of the occupants of the dwelling may be parked on the street roadway area for more than seven (7) days.

4.8 **Vehicles in Disrepair.** No Owner shall permit any vehicle that is in an extreme state of disrepair to be abandoned or to remain parked upon any Lot or on the Common Area for a period in excess of forty-eight (48) hours. A vehicle shall be deemed to be in an "extreme state of disrepair" when the Board reasonably determines that its presence offends the Owners or Occupants. Should any Owner fail to remove such vehicle within five (5) days following the date on which the notice is mailed to him by Lincoln City, the board or City may have the vehicle removed from the Property and may charge the expense of such removal to the Owner.

4.9 **Signs.** No signs shall be erected or maintained on any Lot except a project sign and except that not more than one (1) "For Sale" or "For Rent" sign placed by the Owner. Declarant or by a licensed real estate agent, after approval as to form by the ARC, may be temporarily displayed on any Lot.

4.10 **Rubbish and Trash.** No Lot or roadway shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate sanitary containers for proper disposal and out of public view. Yard rakings, dirt and other material resulting from landscaping work shall not be dumped onto the roadways. A reasonably sized compost area shall be permitted as long as it is not offensive to other Owners. Should any Owner fail to remove any trash, rubbish, garbage, yard rakings or any such materials from any Lot or any streets where deposited by him within five (5) days following the date on which notice is mailed to him by the Board or the City may have such materials removed and may charge the expense of such removal to the Owner.

4.11 **Landscape Completion.** All landscaping must be completed within six (6) months from the date a Certificate of Occupancy is issued by the governing authority for the dwelling unit constructed thereon. In the event of undue hardship due to weather conditions, this provision may be extended for a reasonable length of time upon written approval of ARC.

4.12 **Temporary Structures.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings shall be used on any Lot at any time as a residence either temporarily or permanently.

4.13 **Manufactured Dwellings Excluded.** No manufactured dwellings, as that term is defined in ORS Chapter 446 as of the date of this declaration, shall be used on any lot at any time as a residence either temporarily or permanently.

4.14 **Fences.** All fences, screens and similar structures shall not obstruct any Lot's view, and are subject to the ARC approval process.

4.15 **Service Facilities.** All telephone, power, natural gas, cable television and other communication lines shall be placed underground.

4.16 **Antennas and Satellite Dishes.** Exterior antennas and satellite receivers shall not be permitted to be placed upon any Lot or improvement except as approved by ARC. Exterior satellite dishes with a surface diameter of twenty-four (24) inches or less may be placed on any Lot so long as they are not visible from the street of neighboring properties.

4.17 **Plan and Exterior Color Approval.** All exteriors of residences shall be constructed of natural cedar shingles, board and batten, or cedar beveled lap siding either left natural or painted or stained in shades or colors approved by the ARC. Complete plans, including landscape plans, grade elevations and exterior color, trim color, and exterior lighting selection must be submitted to ARC for approval prior to the start of construction. It is suggested that preliminary plans be submitted to ARC for preliminary approval prior to commencing working drawings.

4.18 **Roofing Materials.** Roofs are to be constructed of materials approved by ARC. No metal roofs will be allowed.

4.19 **Outdoor Lighting.** The number, type, design and candle power of outdoor lighting shall be subjected to the review of ARC. Outdoor lighting that is offensive to a neighbor may require change at the direction of ARC.

4.20 **Grades, Slopes and Drainage.** The established drainage patterns or systems over or through any Lot within Lincoln Palisades shall not be interfered with so as to affect any other lot or Common Area or any real property outside Lincoln Palisades unless adequate alternative provision is made for proper drainage and is approved by the ARC. The term "established drainage" shall mean the drainage swales, conduits, inlets and outlets naturally existing or designed and constructed for storm water run off.

4.21 **Damage or Destruction to Home and/or Lot.** If all or any portion of a Lot or Home is damaged by fire or other casualty, the Owner shall either (i) restore and damaged improvements or (ii) removed all damaged improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration proceeding under (i) above must be performed so that the improvements are in substantially the same condition in which they existed prior to the damage, unless the provisions of Article 6 hereof are compiled with by the Owner. The Owner must commence such work within sixty (60) days after the damage occurs and must complete the work within six (6) months thereafter. In addition, Owners shall act in accordance with the provisions of any applicable party wall and maintenance agreements; provided, however, that in the event of a conflict between the provisions hereof and of such an agreement, the provisions hereof shall control.

4.22 **Ordinances and Regulations.** The standards and restrictions set forth in this Article 4 shall be the minimum required. To the extent that local governmental ordinances and regulations are more restrictive or provide for a higher or different standard, such local governmental ordinances and regulations shall prevail.

4.23 **Construction Debris.** Every contractor building any improvement upon any lot or the Common Area shall furnish trash containers and at all times shall keep the premises free from accumulation of trash and scrap caused by construction. Trash shall not be allowed outside a designated trash and scrap area and any that does intrude beyond shall be cleaned up immediately. Upon completion of the work, all remaining trash and scrap shall be disposed of legally. Tools, construction equipment, machinery, and surplus materials shall be removed from the site. The ARC or Declarant shall be entitled to enter upon any construction site within Lincoln Palisades and to clean up, remove and dispose of materials on-site, to charge the contractor for any costs incurred by the ARC or Declarant in performing such acts, and to recover such costs and attorneys' fees and court costs in a legal action against contractor.,

4.24 **Construction Activities and Noise.** Construction activities shall not take place before noon on Sundays and Holidays. Holiday hours shall be announced by the ARC. The ARC may impose additional restrictions on hours or days on which construction activity can take place and may place limits on noise levels. Pets shall not be permitted on any construction site. See Lincoln City codes.

4.25 **Final Inspection.** A final inspection and approval shall be obtained from the Lincoln County Building Department before any Home within Lincoln Palisades Phase Two may be occupied or rented.

ARTICLE 5

ARCHITECTURAL REVIEW COMMITTEE

5.1 **Architectural Review.** No improvement shall be commenced, erected, placed or altered on any Lot until the construction plans and specification showing the nature, shape, heights, materials, colors, and proposed location of the improvement have been submitted to and approved in writing by the ARC. It is the intent and purpose of this Declaration to assure quality of workmanship and materials and the harmony of exterior design with the existing improvements and landscaping. The ARC is not responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or other governmental regulations. Nor shall the ARC's review analyze structural, geophysical, engineering or other similar factors. Such compliance and analysis are the responsibilities of the Owners. The procedure and specific requirements for review and approval of construction may be set forth in design guidelines adopted from time to time by the ARC. In all cases in which the ARC's consent is required by this Declaration, the provisions of this Article 6 shall apply.

5.2 **Architectural Review Committee, Appointment and Removal.** The ARC shall consist of no fewer than one (1) members and no more than three (3) members, unless an architectural firm is appointed to serve as the ARC. Declarant reserves the right to appoint all members of the ARC and, from time to time, any replacements thereto until the Turnover Meeting, as defined in Section 8.2 hereof. Until the Turnover Meeting, Declarant may appoint an architect or architectural firm to serve as the ARC. After the Turnover Meeting, Declarant shall delegate the right to appoint and remove members of the ARC to the Board, which board may continue to utilize an architect or architectural firm as the ARC. The term of office for each member of the ARC shall be one (1) year unless lengthened by the Board at the time of appointment or entry into contract with architectural firm or unless the Board serves as the ARC, in which event the terms of ARC members shall be the same as their terms as Board members. The Board may appoint one (1) or more members who are not Owners but who have special expertise regarding the matters which come before the ARC to the ARC. In the sole discretion of the Board, such non-Owner members of the ARC may be paid.

5.3 **Majority Action.** Except as otherwise provided in this Declaration, a majority of the members of the ARC shall have the power to act on behalf of the ARC, without the necessity of a meeting and without the necessity of consulting the remaining members of the ARC. The ARC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.

5.4 **Duties.** The ARC shall consider and act upon the proposals and/or plans submitted pursuant tot his Article 6. The ARC, from time to time at its sole discretion, may adopt architectural rules, regulations and guidelines ("Architectural Standards"). The Architectural Standards shall interpret and implement the provisions of this Declaration for architectural review and guidelines for architectural design, placement of buildings, color schemes, exterior finishes and materials and similar features that may be used in Lincoln Palisades Phase Two; provided, however, that the Architectural Standards shall not be in derogation of the minimum standards established by this Delcaration.

5.5 **ARC Decision.** The ARC shall render its approval or denial decision with respect to a construction proposal within thirty (30) working days after it has received all materials required by it with respect to the application. All decisions shall be in writing. In the event that the ARC fails to render its decision of approval or denial in writing within thirty (30) days of receiving all material required by it with respect to the proposal, the application shall be deemed approved.

5.6 **ARC Discretion.** The ARC may, at its sole discretion, withhold consent to any proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC determines are appropriate for Lincoln Palisades Phase Two. Siding, shape, size, color, design, height, solar access, effect on the enjoyment of other Lots, effect on an easement and any other factors which the ARC reasonably believes to be relevant may be taken into consideration by the ARC in determining whether to consent to any proposed work.

5.7 **Nonwaiver.** Consent by the ARC to any matter proposed to it or within its jurisdiction shall not be deemed constitute precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

5.8 **Appeal.** At any time after Declarant has delegated appointment of the members of the ARC to the Board pursuant to Section 6.2 hereof, any Owner adversely affected by action of the ARC may appeal such action to the Board. Appeals shall be made in writing within ten (10) days of the ARC's action and shall contain specific objections or mitigating circumstances justifying the appeal. If the Board is already acting as the ARC, the appeal shall be treated as a request for a rehearing, but in such case the Board must actually meet and receive evidence and argument. A final decision shall be made by the Board within fifteen (15) days after receipt of such notification. The determination of the Board shall be final.

5.9 **Effective Period of Consent.** The ARC's consent to any proposed work shall automatically be revoked six (6) months after issuance unless construction of the work has been commenced or the Owner has applied for and has received an extension of time from the ARC. Once commenced, any such work shall be completed in six (6) months.

5.10 **Determination of Compliance.** From time to time, the ARC shall inspect all work performed and shall determine whether it is in substantial compliance with the approval granted. If the ARC finds that the work was not performed in substantial conformance with the approval granted, or if the ARC finds that the approval required was not obtained, the ARC shall notify the Owner in writing of the noncompliance. The notice shall specify the particulars of noncompliance and shall require the Owner to remedy the noncompliance.

5.11 **Noncompliance.** If the ARC determines that an Owner has not constructed an improvement consistent with the specifications of an approval granted, and if the Owner fails to agree to and diligently commence to remedy such noncompliance in accordance with the provisions of the notice of noncompliance, then at the expiration of the third (3rd) day from the date of such notification, the ARC shall provide notice to such Owner of a hearing at which such Owner's continuing noncompliance shall be considered. The hearing shall be held not more than thirty (30) days after the date of the notice of

noncompliance. At the hearing, if the ARC finds that there is no valid reason for the continuing noncompliance, the ARC shall determine the estimated costs of correcting it. The ARC shall then require the Owner to remedy or remove the same within ten (10) days after the date of the ARC's determination. If the Owner does not comply with the ARC's ruling within such period or within any extension of such period as the ARC, at its discretion, may grant, the ARC may remove the noncomplying improvement, remedy the noncompliance, or file suite to compel compliance. The costs of such action, including all attorney's fees and other costs incurred to enforce compliance, whether incurred before or after suit is filed, at trial or on any appeal or review there from, shall be assessed against the Owner and his Lot.

5.12 **Liability.** Neither the ARC nor any member thereof shall be liable to any Owner, Occupant, builder or Declarant for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the ARC or a member thereof, provided that the ARC or member has, in accordance with its or his actual knowledge, acted in good faith.

5.13 **Estoppel Certificate.** Within thirty (30) working days after written request is delivered to the ARC by an Owner, and upon payment to the ARC of a reasonable fee fixed by the ARC to cover costs, the ARC shall provide such Owner with a certificate executed by the chairman of the ARC and acknowledged, certifying with respect to any Lot owned by the Owner, that as of the date thereof either: (a) all improvements made or done upon or within such Lot by the Owner comply with this Declaration and any Rules and Regulations promulgated by the Board or the ARC or (b) such improvements do not so comply, in which event, the certificate shall also identify the non-complying improvement and set forth with particularity the nature of such non-compliance. The Owner, his heirs, devisees, successors and assigns shall be entitled to rely on the certificate with respect to the matters set forth therein. The certificate shall be conclusive as among Declarant, the ARC, the Association and all Owners and such persons deriving any interest through any of them.

5.14 **Approval of Contractors and Insurance.** Contractors providing services in connection with the development or improvement of any Lot shall be subject to the following requirements: Contractors shall be approved Ashley Stanford by the ARC. General Contractors and subcontractors shall be licensed as required by local governmental ordinances and regulations. General contractors shall warrant all materials and workmanship to be of good quality and to remain in good condition for a period of one (1) year. A general contractor shall furnish to the Association evidence of public liability insurance in amounts reasonably acceptable to the ARC. Combined single limits of One Million Dollars ($1,000,000) shall be deemed acceptable. The ARC may require the contractor to post a bond to assure that the interests of the project are protected and the requirements of the Declaration and Bylaws are followed. The ARC may place limitations on the hours and days on which construction activity can take place. In addition, the ARC may impose restrictions on the noise or decibel level at construction sites.

5.15 **Other Applicable Law.** All improvements must be constructed in full compliance with all applicable governmental building codes. All ARC review and inspection procedures are intended to assure compliance only with aesthetic considerations. Declarant, its affiliates, and the ARC are not responsible for design or construction defects or failure of the building to meet appropriate building codes.

ARTICLE 6

DECLARANT CONTROL

6.1 **Interim Board and Offices.** Declarant hereby reserves administrative control of the Association, including, without limitation, the right and power, in its sole discretion, to appoint and remove members of an interim Board of Directors (the "Interim Board"), which shall manage the affairs of the project and which shall be invested with all powers and rights of the Board. The Interim Board shall consist of from one (1) to three (3) members. Notwithstanding the provision of this Section 8.1, at the

Turnover Meeting at least one (1) Director shall be elected by Owners other than Declarant, even if Declarant otherwise has voting power to elect all of the members of the Board.

6.2 **Turnover Meeting.** Declarant shall call a meeting for the purpose of turning over administrative control of the project from Declarant to Class A members within one hundred twenty (120) days of the earliest of the following dates:

6.21.1 **Upon Sale of Lots.** The date on which Lots representing seventy-five percent (75%) of the total number of votes have been conveyed to persons other than Declarant. (For purposes of this calculation, the votes which would be attributable to annexable lots shall be counted as "Lots" owned by Declarant);

6.21.2 **Date Certain.** Seven (7) years from the date on which this Declaration is recorded; or

6.21.3 **Declarant's Election.** The date on which Declarant elects in writing to terminate Class B membership. Declarant shall give notice of the meeting to each Owner as provided in the Bylaws. If Declarant does not call the meeting required under this Section 8.2, any Owner may do so.

ARTICLE 7

DECLARANT'S SPECIAL RIGHTS

7.1 **General.** Declarant is undertaking the work of developing Lots and other improvements within Lincoln Palisades Phase Two. The completion of the development work and the marketing and sale of the Lots is essential to the establishment and welfare of the Property as a residential community. Until the Homes on all Lots on the Property have been constructed, fully completed and sold, with respect to each Lot on the Property, Declarant shall have the special rights set forth in this Article 9.

7.2 **Marketing Rights.** Declarant shall have the right to maintain a sales office and model on one (1) or more of the Lots that Declarant owns, which sales office(s) and model(s) shall be staffed by the employees of Declarant or any licensed real estate sales agents. Declarant and prospective purchasers and their agents shall have the right to use and occupy the sales office and models during reasonable hours any day of the week. Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property.

7.3 **Declarant Easements.** Declarant has reserved easements over, in, upon, under or across the Property as more fully described in Article 3 of this Declaration.

ARTICLE 8

GENERAL PROVISIONS

8.1 **Enforcement: Attorney's Fees.** The ARC, the Owners, and any mortgages on any Lot shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed by any of the provisions of this Declaration as may pertain specifically to such parties or Owners by any proceeding at law or in equity. Failure by the ARC, any Owner, or a mortgage to enforce any covenant, condition or restriction herein contained shall in no event be deemed to be a waiver of its right to do so thereafter.

8.2 **Duration.** The covenant, conditions and restrictions of this Declaration shall run with and bind the land for a term of thirty-five (35) years from the date on which this Declaration is recorded, after which time they shall be automatically extended for successive periods of (10) years, unless rescinded by a vote of at least seventy-five percent (75%) of the Owners; provided, however, that amendments that do not constitute rescission of the planned community may be adopted as provided in Section 11.7 below.

8.3 **Unilateral Amendment by Declarant.** Declarant may amend this Declaration to comply with the requirements of the Federal Housing Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any other state in which the Lots are marketed and sold, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon, or such other state, the approval of which entity is required in order for it to insure, guarantee or provide financing in connection with development of the Property and sale of Lots. Before the Turnover Meeting, no such amendment shall require notice to or approval by any Class A member. In addition, Declarant may amend this Declaration as provided for under Article 12 below.

8.4 **Private Agreement.** This Declaration and the covenants and agreements contained herein constitute a private agreement among the Owners of Lots in Lincoln Palisades Phase Two, Lincoln City or County is under no obligation to enforce any of its provisions. Likewise, the ARC and Declarant are under no obligation or duty to enforce Lincoln City or County regulations or to warrant to Owners that proposed improvements comply with Lincoln City or County regulations, such being the sole and exclusive responsibility of the Owner. This Declaration does not restrict Lincoln City or County's authority to adopt or amend its development regulations. Lincoln City and County shall limit its review of a development application to the requirements of its regulations. It is the duty of every person engaged in development or remodeling of a Lot or an improvement in Lincoln Palisades Phase Two to know the requirements of this Declaration and the covenants and agreements contained herein. In the event that a Lincoln City or County regulation conflicts with a provision of this Declaration, any question regarding which provision controls shall be directed to the ARC. While the ARC lacks authority to authorize the Owner to violate a Lincoln City or County standard, it may require the Owner to meet standards that meet or exceed the City or County's standards. Lincoln City and County shall not be liable for any approvals or permits that are granted in compliance with Lincoln City or County regulations but that are not in compliance with this Declaration.

8.5 **Resolution of Document Conflicts.** In the event of a conflict among any of the provisions in the documents governing Lincoln Palisades Phase Two, such conflict shall be resolved by looking to the following documents in the order shown below:

8.5.1 Declaration of Covenants, Conditions and Restrictions;

8.5.2 Rules and Regulations. The provisions of the Oregon Planned Community Act, ORS 94.550 et, seq, shall be paramount to the provisions in all of the above listed documents.

ARTICLE 9

RIGHT TO AMEND DOCUMENTS

9.1 Declarant hereby reserves the right to amend this Declaration and other documents relating to formation of Lincoln Palisades Phase Two, including, without limitation, the unilaterally and without obtaining the consent of any other Owner. Declarant may exercise such right to amend only to facilitate the partition or subdivision of Lots. Amendments made under this Article 9 shall be limited to those that Declarant in its sole and unfettered discretion deems to be necessary to identify Lots properly.

IN WITNESS WHEREOF, the undersigned being the Declarant herein, has executed this instrument this _____ day of _____, 2007.

Palisades Properties, LLC

By: _____
Thomas H. Scott

STATE OF OREGON}
}ss.
County of Lincoln }

This instrument was acknowledged before me on this _____ day of _____, 2007, by Thomas H. Scott, as _____ of Palisades Properties, LLC.

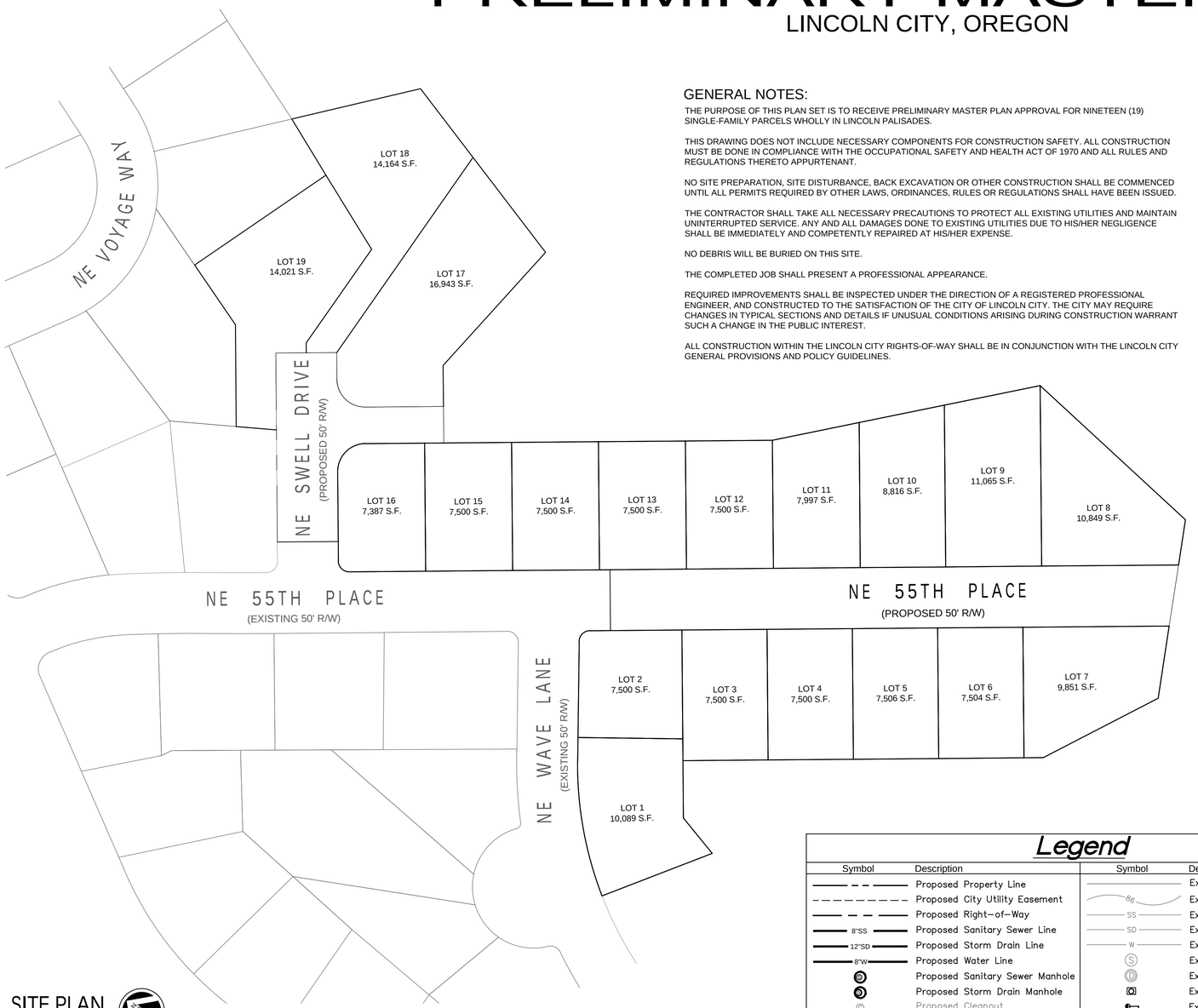
_____
NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

LINCOLN PALISADES LEGAL DESCRIPTION

Real Property in the County of Lincoln, State of Oregon, described as follows:

Tracts 61 and 62, EXCEPTING from tract 61 that portion conveyed in deed recorded December 6, 2002, Book 466, Page 871, Microfilm Records, All in LINCOLN PALISADES, In Lincoln County, Oregon.

LINCOLN PALISADES PHASE V
PRELIMINARY MASTER PLAN
LINCOLN CITY, OREGON



SITE PLAN
SCALE: 1" = 50'

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

ATTENTION:
Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center. (NOTE: The telephone number for the Oregon Utility Notification Center is 503-232-1987.)

GENERAL NOTES:

THE PURPOSE OF THIS PLAN SET IS TO RECEIVE PRELIMINARY MASTER PLAN APPROVAL FOR NINETEEN (19) SINGLE-FAMILY PARCELS WHOLLY IN LINCOLN PALISADES.

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

NO SITE PREPARATION, SITE DISTURBANCE, BACK EXCAVATION OR OTHER CONSTRUCTION SHALL BE COMMENCED UNTIL ALL PERMITS REQUIRED BY OTHER LAWS, ORDINANCES, RULES OR REGULATIONS SHALL HAVE BEEN ISSUED.

THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE. ANY AND ALL DAMAGES DONE TO EXISTING UTILITIES DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPETENTLY REPAIRED AT HIS/HER EXPENSE.

NO DEBRIS WILL BE BURIED ON THIS SITE.

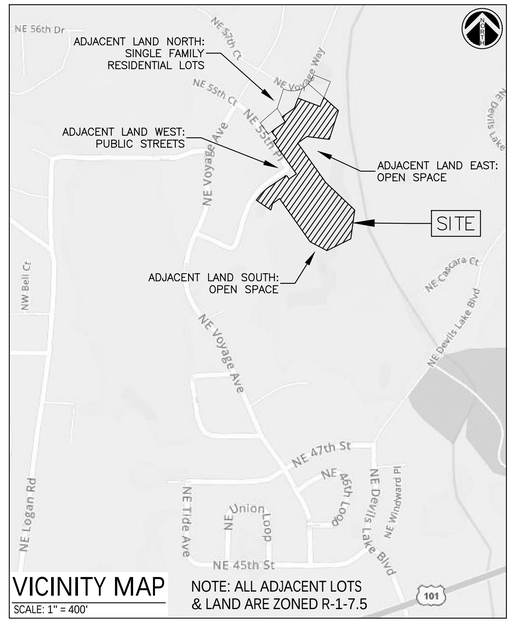
THE COMPLETED JOB SHALL PRESENT A PROFESSIONAL APPEARANCE.

REQUIRED IMPROVEMENTS SHALL BE INSPECTED UNDER THE DIRECTION OF A REGISTERED PROFESSIONAL ENGINEER, AND CONSTRUCTED TO THE SATISFACTION OF THE CITY OF LINCOLN CITY. THE CITY MAY REQUIRE CHANGES IN TYPICAL SECTIONS AND DETAILS IF UNUSUAL CONDITIONS ARISING DURING CONSTRUCTION WARRANT SUCH A CHANGE IN THE PUBLIC INTEREST.

ALL CONSTRUCTION WITHIN THE LINCOLN CITY RIGHTS-OF-WAY SHALL BE IN CONJUNCTION WITH THE LINCOLN CITY GENERAL PROVISIONS AND POLICY GUIDELINES.

Legend

Symbol	Description	Symbol	Description
	Proposed Property Line		Existing Property Line
	Proposed City Utility Easement		Existing Contour
	Proposed Right-of-Way	SS	Existing Sanitary Sewer Line
8"SS	Proposed Sanitary Sewer Line	SD	Existing Storm Line
12"SD	Proposed Storm Drain Line	W	Existing Water Line
8"W	Proposed Water Line	S	Existing Sanitary Sewer Manhole
	Proposed Sanitary Sewer Manhole	D	Existing Storm Manhole
	Proposed Storm Drain Manhole		Existing Curb Inlet
C	Proposed Cleanout		Existing Blowoff
	Proposed Curb Inlet		Existing Water Meter
	Proposed Fire Hydrant		Existing Water Valve
	Proposed Water Meter		Existing Fire Hydrant
	Proposed Water Valve		Existing Street Light
	Proposed Blow-off Valve		Existing Easement
	Proposed Streetlight		Existing Coniferous Tree (mostly Spruce / Drip As Drawn)
	Proposed Handicap Ramp		Existing Wetland
	Proposed Street Tree		



VICINITY MAP
SCALE: 1" = 400'
NOTE: ALL ADJACENT LOTS & LAND ARE ZONED R-1-7.5

OWNER/APPLICANT:
ALPHA BUILDING VENTURES, LLC
P.O. BOX 688
MCMINNVILLE, OR 97128

REPRESENTATIVE:
REECE & ASSOCIATES, INC
321 FIRST AVENUE EAST, SUITE 3A
ALBANY, OR 97321
TELEPHONE: 541 926-2428

SURVEYOR:
COLE SURVEYING, INC
6765 SW PHILOMATH BLVD
P.O. BOX 2258
CORVALLIS, OR 97339
TEL: (541) 929-5500
FAX: (541) 929-5700

TRACT DESIGNATION:
MAP NO. 6S-11W-S35-CA
TAX LOT 100

MAP NO. 6S-11W-S35-CD
TAX LOT 100

ZONING:
R-1-7.5 -SINGLE FAMILY RESIDENTIAL

SANITARY SEWER:
CITY SANITATION SYSTEM

DOMESTIC WATER:
CITY WATER SYSTEM

LAND USE TABULATION:
TOTAL SUBDIVISION AREA = 4.88 ACRES
PROPOSED LOTS = 19

HORIZONTAL DATA:
PER SURVEY

VERTICAL DATA:
ELEVATION ESTABLISHED USING LINCOLN COUNTY GEODETIC CONTROL NUMBER 8919

SHEET INDEX:

SHEET 1.0 TITLE SHEET
SHEET 2.0 EXISTING CONDITIONS
SHEET 3.0 STREET LAYOUT
SHEET 4.0 OVERALL UTILITY LAYOUT
SHEET 5.0 NE SWELL DRIVE PROFILES
SHEET 6.0 NE 55TH PLACE PROFILE - STA: 0+00 TO 3+00
SHEET 7.0 NE 55TH PLACE PROFILES - STA: 3+00 TO END
SHEET 8.0 PRELIMINARY LANDSCAPE PLAN & TREE INVENTORY

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541.926.2428
fax: 541.926.2456
PLANNING SERVICES
R&A
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER
11,745
OREGON
JULY 16, 1982
DONALD J. REECE
RENEWS 12/31/20
PRELIMINARY

LINCOLN PALISADES - PHASE V
TITLE SHEET
ALPHA BUILDING VENTURES
LINCOLN CITY, OREGON

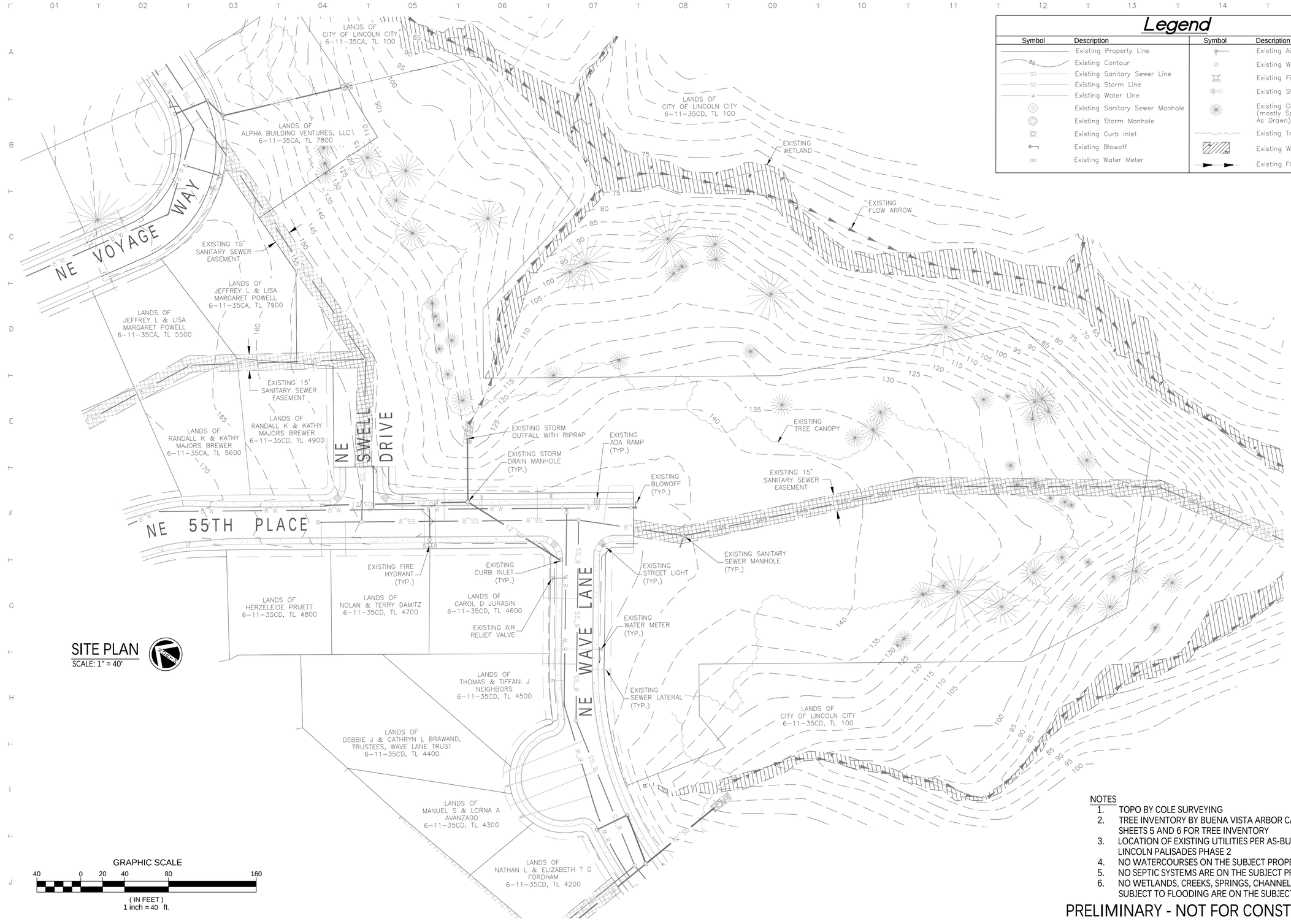
PLAN REVISIONS

No.	DATE	BY

R&A PROJECT NO.
ABV2001

DATE	08-20-2020
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	J. WHITE
SCALE	AS INDICATED

SHEET NUMBER
1.0



Legend

Symbol	Description	Symbol	Description
	Existing Property Line		Existing Air Relief Valve
86	Existing Contour		Existing Water Valve
SS	Existing Sanitary Sewer Line		Existing Fire Hydrant
SD	Existing Storm Line		Existing Street Light
W	Existing Water Line		Existing Coniferous Tree (mostly Spruce / Drip As Drawn)
S	Existing Sanitary Sewer Manhole		
D	Existing Storm Manhole		Existing Tree Canopy
	Existing Curb Inlet		Existing Wetland
	Existing Blowoff		Existing Flow Direction
	Existing Water Meter		

SITE PLAN

SCALE: 1" = 40'

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

NOTES

1. TOPO BY COLE SURVEYING
2. TREE INVENTORY BY BUENA VISTA ARBOR CARE SEE SHEETS 5 AND 6 FOR TREE INVENTORY
3. LOCATION OF EXISTING UTILITIES PER AS-BUILTS FROM LINCOLN PALISADES PHASE 2
4. NO WATERCOURSES ON THE SUBJECT PROPERTY
5. NO SEPTIC SYSTEMS ARE ON THE SUBJECT PROPERTY
6. NO WETLANDS, CREEKS, SPRINGS, CHANNELS OR AREAS SUBJECT TO FLOODING ARE ON THE SUBJECT PROPERTY

PRELIMINARY - NOT FOR CONSTRUCTION

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albany, oregon 97321
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fax: 541.926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER
11,745
OREGON
JULY 16, 1982
DONALD J. REECE
PRELIMINARY
RENEWS 12/31/20

LINCOLN PALISADES - PHASE V
EXISTING CONDITIONS

ALPHA BUILDING VENTURES
LINCOLN CITY, OREGON

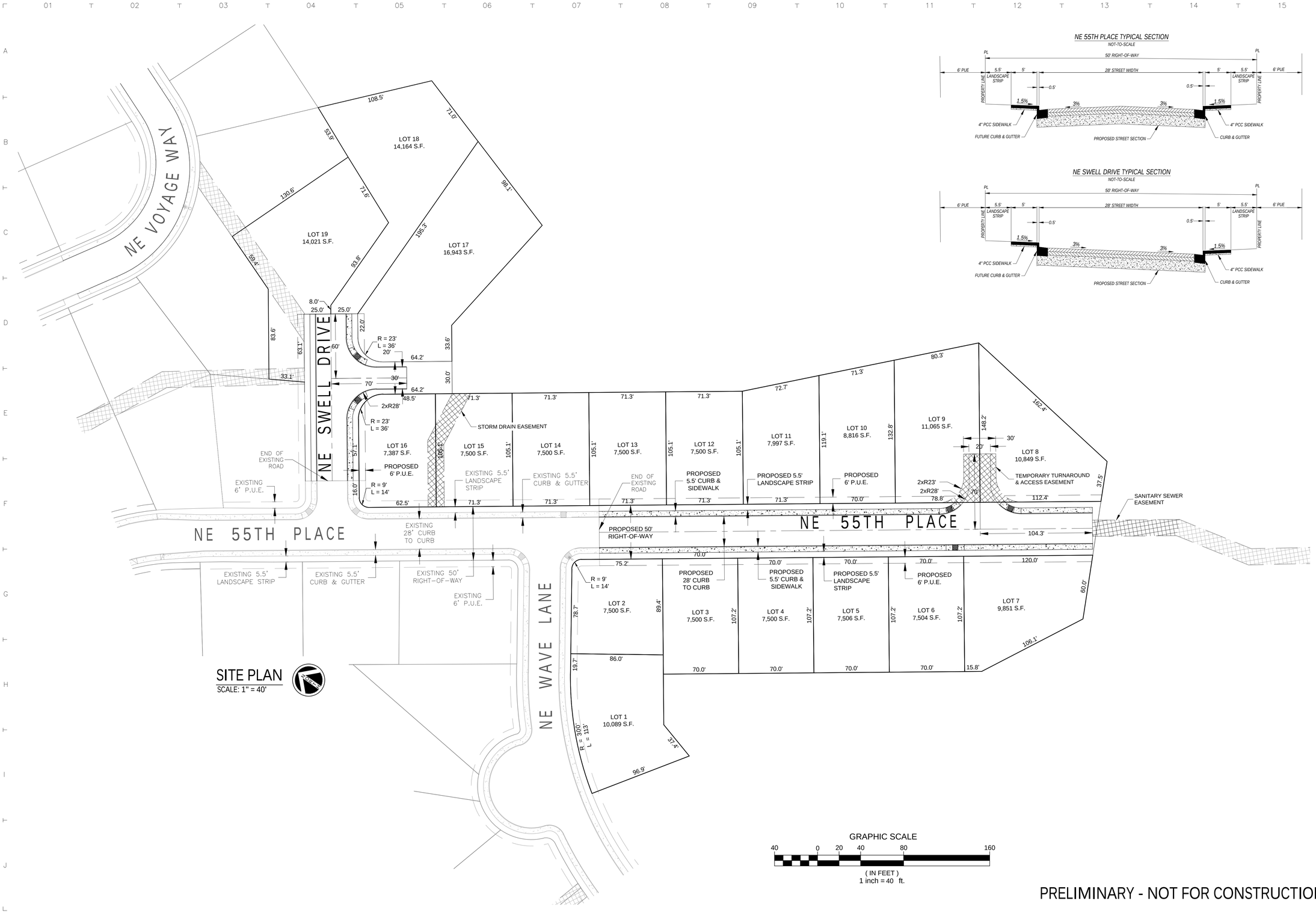
PLAN REVISIONS		
No.	DATE	BY

R&a PROJECT NO. ABV2001

DATE	08-20-2020
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	J. WHITE
SCALE	AS INDICATED

SHEET NUMBER

2.0



SITE PLAN
SCALE: 1" = 40'

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

NE 55TH PLACE TYPICAL SECTION
NOT-TO-SCALE

NE SWELL DRIVE TYPICAL SECTION
NOT-TO-SCALE

PRELIMINARY - NOT FOR CONSTRUCTION

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ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER
11,745
OREGON
JULY 16, 1982
DONALD J. REECE
RENEWS 12/31/20
PRELIMINARY

LINCOLN PALISADES - PHASE V
STREET LAYOUT

ALPHA BUILDING VENTURES
LINCOLN CITY, OREGON

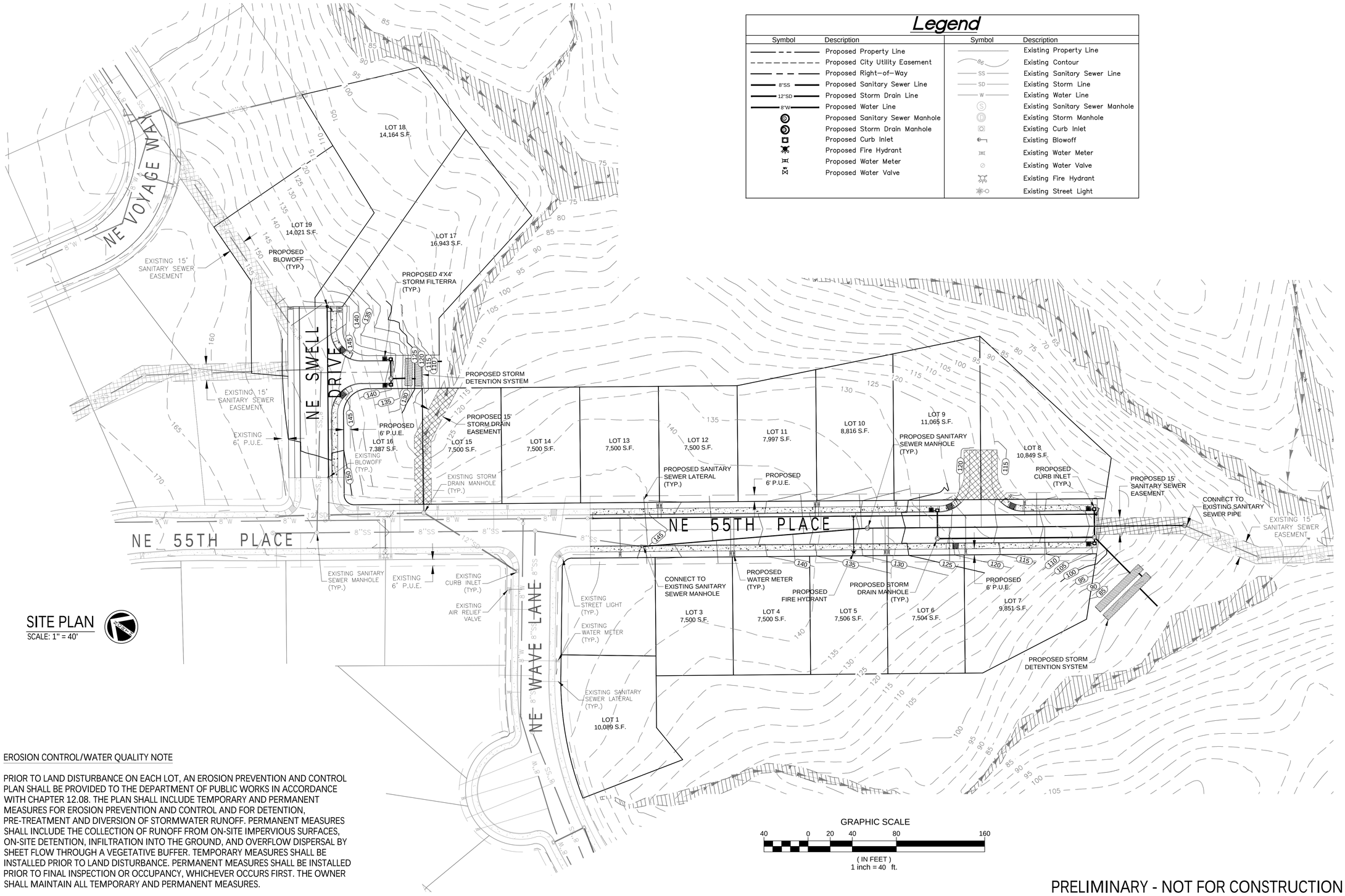
PLAN REVISIONS

No.	DATE	BY

R&a PROJECT NO.
ABV2001

DATE	08-20-2020
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	J. WHITE
SCALE	AS INDICATED

SHEET NUMBER
3.0



Legend

Symbol	Description	Symbol	Description
	Proposed Property Line		Existing Property Line
	Proposed City Utility Easement	86	Existing Contour
	Proposed Right–of–Way	SS	Existing Sanitary Sewer Line
8"SS	Proposed Sanitary Sewer Line	SD	Existing Storm Line
12"SD	Proposed Storm Drain Line	W	Existing Water Line
8"W	Proposed Water Line	S	Existing Sanitary Sewer Manhole
	Proposed Sanitary Sewer Manhole	D	Existing Storm Manhole
	Proposed Storm Drain Manhole		Existing Curb Inlet
	Proposed Curb Inlet		Existing Blowoff
	Proposed Fire Hydrant		Existing Water Meter
	Proposed Water Meter		Existing Water Valve
	Proposed Water Valve		Existing Fire Hydrant
			Existing Street Light

SITE PLAN

SCALE: 1" = 40'

EROSION CONTROL/WATER QUALITY NOTE

PRIOR TO LAND DISTURBANCE ON EACH LOT, AN EROSION PREVENTION AND CONTROL PLAN SHALL BE PROVIDED TO THE DEPARTMENT OF PUBLIC WORKS IN ACCORDANCE WITH CHAPTER 12.08. THE PLAN SHALL INCLUDE TEMPORARY AND PERMANENT MEASURES FOR EROSION PREVENTION AND CONTROL AND FOR DETENTION, PRE-TREATMENT AND DIVERSION OF STORMWATER RUNOFF. PERMANENT MEASURES SHALL INCLUDE THE COLLECTION OF RUNOFF FROM ON-SITE IMPERVIOUS SURFACES, ON-SITE DETENTION, INFILTRATION INTO THE GROUND, AND OVERFLOW DISPERSAL BY SHEET FLOW THROUGH A VEGETATIVE BUFFER. TEMPORARY MEASURES SHALL BE INSTALLED PRIOR TO LAND DISTURBANCE. PERMANENT MEASURES SHALL BE INSTALLED PRIOR TO FINAL INSPECTION OR OCCUPANCY, WHICHEVER OCCURS FIRST. THE OWNER SHALL MAINTAIN ALL TEMPORARY AND PERMANENT MEASURES.

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-2428
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER
11,745
OREGON
JULY 16, 1982
DONALD J. REECE
RENEWS 12/31/20
PRELIMINARY

LINCOLN PALISADES - PHASE V
OVERALL UTILITY LAYOUT

ALPHA BUILDING VENTURES
LINCOLN CITY, OREGON

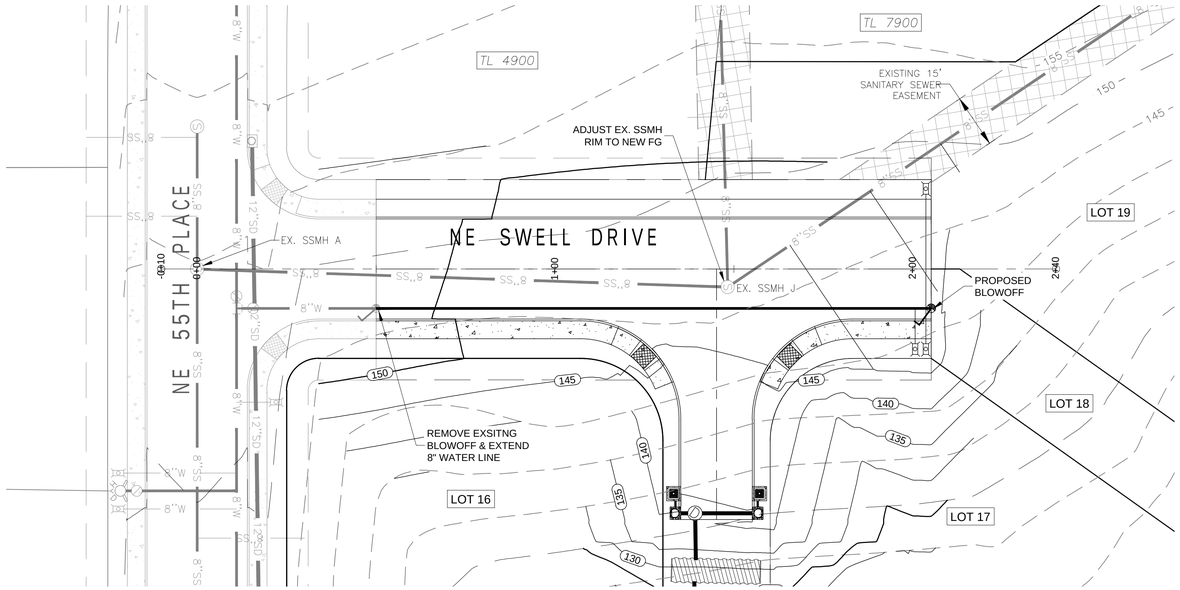
PLAN REVISIONS

No.	DATE	BY

R&a PROJECT NO.
ABV2001

DATE	08-20-2020
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	J. WHITE
SCALE	AS INDICATED

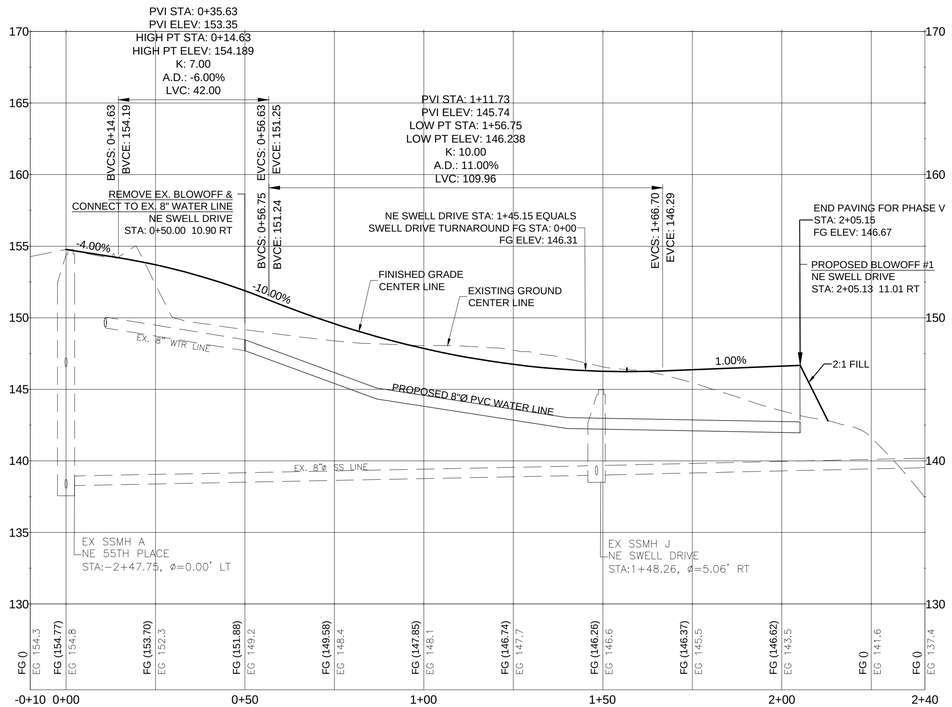
SHEET NUMBER
4.0



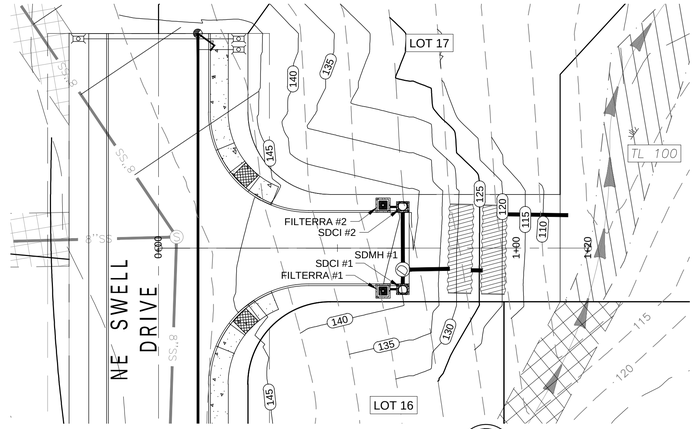
PLAN VIEW: NE SWELL DRIVE

SCALE: 1" = 20'

GRAPHIC SCALE
Horizontal: 1 inch = 20 ft.
Vertical: 1 inch = 5 ft.



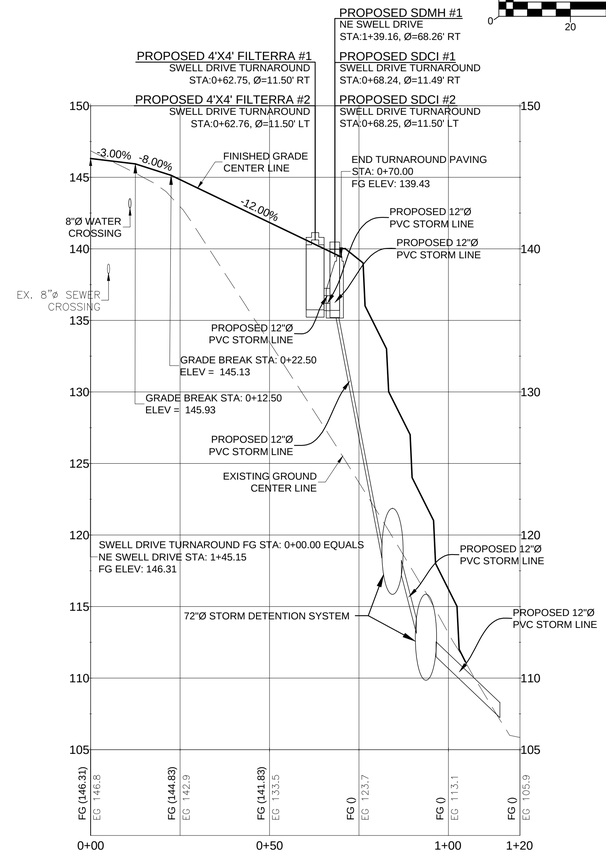
PROFILE: NE SWELL DRIVE STA: -0+10 TO 2+40
HORIZONTAL SCALE: 1" = 20'
VERTICAL SCALE: 1" = 5'



PLAN VIEW: SWELL DRIVE TURNAROUND

SCALE: 1" = 20'

GRAPHIC SCALE
Horizontal: 1 inch = 20 ft.
Vertical: 1 inch = 5 ft.



PROFILE: SWELL DRIVE TURNAROUND STA: 0+00 TO 1+20
HORIZONTAL SCALE: 1" = 20'
VERTICAL SCALE: 1" = 5'

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-926-2428
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER
11,745
OREGON
JULY 16, 1982
DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

LINCOLN PALISADES - PHASE V
NE SWELL DRIVE PROFILES

ALPHA BUILDING VENTURES
LINCOLN CITY, OREGON

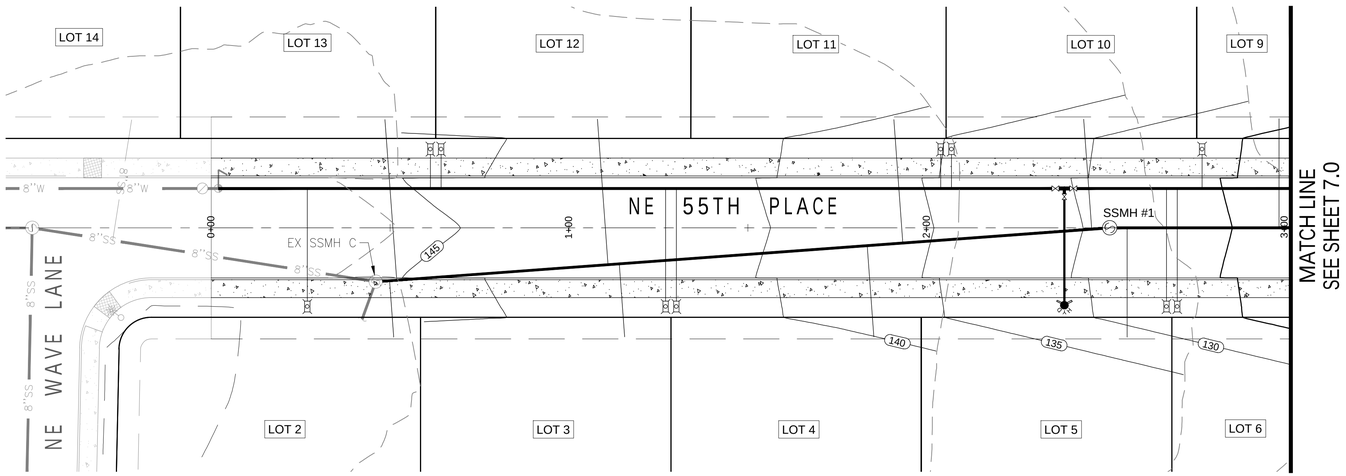
PLAN REVISIONS

No.	DATE	BY

R&A PROJECT NO.
ABV2001

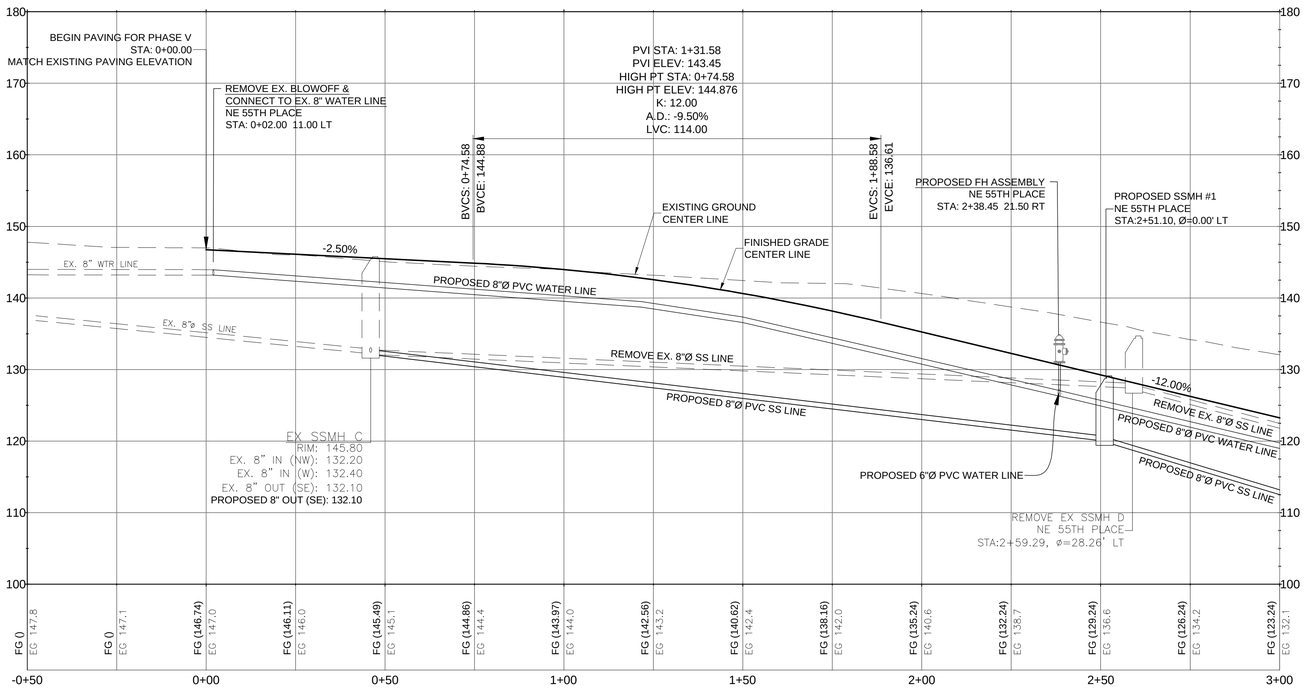
DATE	08-20-2020
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	J. WHITE
SCALE	AS INDICATED

SHEET NUMBER
5.0



PLAN VIEW
SCALE: 1" = 20'

GRAPHIC SCALE
Horizontal: 1 inch = 20 ft.
Vertical: 1 inch = 10 ft.



PROFILE: NE 55TH PLACE STA: -0+50 TO 3+00
HORIZONTAL SCALE: 1" = 20'
VERTICAL SCALE: 1" = 10'

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-2428
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER
11,745
OREGON
JULY 16, 1982
DONALD J. REECE
RENEWS 12/31/20
PRELIMINARY

LINCOLN PALISADES - PHASE V
NE 55TH PLACE PROFILE - STA: 0+00 TO 3+00

ALPHA BUILDING VENTURES
LINCOLN CITY, OREGON

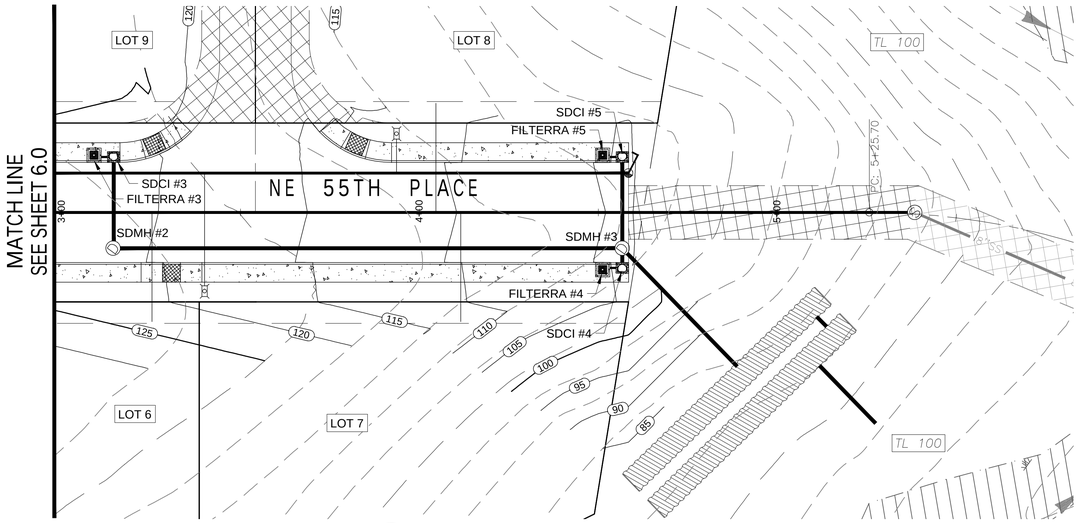
PLAN REVISIONS

No.	DATE	BY

R&A PROJECT NO.
ABV2001

DATE	08-20-2020
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	J. WHITE
SCALE	AS INDICATED

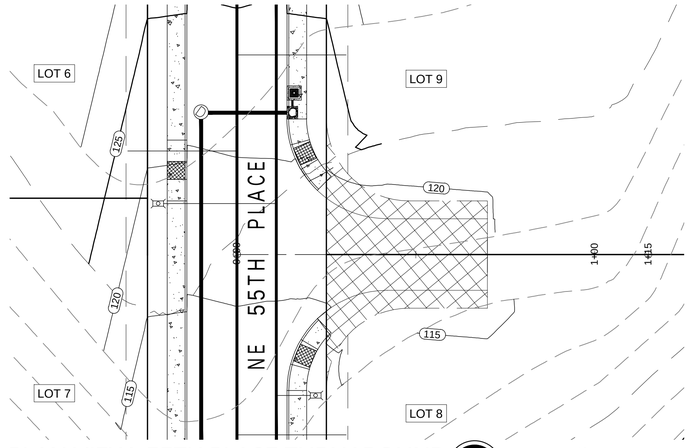
SHEET NUMBER
6.0



PLAN VIEW: NE 55TH PLACE

SCALE: 1" = 20'

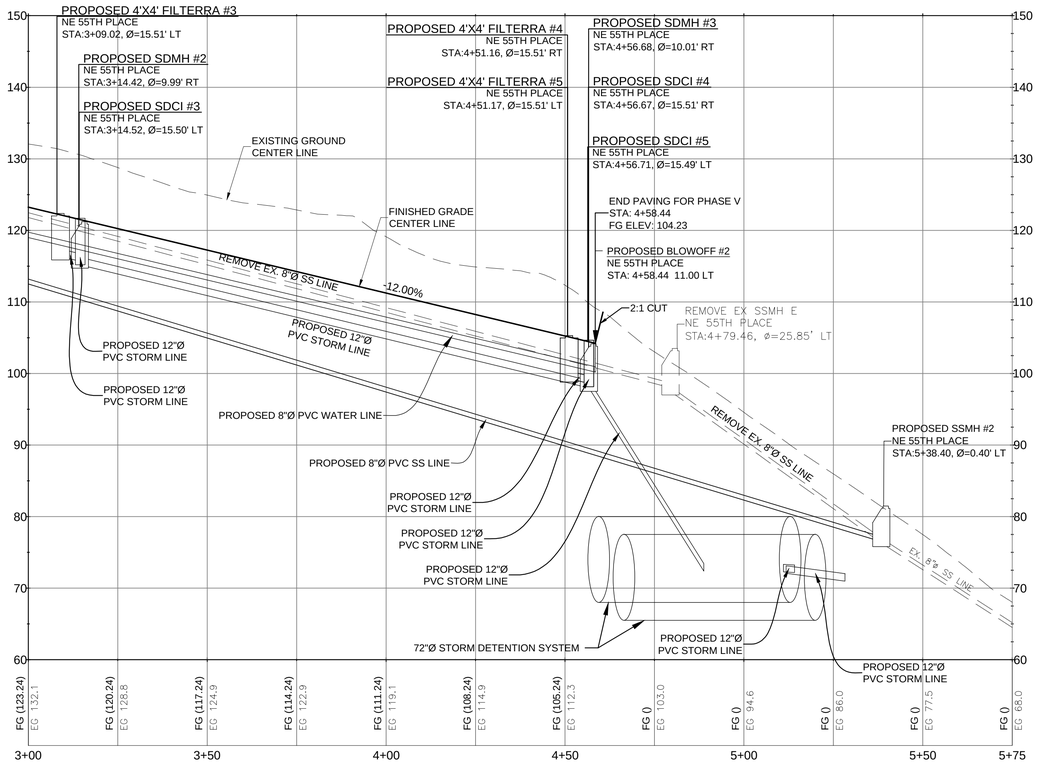
GRAPHIC SCALE
Horizontal: 1 inch = 40 ft.
Vertical: 1 inch = 10 ft.



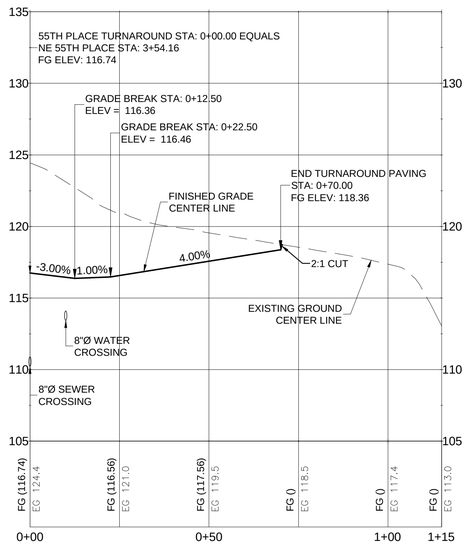
PLAN VIEW: 55TH PLACE TURNAROUND

SCALE: 1" = 20'

GRAPHIC SCALE
Horizontal: 1 inch = 40 ft.
Vertical: 1 inch = 10 ft.



PROFILE: NE 55TH PLACE STA: 3+00 TO 5+75
HORIZONTAL SCALE: 1" = 20'
VERTICAL SCALE: 1" = 10'



PROFILE: 55TH PLACE TURNAROUND STA: 0+00 TO 1+15
HORIZONTAL SCALE: 1" = 20'
VERTICAL SCALE: 1" = 5'

PRELIMINARY - NOT FOR CONSTRUCTION

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PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER
11,745
OREGON
JULY 16, 1982
DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

LINCOLN PALISADES - PHASE V
NE 55TH PLACE PROFILES - STA: 3+00 TO END
ALPHA BUILDING VENTURES
LINCOLN CITY, OREGON

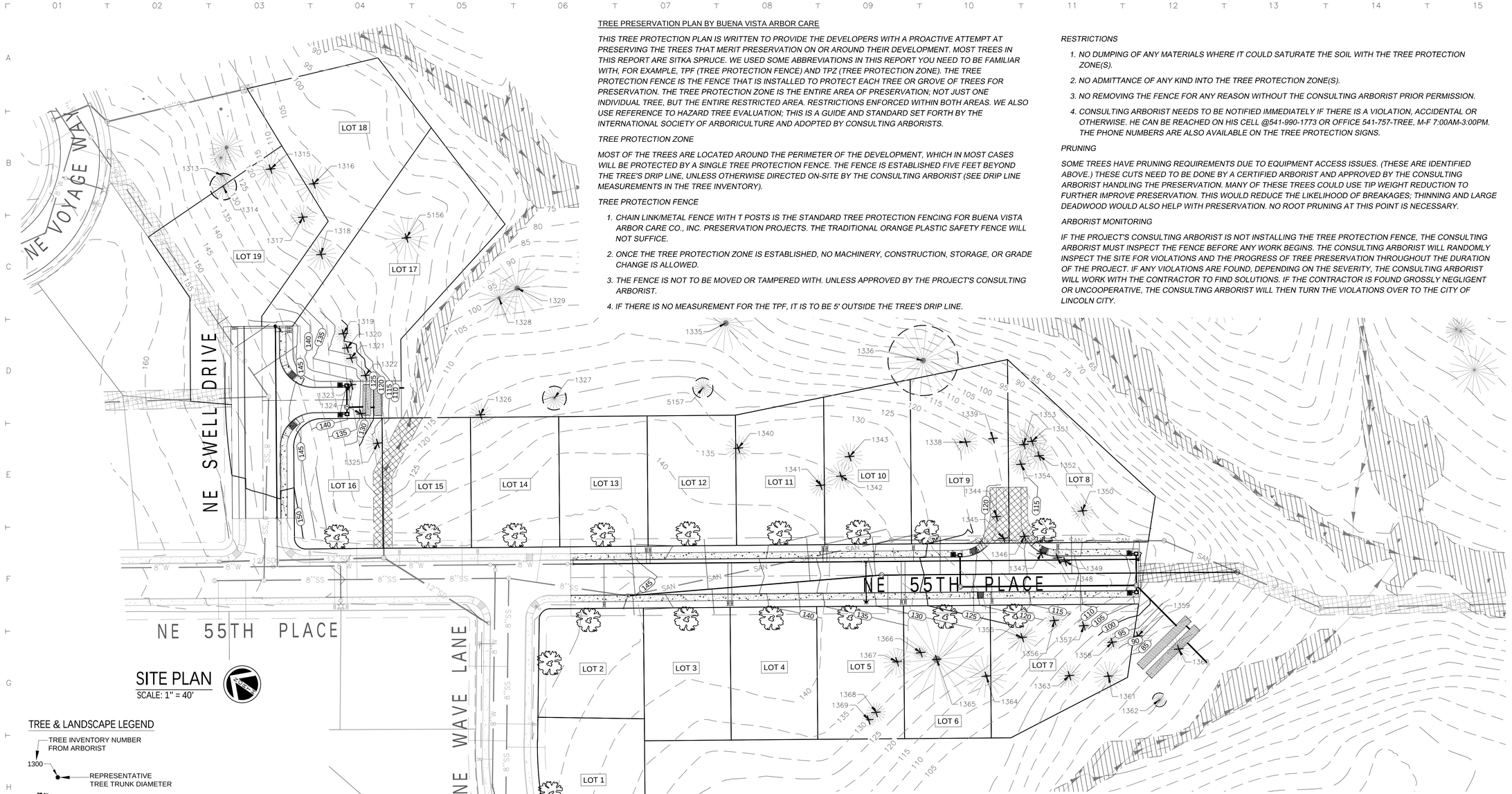
PLAN REVISIONS

No.	DATE	BY

R&a PROJECT NO.
ABV2001

DATE	08-20-2020
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	J. WHITE
SCALE	AS INDICATED

SHEET NUMBER
7.0



SITE PLAN
SCALE: 1" = 40'

TREE & LANDSCAPE LEGEND

- 1300 — TREE INVENTORY NUMBER FROM ARBORIST
- REPRESENTATIVE TREE TRUNK DIAMETER
- PROPOSED TREE
- Existing Coniferous Tree (mostly Spruce / Drip As Drawn)
- Existing Tree To Be Removed
- Existing Tree To Be Protected

NOTES

- TREES OVER TEN FEET IN HEIGHT COMPRISE THE TREE CANOPY.
- TREES 6" DIAMETER OR MORE DBH ARE NUMBERED.
- TREE INVENTORY BY BUENA VISTA ARBOR CARE.
- NUMBERED TREES FIELD LOCATED BY COLE SURVEYING.
- "X" INDICATES TREES TO BE REMOVED DURING CONSTRUCTION OF STREETS AND UTILITIES. EXACT LIMITS TO BE DETERMINED IN THE FIELD. OTHER TREES MAY BE REMOVED ON A LOT BY LOT BASIS FOR HOME CONSTRUCTION.

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

TREE PRESERVATION PLAN BY BUENA VISTA ARBOR CARE

THIS TREE PROTECTION PLAN IS WRITTEN TO PROVIDE THE DEVELOPERS WITH A PROACTIVE ATTEMPT AT PRESERVING THE TREES THAT MERIT PRESERVATION ON OR AROUND THEIR DEVELOPMENT. MOST TREES IN THIS REPORT ARE SITKA SPRUCE. WE USED SOME ABBREVIATIONS IN THIS REPORT YOU NEED TO BE FAMILIAR WITH, FOR EXAMPLE, TPF (TREE PROTECTION FENCE) AND TPZ (TREE PROTECTION ZONE). THE TREE PROTECTION FENCE IS THE FENCE THAT IS INSTALLED TO PROTECT EACH TREE OR GROVE OF TREES FOR PRESERVATION. THE TREE PROTECTION ZONE IS THE ENTIRE AREA OF PRESERVATION; NOT JUST ONE INDIVIDUAL TREE, BUT THE ENTIRE RESTRICTED AREA. RESTRICTIONS ENFORCED WITHIN BOTH AREAS. WE ALSO USE REFERENCE TO HAZARD TREE EVALUATION; THIS IS A GUIDE AND STANDARD SET FORTH BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE AND ADOPTED BY CONSULTING ARBORISTS.

TREE PROTECTION ZONE

MOST OF THE TREES ARE LOCATED AROUND THE PERIMETER OF THE DEVELOPMENT, WHICH IN MOST CASES WILL BE PROTECTED BY A SINGLE TREE PROTECTION FENCE. THE FENCE IS ESTABLISHED FIVE FEET BEYOND THE TREE'S DRIP LINE, UNLESS OTHERWISE DIRECTED ON-SITE BY THE CONSULTING ARBORIST (SEE DRIP LINE MEASUREMENTS IN THE TREE INVENTORY).

TREE PROTECTION FENCE

1. *CHAIN LINK/METAL FENCE WITH T POSTS IS THE STANDARD TREE PROTECTION FENCING FOR BUENA VISTA ARBOR CARE CO., INC. PRESERVATION PROJECTS. THE TRADITIONAL ORANGE PLASTIC SAFETY FENCE WILL NOT SUFFICE.*
2. *ONCE THE TREE PROTECTION ZONE IS ESTABLISHED, NO MACHINERY, CONSTRUCTION, STORAGE, OR GRADE CHANGE IS ALLOWED.*
3. *THE FENCE IS NOT TO BE MOVED OR TAMPERED WITH. UNLESS APPROVED BY THE PROJECT'S CONSULTING ARBORIST.*
4. *IF THERE IS NO MEASUREMENT FOR THE TPF, IT IS TO BE 5' OUTSIDE THE TREE'S DRIP LINE.*

RESTRICTIONS

1. *NO DUMPING OF ANY MATERIALS WHERE IT COULD SATURATE THE SOIL WITH THE TREE PROTECTION ZONE(S).*
2. *NO ADMITTANCE OF ANY KIND INTO THE TREE PROTECTION ZONE(S).*
3. *NO REMOVING THE FENCE FOR ANY REASON WITHOUT THE CONSULTING ARBORIST PRIOR PERMISSION.*
4. *CONSULTING ARBORIST NEEDS TO BE NOTIFIED IMMEDIATELY IF THERE IS A VIOLATION, ACCIDENTAL OR OTHERWISE. HE CAN BE REACHED ON HIS CELL @541-990-1773 OR OFFICE 541-757-TREE, M-F 7:00AM-3:00PM. THE PHONE NUMBERS ARE ALSO AVAILABLE ON THE TREE PROTECTION SIGNS.*

PRUNING

SOME TREES HAVE PRUNING REQUIREMENTS DUE TO EQUIPMENT ACCESS ISSUES. (THESE ARE IDENTIFIED ABOVE.) THESE CUTS NEED TO BE DONE BY A CERTIFIED ARBORIST AND APPROVED BY THE CONSULTING ARBORIST HANDLING THE PRESERVATION. MANY OF THESE TREES COULD USE TIP WEIGHT REDUCTION TO FURTHER IMPROVE PRESERVATION. THIS WOULD REDUCE THE LIKELIHOOD OF BREAKAGES; THINNING AND LARGE DEADWOOD WOULD ALSO HELP WITH PRESERVATION. NO ROOT PRUNING AT THIS POINT IS NECESSARY.

ARBORIST MONITORING

IF THE PROJECT'S CONSULTING ARBORIST IS NOT INSTALLING THE TREE PROTECTION FENCE, THE CONSULTING ARBORIST MUST INSPECT THE FENCE BEFORE ANY WORK BEGINS. THE CONSULTING ARBORIST WILL RANDOMLY INSPECT THE SITE FOR VIOLATIONS AND THE PROGRESS OF TREE PRESERVATION THROUGHOUT THE DURATION OF THE PROJECT. IF ANY VIOLATIONS ARE FOUND, DEPENDING ON THE SEVERITY, THE CONSULTING ARBORIST WILL WORK WITH THE CONTRACTOR TO FIND SOLUTIONS. IF THE CONTRACTOR IS FOUND GROSSLY NEGLIGENT OR UNCOOPERATIVE, THE CONSULTING ARBORIST WILL THEN TURN THE VIOLATIONS OVER TO THE CITY OF LINCOLN CITY.

ID	Tag	Species	Height (Ft)	DBH (In)	Drip-Line (Ft)	Common Name	Notes
1313	D13	Pseudotsuga menziesii	35	12	10	Douglas fir	
1314	D14	Picea sitchensis	40	19	15	Sitka Spruce	
1315	D15	Picea sitchensis	50-60	29	17	Sitka Spruce	
1316	D16	Picea sitchensis	50-65	31	14	Sitka Spruce	
1317	D17	Pseudotsuga menziesii	40-50	20	14	Douglas fir	
1318	D18	Picea sitchensis	50-60	25	14	Sitka Spruce	next to dead tree, hazard
1319	D19	Picea sitchensis	40	14	12	Sitka Spruce	large wound, recommend removal
1320	D20	Pseudotsuga menziesii	35-40	8½	10	Douglas fir	
1321	D21	Picea sitchensis	30-35	12	12	Sitka Spruce	
1322	D22	Picea sitchensis	30-35	13	12	Sitka Spruce	
1323	D23	Sambucus	20	9	12	Elderberry	
1324	D24	Pseudotsuga menziesii	25	10	10	Douglas fir	
1325	D25	Picea sitchensis	50	20	13	Sitka Spruce	
1326	D26	Alnus rubra	40	18	15	Red Alder	showing signs of decaying
1327	D27	Picea sitchensis	30	17	12	Sitka Spruce	
1328	D28	Alnus rubra	45	33	20	Red Alder	two stemmed, hazard, recommend removal
1329	D29	Picea sitchensis	60-70	49	20	Sitka Spruce	multiple tops
1335	D35	Picea sitchensis	50-60	52	20	Sitka Spruce	
1336	D36	Picea sitchensis	70	53	22	Sitka Spruce	
1338	D38	Tsuga heterophylla	15	19	12	Western Hemlock	
1339	D39	Alnus rubra	20	7	12	Red Alder	
1340	D40	Alnus rubra	40-50	20	15	Red Alder	dead top
1341	D41	Picea sitchensis	20-25	18	15	Sitka Spruce	two top
1342	D42	Picea sitchensis	30	22	15	Sitka Spruce	
1343	D43	Picea sitchensis	30-35	21½	15	Sitka Spruce	
1344	D44	Picea sitchensis	20	10	6	Sitka Spruce	
1345	D45	Picea sitchensis	20	11	10	Sitka Spruce	

ID	Tag	Species	Height (Ft)	DBH (In)	Drip-Line (Ft)	Common Name	Notes
1346	D46	Alnus rubra	15-20	14	10	Red Alder	broken out top
1347	D47	Alnus rubra	20-30	8	20	Red Alder	
1348	D48	Picea sitchensis	20-25	11	10	Sitka Spruce	
1349	D49	Picea sitchensis	20-25	8	8	Sitka Spruce	
1350	D50	Alnus rubra	40-50	18	12	Red Alder	
1351	D51	Tsuga heterophylla	75-100	25	15	Western Hemlock	
1352	D52	Picea sitchensis	50	23	12	Sitka Spruce	
1353	D53	Picea sitchensis	100	37	15-20	Sitka Spruce	
1354	D54	Tsuga heterophylla	50-60	16½	12	Western Hemlock	
1355	D55	Picea sitchensis	30	24	15	Sitka Spruce	
1356	D56	Alnus rubra	30-40	13½	12	Red Alder	
1357	D57	Alnus rubra	20	8	10-15	Red Alder	3 top
1358	D58	Picea sitchensis	20	13	10-12	Sitka Spruce	very curvy trunk
1359	D59	Picea sitchensis	50-60	31	20	Sitka Spruce	
1360	D60	Alnus rubra	30-40	19	15	Red Alder	
1361	D61	Alnus rubra	50-60	24	10	Red Alder	
1362	D62	Alnus rubra	20-25	10	15	Red Alder	
1363	D63	Alnus rubra	40	18	12	Red Alder	
1364	D64	Picea sitchensis	60	34	15	Sitka Spruce	
1365	D65	Pseudotsuga menziesii	50-55	69	15-20	Douglas fir	L up splits into 4 trunks
1366	D66	Alnus rubra	40	11½	12	Red Alder	splints into 4 trunks starting at 24 off the ground
1367	D67	Picea sitchensis	35	22	10	Sitka Spruce	
1368	D68	Picea sitchensis	20	16	12	Sitka Spruce	top broke out long ago and has new one grown
1369	D69	Alnus rubra	20	11	12	Red Alder	
5156		Pseudotsuga menziesii		36	10	Douglas fir	
5157		Picea sitchensis		14	10	Sitka Spruce	

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LINCOLN PALISADES - PHASE V
PRELIMINARY LANDSCAPE PLAN & TREE INVENTORY
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LINCOLN CITY, OREGON

PLAN REVISIONS No.	DATE	BY

R&A PROJECT NO.
ABV2001

DATE	08-20-2020
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	J. WHITE
SCALE	AS INDICATED

SHEET NUMBER
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PLANNING COMMISSION STAFF REPORT
MEETING DATE: December 1, 2020

Report prepared by David Mattison, Senior Planner

Tree Ordinance Revisions Discussion