



Subdivision – Preliminary Plat Staff Report Planning Commission Public Hearing on February 21, 2023 Case File SUB 2022-01_P

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

BACKGROUND

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

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

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

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

COMMENTS

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

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

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

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

ANALYSIS

Chapter 16.08 Procedure

16.08.020 Lot sale or transfer – Approval required.

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

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

16.08.030 Compliance required.

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

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

16.08.050 Approval authority

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

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

16.08.210 Inspection and processing fee

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

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

16.08.220 Tentative plan – Submission

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

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

16.08.230 Tentative plan – Preliminary review

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

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

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

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

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

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

3. *Conformance to other applicable city ordinances.*

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

16.08.240 *Tentative plan – Approval*

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

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

16.08.250 *Tentative plan – Required data*

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

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

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

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

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

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

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

1. Detailed Map.

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

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

a. Proposed name of the subdivision.

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

b. Date, north point and scale of drawing;

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

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

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

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

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

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

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

3. Existing Conditions.

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

4. Proposed Plan of Land Subdivision.

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

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

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

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

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

Finding: No deed restrictions are proposed.

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

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

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

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

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

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

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

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

Chapter 16.12 Design Standards

16.12.010 Design standards and principles of acceptability

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

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

16.12.020 Streets – General requirements

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

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

16.12.030 Streets – Right-of-way and roadway widths

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

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

16.12.040 Streets – Reserve strips

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

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

16.12.050 Streets – Alignment

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

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

16.12.060 Streets – Future expansion

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

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

16.12.070 Streets – Intersection angles

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

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

16.12.080 Existing streets

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

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

16.12.090 Half-streets

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

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

16.12.100 Culs-de-sac

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

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

16.12.110 Street names

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

16.12.120 Streets – Grades and curves

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

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

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

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

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

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

16.12.130 Streets – Planting easements

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

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

16.12.140 Marginal access streets

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

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

16.12.150 Alleys

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

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

16.12.160 Blocks – General requirements

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

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

16.12.170 Block sizes

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

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

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

16.12.180 Easements – Utility lines

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

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

16.12.190 Easements – Watercourses

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

16.12.200 Easements – Pedestrian and bicycle access ways

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

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

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

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

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

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

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

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

16.12.210 Lots – General requirements

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

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

16.12.220 Minimum lot sizes

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

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

16.12.230 Through lots

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

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

16.12.240 Lot side lines

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

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

16.12.250 Lots – Resubdivision

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

16.12.260 Lots – Residential building setback lines

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

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

16.12.270 Public open spaces

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

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

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

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

Chapter 16.16 Improvements

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

17.28.050 Setback requirements

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

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

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

17.28.060 Minimum lot area

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

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

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

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

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

17.28.070 Maximum building height

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

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

17.28.075

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

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

17.28.080 Signs

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

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

17.28.090 Off-street parking and loading

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

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

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

17.28.100 Other required conditions

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

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

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

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

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.060 Clear-vision area requirement

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

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

17.52.120 Utilities

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

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

17.52.150 Exterior lighting.

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

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

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

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

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

17.52.180 Placement and screening of mechanical equipment

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

17.52.220 Tree protection and removal.

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

17.52.230 Public infrastructure improvements

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

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

17.52.300 Traffic impact study (TIS) requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 17.76 Procedures

17.76.050 Type III procedure

- A. *General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.*
- B. *When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed in Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.*
- D. *Application Requirements. Type III applications shall:*
 1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 2. *Be accompanied by the required fee as adopted by city council resolution.*

3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110(D) and (E).

E. Notice of Public Hearing.

1. *After a Type III application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *Owner of record of the subject property;*
 - c. *Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
 - d. *Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*
 - e. *At the discretion of the application, the department also shall provide notice to the Oregon Department of Land Conservation and Development.*

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

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

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

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

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

RECOMMENDATION

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

General

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

Planning

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

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

Fire

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

Access –

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

Water Supply –

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

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

Public Works

Construction Plans:

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

Erosion Control:

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

Streets and Right-of-Way:

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

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

Stormwater:

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

Water and Sanitary Sewer:

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

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