

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF:

Case File SUB 2022-01_P)	
NW 40 th St subdivision)	Final Order No. 2023-01
Subdivision Tentative Plat)	
_____)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Findings of Fact and Conclusions of Law regarding compliance with applicable approval criteria as set forth in the Staff Report for SUB 2022-01_P, dated February 13, 2023, together with supporting documents and application materials in the record, said Staff Report and documents being hereby adopted and incorporated into the Order by this reference.

The incorporated Staff Report finds that the application meets all applicable approval criteria; therefore, Planning Commission finds and determines that all applicable approval criteria are met.

FINAL ORDER

Based on the evidence and testimony presented at the public hearing on February 21, 2023, including the Staff Report and supporting application materials contained in Case File SUB 2022-02_P, the Planning Commission finds and determines that the application contained in the case file DOES SATISFY all applicable criteria, and the application is therefore APPROVED WITH CONDITIONS as noted below.

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;
 - Sidewalk on one side of the private street;
 - 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 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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 (LCPWDSD), 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, excepting that sidewalk shall only be required on one side of the private street as shown on the submitted preliminary plat.
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 LCPWDSD, excepting that sidewalk shall only be required on one side of the private street.

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 one 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.

FINAL ORDER APPROVED THIS 7th DAY OF MARCH, 2023

Robert I. Vincent
Planning Commission Chair

ATTEST:

Anne Marie Skinner
Planning & Community Development Director