



AGENDA

Lincoln City Planning Commission
Tuesday, January 19, 2021, 6:00 PM
Council Chambers,
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**
2. **AGENDA CHANGES OR REVISIONS**
3. **MINUTES**
 - 3.1. Planning Commission - Regular Meeting - Jan 5, 2021 6:00 PM
4. **FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS**
5. **PUBLIC HEARINGS/DELIBERATIONS**
 - 5.1. PUD 2020-02 Lincoln Palisades Phase V
6. **OLD BUSINESS**
7. **NEW BUSINESS**
8. **PLANNING COMMISSION TRAINING**
9. **REPORTS & COMMENTS**
10. **FUTURE AGENDA ITEMS & NEXT MEETINGS**
11. **ADJOURN**

All information for this meeting is available on the City of Lincoln City website at www.lincolncity.org, and this meeting will be televised live on Charter Channel 4 Lincoln City and rebroadcast at various times. Planning Commission meetings are streamed live on the Internet through a link on the City of Lincoln City website, and can also be viewed following the meeting. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Cathy Steere, City Recorder, at 541-996-1203.

**LINCOLN CITY PLANNING COMMISSION
MINUTES
January 5, 2021**

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

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

2. AGENDA CHANGES OR REVISIONS

There was a request to move agenda item #7 (Election of Chair and Vice Chair) before the adoption of the minutes from the December 22, 2020 meeting. The request was approved by unanimous consent.

Mr Appicello requested that review of Final Orders be moved to after the Public Hearings, in case the Planning Commission wanted to consider the draft final order for the Helping Hands extension request.

2.1.

MOTION:	Motion to move review of final order to after the public hearing in the agenda
MOVER:	Patti Kroen, Chair
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

3. NEW BUSINESS

1. Election of a 2021 Chair and Vice Chair

Formerly agenda item #7, the election of chair and vice chair was moved to item #3 by unanimous consent.

Chair Kroen presented the elections and nominated Commissioner Marci Baker as the 2021 Planning Commission Chair. Commissioner Nelson seconded the nomination.

Commissioner Schlesinger nominated Commissioner Patti Kroen as Chair. Commissioner Kroen has been chair for two years and declined the nomination. Commissioner Schlesinger withdrew his nomination.

Nominations were closed by a motion and vote. Commissioner Baker was elected chair by a motion and vote.

Commissioner Baker nominated Commissioner Kroen as the 2021 Planning Commission vice-chair. Commissioner Nelson seconded the nomination. Nominations were closed by a motion and vote. Commissioner Kroen was elected vice chair by a motion and vote.

3.1.1.

MOTION:	Motion to close nominations for the 2021 Planning Commission Chair
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Miles Schlesinger, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

3.1.2.

MOTION:	Motion to elect Commissioner Marci Baker as the 2021 Planning Commissioner Chair
MOVER:	Miles Schlesinger, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

3.1.3.

MOTION:	Motion to close nominations for the 2021 Planning Commission Vice-Chair
MOVER:	MacNeale Smith, Commissioner
SECONDER:	Miles Schlesinger, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

3.1.4.

MOTION:	Motion to elect Commissioner Kroen as the 2021 Planning Commission Vice-Chair
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Marci Baker, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

4. MINUTES

Chair Marci Baker took over the meeting. She asked if there were any additions, changes, or edits to the minutes from the 12/22/2020 meeting. Chair Baker noted a couple of small typos. The minutes were adopted by a motion and vote.

4.1. Planning Commission - Regular Meeting - Dec 22, 2020 12:00 AM

MOTION:	
MOVER:	Patti Kroen, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

5. PUBLIC HEARINGS/DELIBERATIONS

5.1. Extension request for CUP 2019-04 Transitional Housing

Ext 2020-02 is a request from Helping Hands to extend their conditional use permit for transitional housing, CUP 2019-04. At the request of Chair Baker, Mr Appicello reviewed the history of the hearing and the record, and read the required script. There were no declarations of ex-parte contact since the last meeting.

Mr Appicello said that he is happy to go through the application and the facts of the law. Should only take a minute because it is not a very complicated case. Patti and Lenny both said they would like to hear what Richard had to say.

Mr Appicello reviewed the application and the facts of the law. Required notice was sent. Opposition provided comments. The applicant provided final arguments. Mr Appicello said that the real core of the request is determining the applicable criteria are of the extension. The only criteria are 17.80.060. A number of commenters commented on the impacts to the neighborhood, which are irrelevant to the criteria for the time extension.

Additionally, the criteria appear to require that in the instance where the one-year anniversary has passed, the applicant must show that the conditional use is not void. The applicant applied for the one-year extension and demonstrated that the approval was not void. The record was left open, and the applicant submitted evidence that construction had been diligently pursued. Documents and photographs were submitted into the record during the period the record was open. Believe that the PC could find that construction has commenced and been diligently pursued in the effort to create the precise use as approved. The record discussed that no new buildings were being constructed or expanded and the buildings were being converted from commercial to residential use. The alteration and construction was performed pursuant to building permits that are in the record. Demolition, alteration and construction has been pursued.

Mr Appicello said that the opponent argued that only the construction mentioned in the conditions of approval counts towards required construction. However the code talks about required construction, not about conditions of approval. In order to convert the existing use to a residential use, you have to have showers and bathrooms and kitchens. The planning commission could reject the interpretation that construction has to be explicitly mentioned in the final order to

qualify as construction. The applicant did engage in permitted lawful alteration to the interior of the building to allow the exact use authorized in the conditional use.

Commissioner Kroen said that during the original hearing for the conditional use permit, there was an assumption that there would be construction inside to facilitate the proposed use. It seems like that would demonstrate good faith in pursuing the conditional use. The permit did not say there would be no construction. It said that there would be no new buildings or expansion of the existing buildings.

Commissioner Nelson commented that the opponents argued that the only thing being approved was the four conditions. But the thing that was approved was the transitional housing. Mr Appicello confirmed the the code does not say that only the conditions need to be constructed. The use needs to be constructed.

The extension request EXT 2020-02 for CUP 2019-04 was approved by a motion and a vote.

MOTION:	Extension request for CUP 2019-04 Transitional Housing
MOVER:	Patti Kroen, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

6. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

Mr Appicello read the draft order FO 2021-01 approving EXT 2021-01, and asked that the chair be authorized to sign on behalf of the Planning Commission. The final order was approved by a motion and a vote.

6.1.

MOTION:	Motion to approve FO 2021-01 and authorized the chair to sign on behalf of the Planning Commission
MOVER:	Lenny Nelson, Commissioner
SECONDER:	MacNeale Smith, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

7. OLD BUSINESS

None

8. PLANNING COMMISSION TRAINING

A joint meeting with the City Council is scheduled for the first Planning Commission meeting in February for training. It is also an opportunity to have a joint meeting with discussion items. If there are items that commissioners would like to discuss, they should send an e-mail to Mr Chandler.

The new planning director is set to start the last week of January, and should be present for that meeting..

9. REPORTS & COMMENTS

None

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

The next meeting is January 19th, and will include the extension request from NWN and the Lincoln Palisades Phase V PUD.

11. ADJOURN

Adjourned at 6:53

Respectfully submitted,

James White
Assistant Planner

Marci Baker
Chair

Planning Commission Communication

PUD 2020-02 Lincoln Palisades Phase V

Meeting Date: January 19, 2021 Primary Staff Contact: David Mattison
Department: Planning Commission E-Mail: DMattison@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Ronald F Chandler Estimated Time:

Attachments:

PC preliminary staff report LP-V (PDF)
Application Narrative_Revised (PDF)
Preliminary Master Plan_120420v2 - Revised (PDF)

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

PROJECT INFORMATION

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

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

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

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

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

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

On December 29, 2020, a second public hearing notice was mailed to property owners within 500 feet of the project site, due to an amendment to the proposed Planned Unit Development. On December 30, 2020, the News-Guard published notice of the hearing.

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

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

BACKGROUND

In 1994 the Planning Commission approved a tentative plan for the Lincoln Palisades Subdivision, a 173-lot single-family development encompassing 71.12 acres of land. The plan, proposed by Lockhart Investments, the property owner at the time, called for the subdivision to be developed in five phases over a ten-year period. The Planning Commission’s Final Order No. 94-07 approved the tentative plan with numerous conditions of approval, including dedication to the city of a large tract of open space. Lockhart Investments transferred the Lincoln Palisades property to the Cruze Family LLC, which recorded the final plat for the 173-unit subdivision. The Cruze Family LLC undertook development of part of the property,

removing trees, grading the site, installing streets and utilities, and selling individual lots. This is called Lincoln Palisades Phase 1, including its six sub-phases.

In 2005 the Cruze Family LLC transferred the remainder of the Lincoln Palisades property to Palisades Properties LLC. In 2007, Palisades Properties LLC applied for revised subdivision plan approval, seeking to increase the number of lots from 173 to 202. All were to be single-family lots. The Planning Commission approved this proposal as Lincoln Palisades Phase 2 in 2007.

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

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

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

The city received the Lincoln Palisades V application on September 22, deemed it complete on September 28. The City received the amended/modified Lincoln Palisades V proposed plans on December 7, 2020, and deemed it complete on December 17, 2020.

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

AUTHORIZATION

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

- In the first step, the applicant presents to the Planning Commission a “preliminary master plan” for the proposed development.
- In the second step, the Planning Commission reviews the “final master plan” for the PUD (or for a phase of the PUD).

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

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

The Planning Commission shall review the plan and comments in public hearings and shall give approval, approval with conditions, or disapproval to the preliminary master plan. The Planning Commission shall state its decision and its reasons in writing. The Planning Commission’s consideration of the preliminary master plan shall be subject to specified criteria. The Planning Commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the criteria.

ANALYSIS

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

Applicable Substantive Criteria

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

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

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

LCMC 17.52.210 Planned Unit Development (PUD)

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

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

planning and design permitted through a PUD, the proposed development can efficiently use the buildable land created by this partition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Residential Density Bonus

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding: Other than street rights-of-way, no property is proposed to be dedicated to the City of Lincoln City.

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

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

6. Proposed number of residential units.

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

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

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

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

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

9. A statement describing the present and proposed ownership.

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

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

Finding: A preliminary landscape plan is included in the preliminary master plan. The proposed landscape plan utilizes native species of trees, shrubs, and groundcover as prescribed by the City's Guide to Landscape Selections. The landscape plan shall be submitted to the Planning Department concurrent with the submittal of the final engineering plans to the Public Works Department. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9. Trees to be preserved, as shown on the Existing Conditions, Sheet Number 2.0, shall be submitted to the Planning Department concurrent with the final engineering plans.

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

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

In summary, Lincoln Palisades Phase V is forecasted to generate 23 trips during the p.m. peak hour and 218 daily trips, as shown in Table IV-3 in the application packet.

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

Additionally, twenty-three p.m. peak hour trips is equivalent to one trip every 2.6 minutes during the peak hour. Because of the relatively low level of trip generation and overall condition of affected streets, no improvements are warranted to accommodate traffic generated by Lincoln Palisades Phase V.

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

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

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

- a. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:
 - i. The shape and dimensions of the property, and the location of any existing and proposed structures or improvements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The project and all properties within 500 feet of the project are zoned R-1-7.5, which allows for single-family detached and attached, duplexes and other compatible uses. Developed properties within 500 feet include single-family detached directly west in Lincoln Palisades Phase 2.

The density of Lincoln Palisades Phase 2 (33 single-family lots) is 3.0 units per acre. Attached condominiums further west in the Palisades Condominium development, are surrounded by trees in deep setbacks and a park-like setting at a density of 8.5 units per acre. The approved Lincoln Palisades 3 to the north allows a density of 4.21 units per acre. The density of the proposed Lincoln Palisades 4 is 11 units

on 2.07 acres, which is 5.31 units per acre. With lots from 7,500 to over 12,000, this proposal is compatible in terms of use, density, and lot size.

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

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



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

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

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

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

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

- i. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur;*
- ii. Prohibitions of open burning on the site during construction;*
- iii. Prohibitions or limitations on construction track-out;*
- iv. Restrictions on construction noise; and*
- v. Restrictions on construction traffic.*

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

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

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

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

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

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

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

- i. *Prohibiting the removal of specified landscaping; and*
- ii. *Prohibiting open burning during construction.*

Findings: This criterion addresses the impacts of the development itself, as opposed to the construction of the development addressed in the previous criterion. The proposed development will most impact the closest neighbors, those who live on the west side of NE Wave Lane and NE 55th Place. Housing construction may cause tree removal. The landscape plan shows a 5.5-foot landscape strip in the right-of-way extending along the entire frontage between the sidewalk and a utility easement. The preliminary landscape plan indicates new trees on each lot, but does not show anything within the landscape strip. Code section 16.16.100 does not require the subdivider to plant street trees, but if planted, requires that they are according to city requirements and of a species compatible with the width of planting strip and utilities. The city's landscape standards require groundcover, trees, and shrubs with new home construction. The landscape plan shall be submitted to the Planning Department concurrent with the submittal of the final engineering plans to the Public Works Department. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9. Trees to be preserved, as shown on the Existing Conditions, Sheet Number 2.0, shall be submitted to the Planning Department concurrent with the final engineering plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Findings: The maximum number of residential units, as determined by LCMC 17.52.210(E)(2), is 23 units. Lincoln Palisades Phase V will only construct 18 residential units.

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

COMMENTS RECEIVED

Comments were received from Fire Marshal Frederick Ulrich, on December 16th, 2020. He states that, “According to 2019 Oregon Fire Code Access and Water Supply Review, access of 28' Curb to Curb [paving] supports parking on both sides of street (D103.6.3) and Temporary Turnaround and Access Easement satisfactory in size (D103.4); will likely become unneeded per OFC if/when NE 55 Place is extended and developed. Water supply and Proposed hydrant location (Lot 5) is satisfactory.

Comments were received from Liz Fordham on November 17th, 2020. She states that, she want to express her “concern about further developments in the area called Lincoln Palisades V. That specific area is an elk migration site, as well as all the other wildlife, like deer, opossums, coyote, birds, etc. (which has already been displaced by crowded development and fires). Have people actually explored that area of land, because there has to be regard for whether or not it is wetland, and requires protection.”

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

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

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

CONDITIONS OF APPROVAL

Planning

1. The project shall be developed in one phase, with completion of required infrastructure and final plat recording by December 1, 2022.
2. A detailed final landscaping plan that shows compliance with the landscaping requirements listed in city code shall be submitted to the Planning Department concurrent with the submittal of the final engineering plans to the Public Works Department. Specifically, the detailed final landscaping plan shall show the site devoted to landscaping, of which the wetland area may be included.
3. Trees to be removed shall be removed in compliance with Lincoln City Municipal Code 17.52.220.F.9.
4. Trees to be preserved, as shown on the Existing Conditions, Sheet Number 2.0, shall be submitted to the Planning Department concurrent with the final engineering plans.
5. The developer shall not grade or remove trees (excluding trees to be preserved) from individual lots until they have received building permits for each individual lot.
6. The project shall comply with the Oregon Department of State Lands (DSL) removal fill law, including requirements noted in DSL's response to this project.
7. With submittal of the final engineering plans, the applicant shall submit a waste disposal plan approved by North Lincoln Sanitary Service that allows sufficient accessibility for collection vehicles to service the development. Approval from North Lincoln Sanitary Service shall consist of Lon French's signature and date of signature on the waste disposal plan, with a statement that he has approved the plan as shown.
8. The project plan set submitted with the request for review of the final engineering plans shall show compliance with 2020 Oregon Fire Code 503 and Appendix D for Fire Apparatus Access Roads, and

2020 Oregon Fire Code 507 and Appendix C for Fire Protection Water Supplies for one- and two-family dwellings.

9. Prior to issuance of any structural permits, any site work, any construction activity, or any demolition, clearing, grubbing, or excavating, a Combined Public Works Permit application shall be submitted. The Combined Public Works Permit application shall be submitted with each and every structural permit application. All right-of-way work planned shall be noted on the approved plans and performed as shown.
10. The project site exceeds one or more acres of land disturbance throughout construction. The applicant is responsible for application for, acquisition of, and compliance with an Oregon DEQ 1200-C Stormwater permit.
11. A net cut/fill calculation shall be completed and submitted with the application. If net cut exceeds 5,000 CY, the proposed permitted fill disposal site shall be identified by the applicant.
12. Planting and slope stabilization shall be completed per the final landscape plan for finished slopes prior to final approval by the Lincoln City Public Works Department.
13. All materials shall adhere to LCPW standards including, but not limited to: asphalt paving depth, aggregate base, striping, pipe, fittings, and structures.
14. Deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements shall be filed in the Lincoln County deed records.
15. Any and all street lighting shall be the responsibility of the developer and maintained by the HOA.
16. Private Street maintenance responsibility shall be clearly delegated to the HOA formed for the planned unit development.
17. Private Streets shall be constructed with a standard curb return, consistent with adjacent subdivisions and Lincoln City Public Works street standards. Curb return radius shall be a minimum of 15 feet, according to the local-to-local LCPW Streets Design Standards.
18. All serviced lots must have frontage on proposed public utilities. Long service laterals parallel to the roadway will not be allowed.
19. Private street/roads shall note the required blanket utility and access easements on the final master plan.
20. The applicant shall provide inspection and verification of engineered utility construction to the City for the City's records
21. All utility service connections shall be underground in accordance with City standards;

Public Works

Engineering Plans:

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

4. **Within 30 days after construction** field verified, stamped as-builts for all public improvements, including relevant survey data, shall be provided to the City Public Works Department in AutoCAD format. All discovered utilities and changes to the approved site-plan shall be noted with callouts indicating location, depth, and material. As-builts shall note all installed water & sewer service locations, as well as sewer cleanout depths. **The record drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.**

Erosion Control, Site Preparation, and Grading:

5. The applicant shall submit two copies of erosion control plans to the Department of Public Works. The City Engineer will review and approve all erosion control plans. Approved soil erosion control measures must be in place and inspected by the Department of Public Works prior to any construction activities.
6. The proposed area exceeds one (1) or more acres of land disturbance throughout construction. The applicant is responsible for application, acquisition, and compliance with an Oregon DEQ 1200-C Stormwater permit.
7. All grading work shall adhere to building code appendix 33, Excavation & Grading, as adopted in LCMC 12.08. This shall include:
 8. Compaction procedures for fill >2' shall be submitted as part of the engineered grading plan. Compaction testing shall be completed within the Right of Way and public easements per LCPW standards & be submitted to LCPW prior to final approval & show no less than 90% compaction.
 9. Planting & slope stabilization methods and materials shall be noted in the approved grading plan & implemented prior to final approval by Lincoln City Public Works. Additional planting & slope stabilization measures for grades exceeding 1:2 shall be implemented by the applicant as needed.

Street Improvements (17.52.230):

10. New sidewalk, curb, gutter and necessary pavement repair shall be constructed, as part of subdivision construction, along all subdivision street frontage in compliance section 17.52.230 of the Lincoln City Municipal Code. All city right-of-way work planned shall be noted on the approved plan set and performed as shown.
11. ADA compliant transitions shall be installed at all end of walks in compliance with state and federal Public Right of Way Accessible Guidelines.
12. The clear vision triangle, 50'Lx10'W visibility at highway access, shall be maintained in site plan layout.
13. All materials & methods shall adhere to LCPW standards including, but not limited to: asphalt paving, aggregate base, roadway fabric, striping, subgrade preparation, and compaction.
14. Required street signage shall be provided and installed by the owner, including: Street names, stop signs, striping, and no parking signs.
15. Any and all street lighting shall be the responsibility of the developer & maintained by the HoA
16. Applicant shall be responsible for ensure adequate fire access to each lot. (20' recommended shared access driveway width)

Storm Sewer:

17. All new impervious paving shall be treated according to the Lincoln City Public works Stormwater Design Standards. Treatment shall be sized according 50% of the 2-year, 24-hour rain event.
18. All increase from the existing sites total impervious area shall be detained according to Lincoln City Public Works Stormwater Design Standards: 2-year, 10-year, 25-year 24-hour rain event OR calculations shall be submitted demonstrating dispersion to pre-development flows prior to storm system termination.

19. Calculations for conveyance, infiltration, detention, water quality, and drainage facilities shall be submitted with permit application and demonstrate that the system is capable of handling the increased flows and/or proposed work on the system will adequately increase system size.
20. Existing Stormwater outfall at Lot 18 shall be extended or conveyance graded the full length of lot 18. A stormwater easement shall be dedicated along property line for constructed facilities and public stormwater discharge.
21. Utility easement shall be dedicated over the public stormwater infrastructure proposed at the end of NE 55th place.
22. Rip-Rap Swale Construction or equivalent energy dispersal method shall be designed and installed at stormwater discharges.

Sanitary Sewer:

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

Water Utilities:

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

CONCLUSION

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

Approved by:

David Mattison

January 12, 2021

David Mattison, Senior Planner

Date

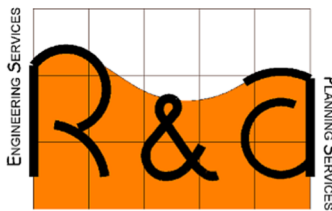
Lincoln Palisades Phase V

Preliminary Master Plan Application

Prepared for:

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August 28, 2020

Revised: December 7, 2020

Lincoln Palisades Phase V

Project Summary

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

Exhibits:

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

Plan Set:

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

I. Project Description

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

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

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

II. Existing Condition

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

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

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

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

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

III. LCMC 17.52.210 Planned Unit Development (PUD)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. *Multiply the final gross residential area by 0.83. The result is the “final net residential area.”*

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

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

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

E. Residential Density Bonus

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. *Proposed number of residential units.*

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

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

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

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

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

9. *A statement describing the present and proposed ownership.*

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

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

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

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

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

ITE Land Use Code	Land Use Description	Independent Variable	Trip Ends Rate		In/Out Split (Percent)	
			PM Peak Hour	Daily	PM Peak Hour	Daily
210	Single Detached Homes	18	1.25	12.10	52/48	50/50

Lincoln Palisades Phase 5 is forecasted to generate 23 trips during the p.m. peak hour and 218 daily trips, as shown in Table IV-3.

ITE Land Use Code	Land Use Description	Independent Variable	PM Peak Hour Trip Ends			Daily
			In	Out	Total	
210	Single Detached Homes	18	12	11	23	218

Several nearby streets would experience increased traffic from Lincoln Palisades Phase V. Urban streets constructed to City standards affected by the proposed development are NE Voyage Avenue, NE 47th Street, NE West Devils Lake Road, and NE Logan Road south of NE 50th Street. These streets are intended to accommodate traffic at full build out of the surrounding area and are in good repair. In addition to

these urban streets, NE Port Lane and NE Logan Road north of NE 50th Street are two rural roads that will experience an increase in traffic. These roads have a paved lane in each direction but lack urban features such as curbs, gutters, and sidewalks. However, these roads are still capable of accommodating the increased traffic.

Additionally, 23 p.m. peak hour trips is equivalent to one trip every 2.6 minutes during the peak hour. Because of the relatively low level of trip generation and overall condition of affected streets, no improvements are warranted to accommodate traffic generated by Lincoln Palisades Phase V.

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

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

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

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

Tree Species	Count
Douglas Fir	4
Sitka Spruce	20
Elderberry	1
Red Alder	13
Western Hemlock	3

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

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

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

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1. *The commission shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria.*
 - a. *The proposed planned unit development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development.*

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

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

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

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

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

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

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

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

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

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

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

- LCMC 8.08.020 Outdoor burning of construction waste is prohibited.
- LCMC 8.12.040 Authorized construction projects must apply reasonable safeguards to avoid creating attractive nuisances.
- LCMC 9.10.030 Sound that exceeds 50 dBA as measured at the property boundary is prohibited between 7:00 p.m. and 7:00 a.m.
- LCMC 9.10.040 Construction activities are exempt from sound limitations between 7:00 a.m. and 7:00 p.m.
- LCMC Chapter 12.08 Contractor must install and maintain City-approved erosion control measures.

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- LCMC 12.12.090 All work undertaken, including but not limited to excavation, backfilling, surface restoration, protection of utilities, traffic control, safety precautions, noise and dust control and cleanup, shall be approved by the city.

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

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

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

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

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

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

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

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

The proposed PUD is situated in sewer basin 4007.

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

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

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

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

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

VI. Conclusion

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

