

**Burden of Proof Statement
Lincoln City**

12 Lot Subdivision – Knottworks / NW 40th Street

Applicant: Knottworks Construction
Laura Mounce
PO Box 197
Otis, Oregon 97368

Owner: Nathan and Angie Knott
PO Box 197
Otis, Oregon 97368

Designer: Studio 3 Architecture, Inc.
275 Court Street, NE
Salem, OR 97301-3442

Planner: Blackmore Planning and Development Services, LLC
Greg Blackmore
19454 Sunshine Way
Bend, OR 97702

Location: The development site is located in the northern portion of Lincoln City. It is located on the north side of NW 40th Street, approximately 350 feet west of US Hwy 101 and between the Lincoln City Plaza (Rite Aid and Jo-Ann Fabrics) and a parking area for the Chinook Winds Casino Resort. The development site consists of 3 Tax Lots (07-11-03-A0-02400, 2401, and 2402). One tax lot (2400) has been assigned an address; 1938 NW 40th Street.

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

I. Applicable Criteria and Procedures:

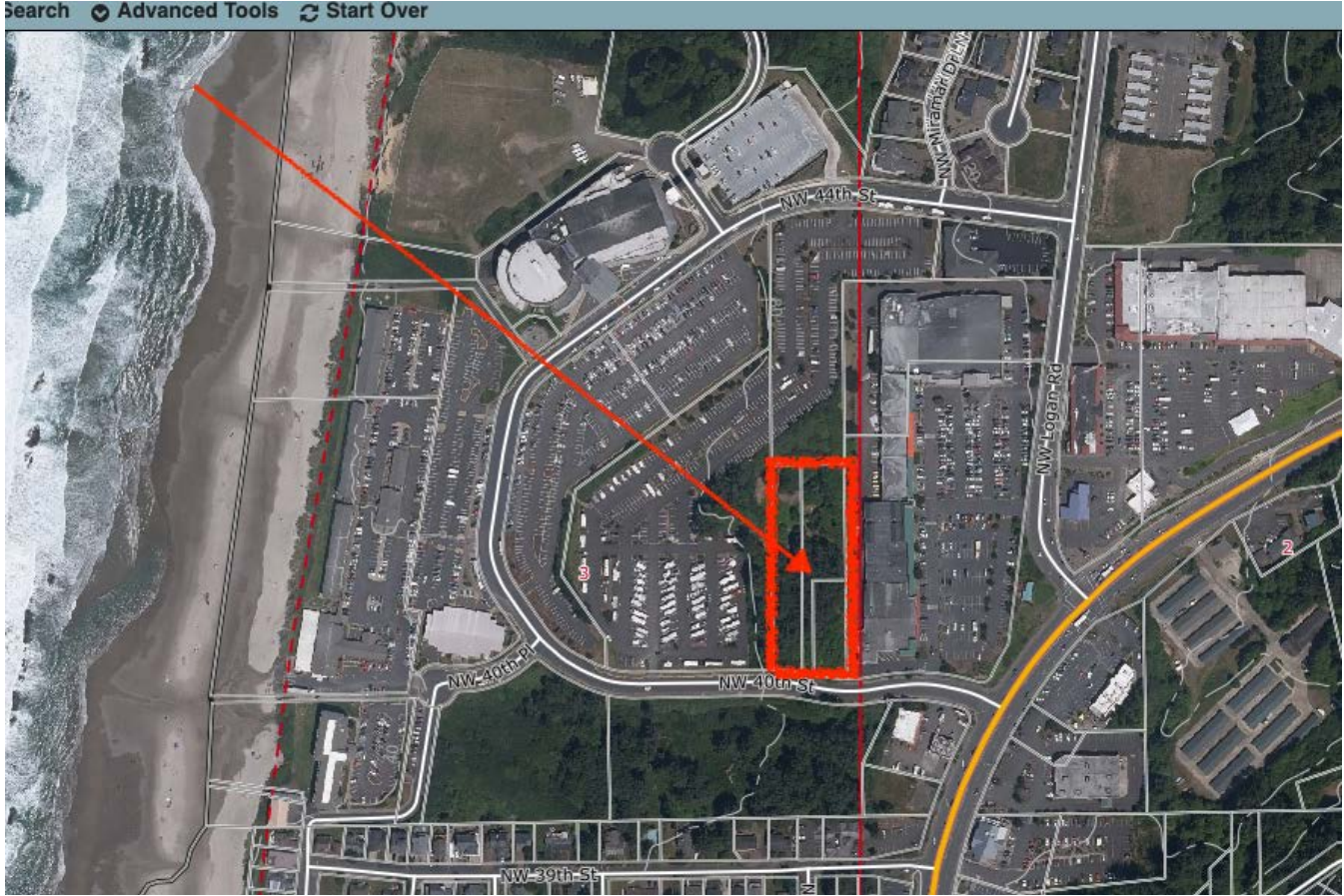
1. Lincoln City Municipal Code

- Title 16 Subdivisions
- Title 17 Zoning

II. General Facts:

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

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



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

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

Image from southeast corner



Image from southwest corner



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

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

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

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

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

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

TITLE 16 - SUBDIVISIONS

Chapter 16.04 GENERAL PROVISIONS

16.04.010 Title.

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

16.04.020 Purpose.

The purpose of this title is to:

A. Encourage well planned subdivision development so that good, livable neighborhoods with all needed amenities and community facilities may be created;

B. Encourage development in harmony with the natural environment;

C. Safeguard both interests of the public and the property owner;

D. Improve land records and boundary monumentation;

E. Ensure equitable processing of subdivision plats and secure to the extent possible the goals and objectives of the comprehensive plan for the city.

16.04.030 Authority.

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

16.04.040 Definitions...

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

Chapter 16.08 PROCEDURE

Article I. General Requirements

16.08.010 Purpose.

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

16.08.020 Lot sale or transfer – Approval required.

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

16.08.030 Compliance required.

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

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

16.08.040 Permission to enter.

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

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

16.08.050 Approval authority.

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

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

16.08.060 Preapplication meeting.

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

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

16.08.070 Processing fees.

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

B. All fees paid are nonrefundable.

16.08.080 Engineering plan review and inspection.

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

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

Article II. Partition and Minor Replat...

Article III. Property Line Adjustment...

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

Article IV. Subdivision

16.08.210 Inspection and processing fee.

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

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

16.08.220 Tentative plan – Submission.

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

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

16.08.230 Tentative plan – Preliminary review.

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

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

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

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

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

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

3. Conformance to other applicable city ordinances.

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

16.08.240 Tentative plan – Approval.

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

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

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

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

16.08.250 Tentative plan – Required data.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant Response: One permitted detached single-unit dwelling is currently under construction (reference permit number 521-21-000418-STR), located on proposed lot

time, the expected building footprints of the planned development are detailed on the Plan Set, consistent with this submittal requirement.

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

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

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

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

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

Chapter 16.12 DESIGN STANDARDS

16.12.010 Design standards and principles of acceptability.

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

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

16.12.020 Streets – General requirements.

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

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

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

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

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

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

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

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

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

16.12.040 Streets – Reserve strips.

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

Applicant Response: No reserve strips are proposed.

16.12.050 Streets – Alignment.

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

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

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

16.12.060 Streets – Future expansion.

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

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

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

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

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

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

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

16.12.070 Streets – Intersection angles.

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

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

16.12.080 Existing streets.

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

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

16.12.090 Half-streets...

16.12.100 Culs-de-sac...

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

16.12.110 Street names.

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

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

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

16.12.120 Streets – Grades and curves.

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

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

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

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

16.12.130 Streets – Planting easements.

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

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

16.12.140 Marginal access streets.

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

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

16.12.150 Alleys...

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

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

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

16.12.160 Blocks – General requirements.

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

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

16.12.170 Block sizes.

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

Street and Access Spacing Standards

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

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

16.12.180 Easements – Utility lines.

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

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

16.12.190 Easements – Watercourses.

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

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

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

16.12.200 Easements – Pedestrian and bicycle access ways.

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

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

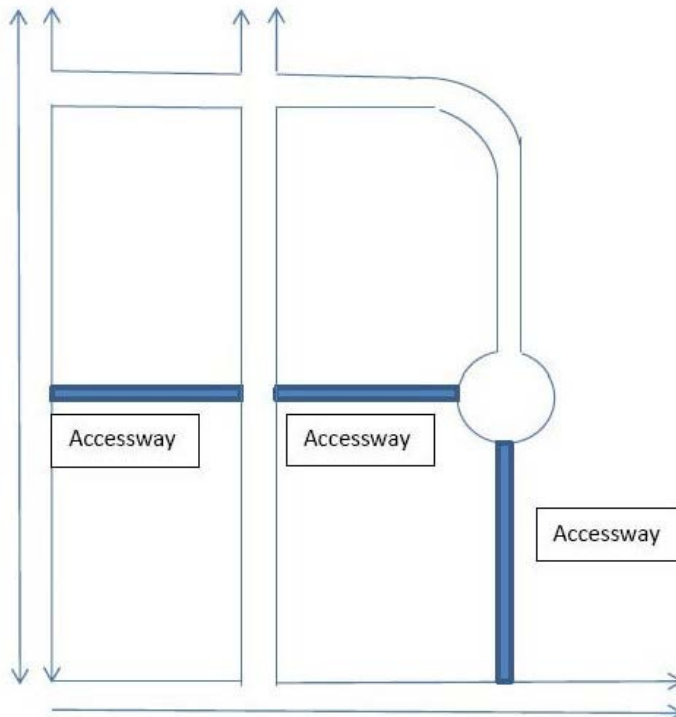


Figure 16.12.200A

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

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

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

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

16.12.210 Lots – General requirements.

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

16.12.220 Minimum lot sizes.

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

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

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

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

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

16.12.230 Through lots.

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

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

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

16.12.240 Lot side lines.

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

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

16.12.250 Lots – Resubdivision.

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

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

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

16.12.260 Lots – Residential building setback lines.

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

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

16.12.270 Public open spaces.

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

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

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

CHAPTER 16.16 IMPROVEMENTS

16.16.010 Required improvements.

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

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

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

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

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

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

16.16.020 Streets.

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

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

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

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

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

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

16.16.030 Surface drainage and storm sewer system.

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

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

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

16.16.040 Sanitary sewers.

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

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

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

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

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

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

16.16.050 Water system.

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

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

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

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

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

16.16.060 Sidewalks.

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

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

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

16.16.070 Street name signs.

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

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

16.16.080 Street light poles.

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

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

16.16.090 Curb cuts and driveways.

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

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

16.16.100 Street trees.

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

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

16.16.110 Monumentation.

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

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

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

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

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

16.16.120 Creation of streets and ways.

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

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

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

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

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

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

Title 17 ZONING

Chapter 17.28 Recreation – Commercial

17.28.020 Uses permitted.

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

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

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

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

17.28.040 Conditional uses permitted....

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

17.28.050 Setback requirements.

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

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

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

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

17.28.060 Minimum lot area.

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

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

17.28.070 Maximum building height.

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

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

17.28.075 Landscaping.

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

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

17.28.080 Signs.

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

Applicant Response: No signs are proposed at this time.

17.28.090 Off-street parking and loading.

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

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

17.28.100 Other required conditions.

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

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

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

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

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

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

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

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

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

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

17.16.010 Purpose.

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

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

17.16.020 Permitted uses...

17.16.030 Accessory uses...

17.16.040 Conditional uses...

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

17.16.050 Restrictions.

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

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

17.16.060 Maximum building height.

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

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

17.16.070 Lot requirements.

The map designations R-1-5, R-1-7.5 and R-1-10 create separate single-unit residential zoning classifications as though separately listed in LCMC [17.12.010](#). Lot requirements for the zoning classifications designated on the zoning map shall be as follows:

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

(1) For one-story structures.

(2) For structures more than one story.

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

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

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

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

17.16.075 Landscaping.

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

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

17.16.080 Signs.

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

Applicant Response: No signs are proposed at this time.

17.16.090 Off-street parking and loading.

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

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

17.16.100 Other required conditions.

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

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

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

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

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

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

17.20.050 Development standards.

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

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

Chapter 17.52 SUPPLEMENTARY REGULATIONS AND EXCEPTIONS

17.52.030 Access requirement.

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

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

17.52.080 Maintenance of minimum requirements.

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

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

17.52.120 Utilities....

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

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

17.52.220 Tree protection and removal...

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

17.52.230 Public infrastructure improvement requirements.

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

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

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

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

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

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

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

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

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

ii. [Reserved];

iii. [Reserved]; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Appeals.

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

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

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

V. Summary and Conclusion:

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