AGENDA

Lincoln City Planning Commission
Tuesday, July 7, 2020, 6:00 PM
Council Chambers,
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

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

2. AGENDA CHANGES OR REVISIONS

3. MINUTES

3.1. Planning Commission - Regular Meeting - Jun 16, 2020 6:00 PM

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

5. PUBLIC HEARINGS/DELIBERATIONS

1. SUB PUD 2020-01 The Cove at Lincoln City Phase III

5.1.1. SUB PUD 2020-01 The Cove at Lincoln City Phase III - a request for a 40-lot subdivision to construct 40 attached single-unit dwellings

2. ZOA 2020-01 Procedures

5.2.1. ZOA 2020-01 Procedures - organize the application processing procedures into one of four types - Type I, II, III, or IV and create a new chapter to compile all the applications in Title 17 into one chapter

6. OLD BUSINESS

7. NEW BUSINESS

1. Roads End/The Villages at Cascade Head Urban Renewal Plan

7.1.1. Roads End/The Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan - the Planning Commission will review the proposed plan and its relationship to the Lincoln City Comprehensive Plan and make a recommendation to City Council

8. PLANNING COMMISSION TRAINING

9. REPORTS & COMMENTS

9.1. Update on status of previous cases

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
June 16, 2020

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

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

2. AGENDA CHANGES OR REVISIONS

None

3. MINUTES

3.1. Planning Commission - Regular Meeting - Jun 2, 2020 6:00 PM

MOTION:	Kim moved
	Miles Second
	No discussion
	All in favor
MOVER:	**Kim Blackerby, Commissioner**
SECONDER:	**Miles Schlesinger, Commissioner**
AYES:	Baker, Blackerby, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Joshua Brainerd
RESULT:	**Passed**

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

None

5. PUBLIC HEARINGS/DELIBERATIONS

1. ZOA 2020-01 Procedures

Planning Commission Chair Patti Kroen introduced the public hearing for file ZOA 2020-01 Procedures and read the required script. She asked the commissioners whether there were any abstentions or disqualifications. There were none.

Planning and Community Development Director, Anne Marie Skinner presented the staff report. This ordinance amendment is an attempt to organize and make things consistent for processing land use applications. The public hearing before City Council is scheduled for Monday, June 22,

2020 and there will not be another Planning Commission meeting before then.

The draft that was presented to the Planning Commission for review is not in ordinance form, and the formatting is not consistent. This will be fixed by the city attorney and his assistant before the draft goes to the City Council.

Currently Title 17 refers to land use applications in various places throughout the Title. There is not a list of the land use applications and the procedures for processing them. The applications are not new. Instead, the new chapter is intended to be more navigable and understandable than the current form. In most jurisdictions in Oregon and Washington, each of the applications is organized into one of four procedure types:

- Type 1 (ministerial) procedures are cut and dry applications of the code. An example is Home Occupation Applications. Applicants either meet the requirements or they do not.

- Type 2 (administrative) applications and procedures have reasonably objective criteria and require only limited discretion. These procedures require public notice and an opportunity for appeal, but there is no public hearing.

- Type 3 (quasi judicial) procedures include decisions made by the appointed or elected review authority (the Planning Commission or City Council). These procedures require one or more public hearings along with notice.

- Type 4 (legislative) procedures are heard by the City Council with a recommendation from the Planning Commission (the current public hearing is a type 4 procedure). Type 4 can also apply to a applications covering a large geographic area or multiple properties.

The ordinance does not change the way that applications are handled - it just organizes them into something that is easier to explain, easier to refer to, and easier for staff to administer. One hope is to provide clarity and remove ambiguity from some of the things that currently exist in Title 17.

At the end of the chapter are descriptions for submitting an application and withdrawing an application. There are also procedures for pre-application conferences. Guidelines for conditions of approval. Procedures for challenging conditions of approval. None of which are in the current code.

Chapter 17.77 takes all of the applications and puts them into one place. The chapter does not change any approval criteria.

Commissioner Smith and Chair Kroen pointed out several missing items in the draft ordinance. Ms Skinner realized that an incorrect earlier version of the draft was included by mistake in the meeting packet instead of the most recent edited version.

Chair Kroen identified the use of the words "review authority" as a reference to the Planning Commission and the City Council as a radical change. She said that she is not comfortable with changes that appear to remove quisi-judicial decision making from the Planning Commission. There was some discussion between the commissioners and with Ms Skinner about the change.

Chair Kroen asked about the sudden detail on pages 42-48 of the meeting packet. Ms Skinner replied that none of the detail is a change to the way the current code appears. Commissioner

Nelson said that the discussion of density bonuses was not clear to her. Ms Skinner explained that the density bonuses are a part of the Planned Unit Development process, and are not proposed to change from the way they are currently in the code. They are simply moving from a different chapter.

Chair Kroen asked why pre-application conferences are not recommended for Type 4 procedures. Ms Skinner explained that most Type 4 applications are staff-initiated, and that if someone was tying to rezone several hundred properties, which would also be a Type 4 application, they would likely come in for a pre-application conference anyway.

Chair Kroen asked about the requirement for noticing to go out to properties within 500 ft for subdivisions instead of the usual 250 ft. She mentioned a recent public hearing that had to be continued because the original noticing only went to properties within 250 ft but it was supposed to go to people within 500 feet of the subject site. Ms Skinner replied that the 500 ft reference is in Title 16, which also needs to be changed, but which is a different task on the list.

Commissioner Blackerby asked whether noticing to properties within 250 ft is the standard in cities. Ms Skinner replied that the distance for noticing is specific to jurisdictions, and that she does not know the 250 ft came from in Lincoln City. It is something that the Planning Commission could recommend changing.

There was some continued conversation about missing pieces in the draft that was included in the meeting packet. Chair Kroen expressed unease making a recommendation based on such an incomplete draft. Mr Appicello pointed out that some of the other draft ordinances with hearings in front of the City Council on June 22, 2020 include references to Type I, Type II, Type III procedures, which are introduced in the Procedures ordinance currently under discussion. However, the ordinances themselves are not on the next City Council meeting - only the public hearings on the amendments. It isn't the usual process, but the City Council could have the public hearing and the ordinance for Procedures at the July 13, 2020 meeting. Chair Kroen pointed out that it would allow the Planning Commission to continue the hearing to the July 7, 2020 meeting.

5.2.

MOTION:	**Motion to continue the public hearing for ZOA 2020-01 Procedures to the July 7, 2020 meeting of the Planning Commission**
MOVER:	**Lenny Nelson, Commissioner**
SECONDER:	**Marci Baker, Commissioner**
AYES:	Baker, Blackerby, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Joshua Brainerd
RESULT:	**Passed**

6. OLD BUSINESS

None

7. NEW BUSINESS

1. Tree Ordinance Work Session

The purpose of this work session is to discuss the tree ordinance and possible revisions to it. Ms Skinner explained that the main impetus behind the discussion is that there is a prohibition against tree topping in the ordinance. There was a citizen who appeared before the City Council asking to revise that prohibition. City Council asked staff to look at that issue specifically and the whole ordinance in general.

Commissioner Schlesinger asked when the tree ordinance was written. Ms Skinner, who was looking at the Lincoln City Municipal Code, replied that it appeared that the tree ordinance was adopted in portions, with the original language in place in 1984, with revisions in subsequent years.

Chair Kroen said that the Planning Commission discussed the tree ordinance a couple of years ago. There was some discussion at the time of how complicated the tree ordinance was. The Planning Commission put it on the list as something that they would like to address to simplify and make a little more user friendly. She said that she did not know that there was a citizen-initiated question about tree topping.

Ms Skinner explained that there are a number of things wrong with the current ordinance. Nobody understands it. Any time someone comes in to the Planning Department with a tree removal question it take everyone coming together to figure out what the ordinance is requiring.

Commissioner Schlesinger said that trees should be a part of the landscaping ordinance. Trees are an important asset and need to be recognized as such.

Ms Skinner said that the current code says that any tree within 100 feet of a building can be removed. Commissioner Blackerby added that it doesn't seem like there is much enforcement of the tree ordinance. If you want to build, it's just clear cut. He said that a 120+ year-old tree on lot next to his was removed. If you go down to Olivia Beach, there are not many trees left down there anymore. Chair Kroen added that at the north end of town you see lots that are for sale with no building permit that have been clear-cut as they are put up for sale. She said that she agrees that the tree ordinance needs to be revisited - because it is confusing, if for no other reason. If the Planning Commission revisits it, enforcement will be discussed. There were a number of strident comments about the need to conserve trees during the visioning process. It is important to revisit this and to strengthen it - to justify the choices the Planning Commission makes and to put some teeth in the tree ordinance.

Commissioner Blackerby asked whether the City has a tree board, which is referenced in the current ordinance. Ms Skinner replied that there is not one.

Ms Skinner explained that, currently on a developed lot, removal of trees is allowed as long as the trees are within 100 feet of the dwelling if the lot is not capable of further division. Most of the lots in the City are not capable of further division. No permit is currently required unless the tree has been designated as a protected tree as part of a planned-unit development. Then you get into where a permit is required. Even when a permit is required, the Planning Department has to issue a tree removal permit if the applicants meet the qualifications for tree removal (which is within 100 feet of a dwelling). If an adjacent lot is owned by the same lot as the developed lot and the trees are within 100 ft of the dwelling, the owner can remove trees on the undeveloped lot within 100 feet of the dwelling.

Chair Kroen said that the 100-foot rule allows for a lot of tree removal - it pretty much allows a lot to be clear-cut. Addressing the commissioners, Chair Kroen said that it seems that they are all in agreement that the tree ordinance needs to be revised, and we need to see the best way to do that. The tree ordinance development workbook that was included in the meeting packet starts the process by putting together a working group, which is a good thing because there is a lot of knowledge out there that would be valuable to bring together. There has been a lot of research on not just trees but tree systems. The ordinance needs to be about trees. She said that she does not want to muddle the tree ordinance together with other landscaping and things. It needs to look at trees and the significance of trees to people in the city. The Planning Commission needs to honor the strong support in the visioning for preserving a large number of trees. It needs to have teeth and consequences for those who ignore the ordinance.

Commissioner Schlesinger said that he would like to know if there is a good arborist in the community who could come up and give a tutorial on what the Planning Commission should be looking for. A tree ordinance is an important part of planning. He said that he can remember in Portland when they planted the first trees in the transit mall. They all died because there wasn't a big enough area for the root system.

Commissioner Smith said that one of the things to consider is the deer population that we have here. Deer need large green spaces to move around. If you take those away, there are more traffic accidents and more interactions between people and deer. The preservation of green spaces and the interaction with nature, that is one of the reasons people come here, and that is going to be centered around trees. Maybe we can find someone to talk to us about that and those effects as well.

Chair Kroen said that it would be nice to get all of the work on the revised ordinance done before The Villages is built. Commissioner Nelson replied that, if the Planning Commission is going to do all of the things that have already been talked about, there will not be a new ordinance for a year or a year and a half.

Chair Kroen pointed out that the material provided for the meeting suggested that sometimes you do not want the participation of high-profile people in the city because they like to be heard. She said that she would like to see a small group of people tackle this and bring back a draft.

Commissioner Blackerby asked Ms Skinner if she could provide any more information about the citizen who was concerned with tree topping? Ms Skinner said that the individual and his neighbors want to allow tree topping because the trees are so tall that they are blocking their view of the ocean. Commissioner Smith said that he was under the impression that three topping was frowned on because it is harmful to the overall health of the tree in general - because it can lead to a dead tree, and very dead tree becomes a fallen-over tree.

Chair Kroen asked about the tree board questionnaire that was included in the tree ordinance workbook. It is a tool that can be used to present to the community or a group in the community to get their response. But it could be used in a smaller group setting as well.

Chair Kroen asked whether there has been any discussion in the City in terms of developers and incentivising preservation of trees. So many of our lots that are available are in-fill lots and there

are trees on them. Has there been any dscussion about incentives for developers if they can preserve trees on the property. Ms Skinner said that she is not aware of any discussion.

There was some discussion about the possibility of mitigation. Commissioner Nelson said that the only problem with mitigation is that unless you make the required mitigation onerous, developers would much rather knock down the trees and put a couple thousand dollars in a bank account. She said that she does not see that as a successful way to preserve trees. Chair Kroen said that mitigation would have to be calculated in such a way that preserving trees is advantageous to the developer.

Chair Kroen asked about the inclusion of the City of Portland's tree ordinance in the meeting materials. Ms Skinner replied that Portland's ordinance is an option system, which Seems to work quite well for Portland. If the Commission wants to use some sort of option system, the Portland ordinance could revise to fit Lincoln City.

Chair Kroen asked Ms Skinner if she is aware of any tree ordinances in coastal Oregon towns. Ms Skinner replied that the coastal towns do not seem to have tree removal ordinances. Commissioner Schlesinger said that he thinks we should do more survey of the other communities and then we should be a leader in the development of the tree ordinance.

Chair Kroen said that she thinks it would be good to have a couple, maybe three, commissioners on a sub-committee. Commissioner Nelson suggested that one of the participants on the committee should be Commissioner Brainerd because that is his background. Chair Kroen said that she would approach him about the sub-committee and see if he has time.

Commissioner Baker pointed out that the current ordinance calls for a tree board, but the City does not have one. She also pointed out that the ordinance workbook emphasizes that community vision is the best place to start from. Chair Kroen said that the vision was done a year and a half ago as part of the Imagine Lincoln City, 25-year visioning process. We have it still. The document wasn't specific to trees, but trees were mentioned a number of times. The visioning was intended to be used in the future to support things like this and to support the comprehensive plan revisions. It is a data point that we can start with.

Commissioner Baker said that the intent statement in the current code is not very strong and there is not much discussion of the importance of trees.

Chair Kroen invited Commissioner Blackerby to be on the sub-committee. Commissioner Nelson said that she would also like to be. Commissioner Baker said that trees are not her expertise.

Mr Appicello reminded the commissioners that the meetings still need to comply with the public meetings law. He said that the only way to avoid the public meetings law is to have a sub-committee of one.

The composition of the sub-committe is commissioners Nelson, Balckerby, and Schlesinger.

Chair Kroen said that speed is important, ad asked Mr Appicello how far in advance the meetings need to be noticed. Mr Appicello replied that notice must be given no less that 24 hours in advance. The public does not have to be given an opportunity to comment. It is a public attendance law, not a public participation law.

Commissioner Smith said that there is discussion of nuisance plants in the ordinance example, but not in the current Lincoln City ordinance. Mr Appicello replied that there is a separate noxious plants section in the nuisance code. Chair Kroen added that the revised ordinance can get at the same thing by acknowledging the species that are acceptable.

Chair Kroen told the new sub-committee members that she would appreciate if they had their first meeting before the July 7, 2020 Planning Commission meeting. Ms Skinner said that she would do a quick search of the coastal cities and would forward what she found to everyone.

8. PLANNING COMMISSION TRAINING

None

9. REPORTS & COMMENTS

None

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

The July 7, 2020 meeting will see hearings for ZOA 2020-01 Procedures (which was continued from tonight), and SUB/PUD 2020-01. There are not any other applications or public hearings for the next meeting or the following meeting. Would have already received an application to have provided notice. Right now there is nothing scheduled for the second meeting in July. Chair Kroen suggested that the tree ordinance be brought back for the second meeting in July. Ms Skinner said that she will add an agenda item to that meeting.

Chair Kroen asked if there is any update on the master plan for The Villages? Ms Skinner replied that there is an approved preliminary master plan that doesn't expire until 2023. The only thing that would come back to the PC would be when/if direction is given to create the residential zone to compliment the comprehensive plan map designation that was created. The commercial zone has been created but it has not been implemented.

Commissioner Blackerby asked for regular updates on the results of City Council actions on Planning Commission recommendations. Ms Skinner said that she would start to do that regularly.

11. ADJOURN

7:40

Respectfully submitted,

James White	Patti Kroen
Assistant Planner	Chair

PLANNING COMMISSION STAFF REPORT
MEETING DATE: July 7, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

SUB PUD 2020-01 The Cove at Lincoln City Phase III

PROJECT INFORMATION

See attached Staff Report

STAFF RECOMMENDATION

Hold and close the public hearing and close the record, provided no requests to continue the hearing and/or keep the record open are received. Deliberate.

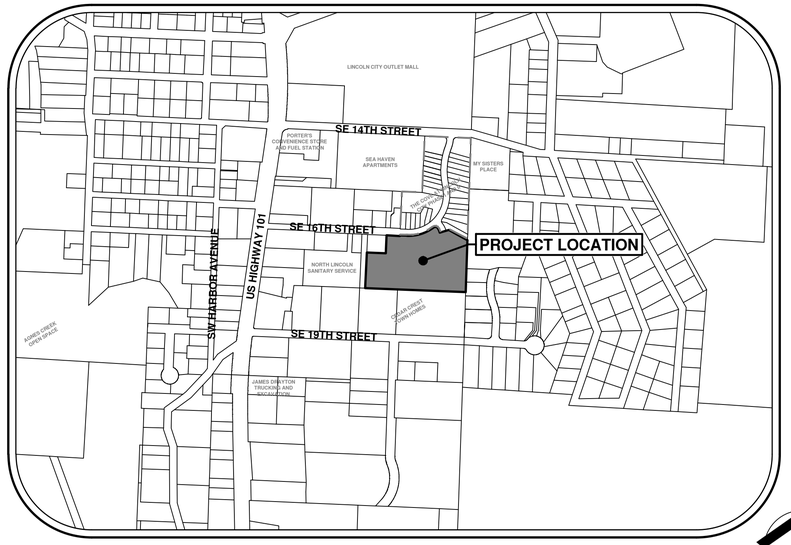
Options:

1. Motion and second to approve SUB PUD 2020-01, a request for a 40-lot planned unit development subdivision, as submitted.
2. Motion and second to approve SUB PUD 2020-01, a request for a 40-lot planned unit development subdivision, with the following conditions of approval (state the conditions of approval).
3. Motion and second to deny SUB PUD 2020-01, a request for a 40-lot planned unit development subdivision, for the following reasons (state the reasons for denial, based upon the applicable criteria)

7432 202005026 Updated Preliminary Plans 22x34 (PDF)
7432 20200523 SUB Completness Response (PDF)
7432 20200217 Subdivision LUA Packet - Sub 1 (PDF)
Staff Report PC Hrng 07072020 (PDF)
Sanitary Sewer (PDF)
Storm (PDF)
Water (PDF)
The Cove city maps (PDF)

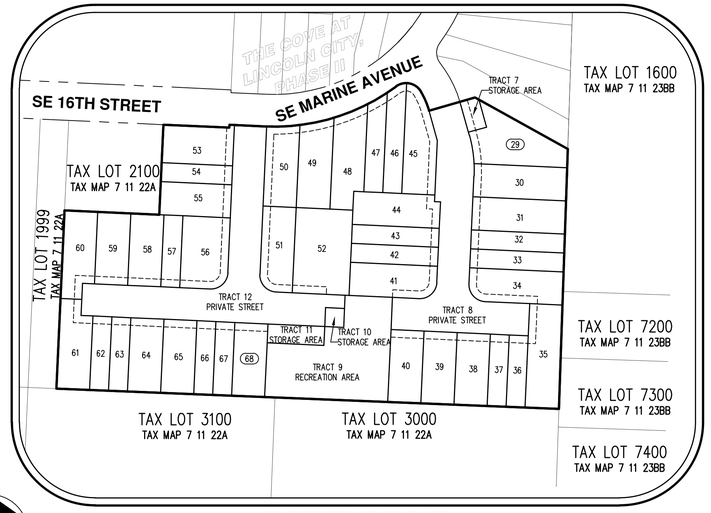
THE COVE AT LINCOLN CITY PHASE III

PRELIMINARY PLANS



VICINITY MAP

1" = 400'



SITE MAP

SCALE: 1" = 80'

LEGEND

	EXISTING	PROPOSED		EXISTING	PROPOSED
DECIDUOUS TREE			STORM DRAIN CLEAN OUT		
CONIFEROUS TREE			STORM DRAIN CATCH BASIN		
			STORM DRAIN AREA DRAIN		
FIRE HYDRANT			STORM DRAIN MANHOLE		
WATER BLOWOFF			GAS METER		
WATER METER			GAS VALVE		
WATER VALVE			GUY WIRE ANCHOR		
DOUBLE CHECK VALVE			UTILITY POLE		
AIR RELEASE VALVE			POWER VAULT	P	P
SANITARY SEWER CLEAN OUT			POWER JUNCTION BOX		
SANITARY SEWER MANHOLE			POWER PEDESTAL		
SIGN			COMMUNICATIONS VAULT	C	C
STREET LIGHT			COMMUNICATIONS JUNCTION BOX		
MAILBOX	MB	MB	COMMUNICATIONS RISER		

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE	XXX	
GRAVEL EDGE		
POWER LINE	PWR	PWR
OVERHEAD WIRE	OHW	OHW
COMMUNICATIONS LINE	COM	COM
FIBER OPTIC LINE	CFO	CFO
GAS LINE	GAS	GAS
STORM DRAIN LINE	STM	STM
SANITARY SEWER LINE	SAN	SAN
WATER LINE	WAT	WAT

OWNER
THE COVE AT LINCOLN CITY, LLC
10300 SW GREENBURG ROAD,
SUITE 270
PORTLAND, OR 97223

APPLICANT
NANDINA & CO., LLC
10300 SW GREENBURG ROAD,
SUITE 270
PORTLAND, OR 97223

LAND USE PLANNING / CIVIL ENGINEERING / SURVEYING FIRM
AKS ENGINEERING & FORESTRY, LLC
CONTACT: MONTY HURLEY/CHRIS GOODELL
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PH: 503-563-6151

PROJECT LOCATION:
EAST OF THE INTERSECTION OF SE 16TH STREET AND US HIGHWAY 101, NORTH OF SE 19TH STREET, AND SOUTH OF SE 14TH STREET, CITY OF LINCOLN CITY.

PROPERTY DESCRIPTION:
TAX LOT 6800 LINCOLN COUNTY TAX MAP 07 11 22AA. LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON.

EXISTING LAND USE:
THE EXISTING SITE IS AN UNDEVELOPED (FUTURE) PHASE OF A PREVIOUSLY APPROVED SUBDIVISION.

PROJECT PURPOSE:
SUBDIVISION FOR FUTURE ATTACHED SINGLE-FAMILY HOMES.

VERTICAL DATUM
ELEVATIONS ARE BASED ON NGS BENCHMARK NO. QE1409, LOCATED AT THE NE END OF THE NW WALKWAY OF THE BRIDGE SPANNING THE DEVILS RIVER. ELEVATION = 26.58 FEET (NAVD 88).

SHEET INDEX

P-01 COVER SHEET WITH SITE AND VICINITY MAPS
P-02 EXISTING CONDITIONS PLAN
P-03 PRELIMINARY SUBDIVISION PLAT WITH CONCEPTUAL FUTURE BUILDING FOOTPRINTS
P-04 PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN
P-05 PRELIMINARY DEMOLITION PLAN
P-06 PRELIMINARY GRADING AND EROSION AND SEDIMENT CONTROL PLAN
P-07 PRELIMINARY COMPOSITE UTILITY PLAN
P-08 PRELIMINARY STORMWATER PROFILES
P-09 PRELIMINARY SANITARY PROFILES
P-10 PRELIMINARY WATER PROFILES
P-11 PRELIMINARY STREET PLAN AND CROSS SECTIONS
P-12 PRELIMINARY STREET PROFILES
P-13 PRELIMINARY AERIAL PHOTOGRAPH PLAN
P-14 CONCEPTUAL NEIGHBORHOOD CIRCULATION PLAN WITH AERIAL OVERLAY
P-15 PRELIMINARY LANDSCAPE PLAN

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

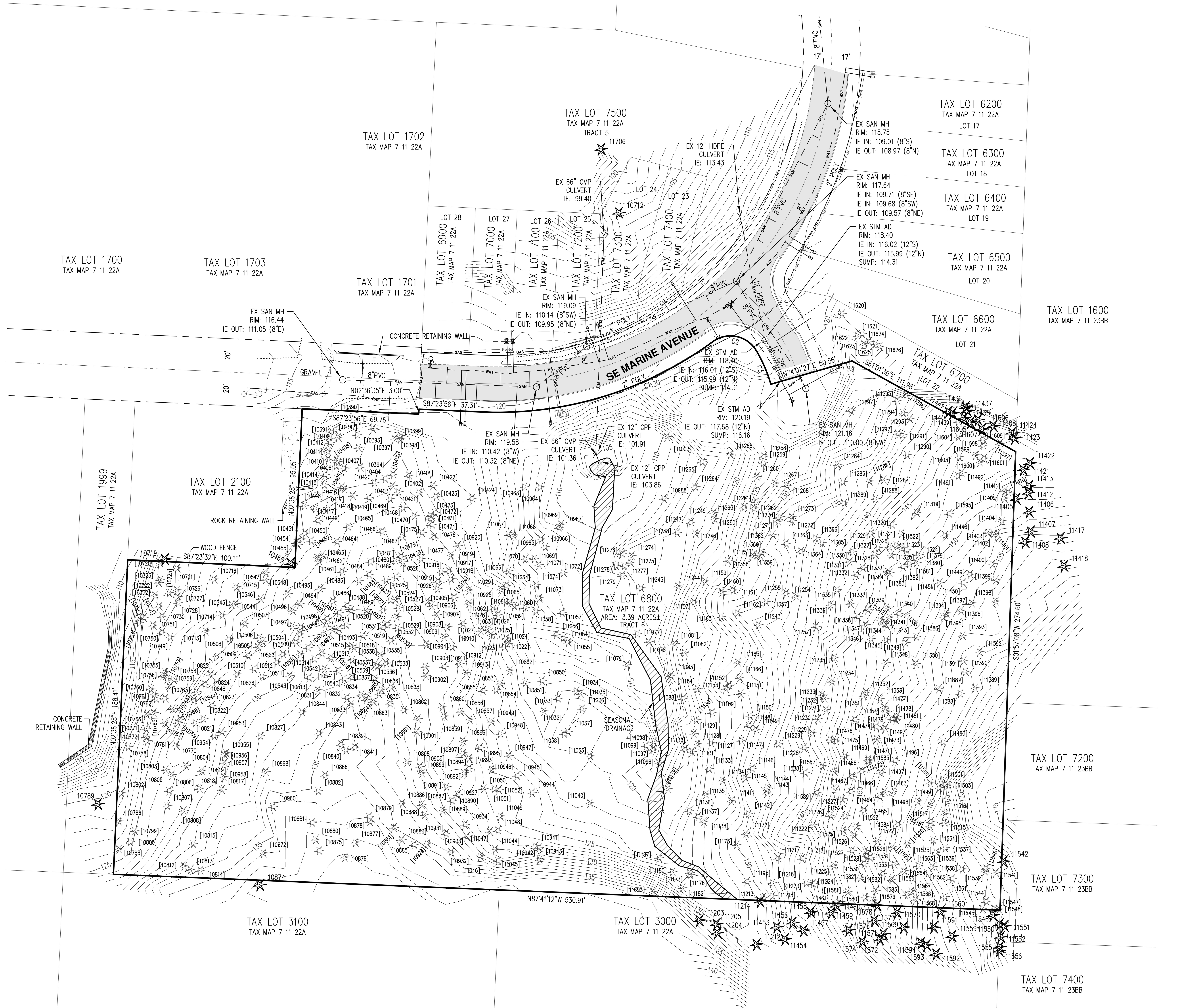
COVER SHEET WITH SITE AND VICINITY MAPS
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2007
MONTGOMERY B. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-01

AKS DRAWING FILE: 7432 COVER.DWG | LAYOUT: COVR



NOTES:

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 19240470. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. FIELD WORK WAS CONDUCTED SEPTEMBER 11–13, 19–25, 2019 AND OCTOBER 10, 2019
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. QE1409, LOCATED AT THE NE END OF THE NW WALKWAY OF THE BRIDGE SPANNING THE DEVILS RIVER. ELEVATION = 26.58 FEET (NAVD 88).
4. THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
5. CONTOUR INTERVAL IS 1 FOOT.
6. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT.
7. FOR INFORMATION RELATED TO TREES, REFER TO THE PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN AND PRELIMINARY TREE TABLE.
8. SEASONAL DRAINAGE BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC. ON 6/18/19 AND WERE PROFESSIONALLY SURVEYED BY AKS ON 9/11/19.

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	217.00'	38°56'33"	147.49'	N73°07'47"E 144.67'
C2	18.00'	95°35'36"	30.03'	S78°32'41"E 26.67'
C3	85.00'	14°47'56"	21.95'	S23°20'55"E 21.89'

N

SCALE: 1"=30 FEET

30 0 6 15 30

AKS

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

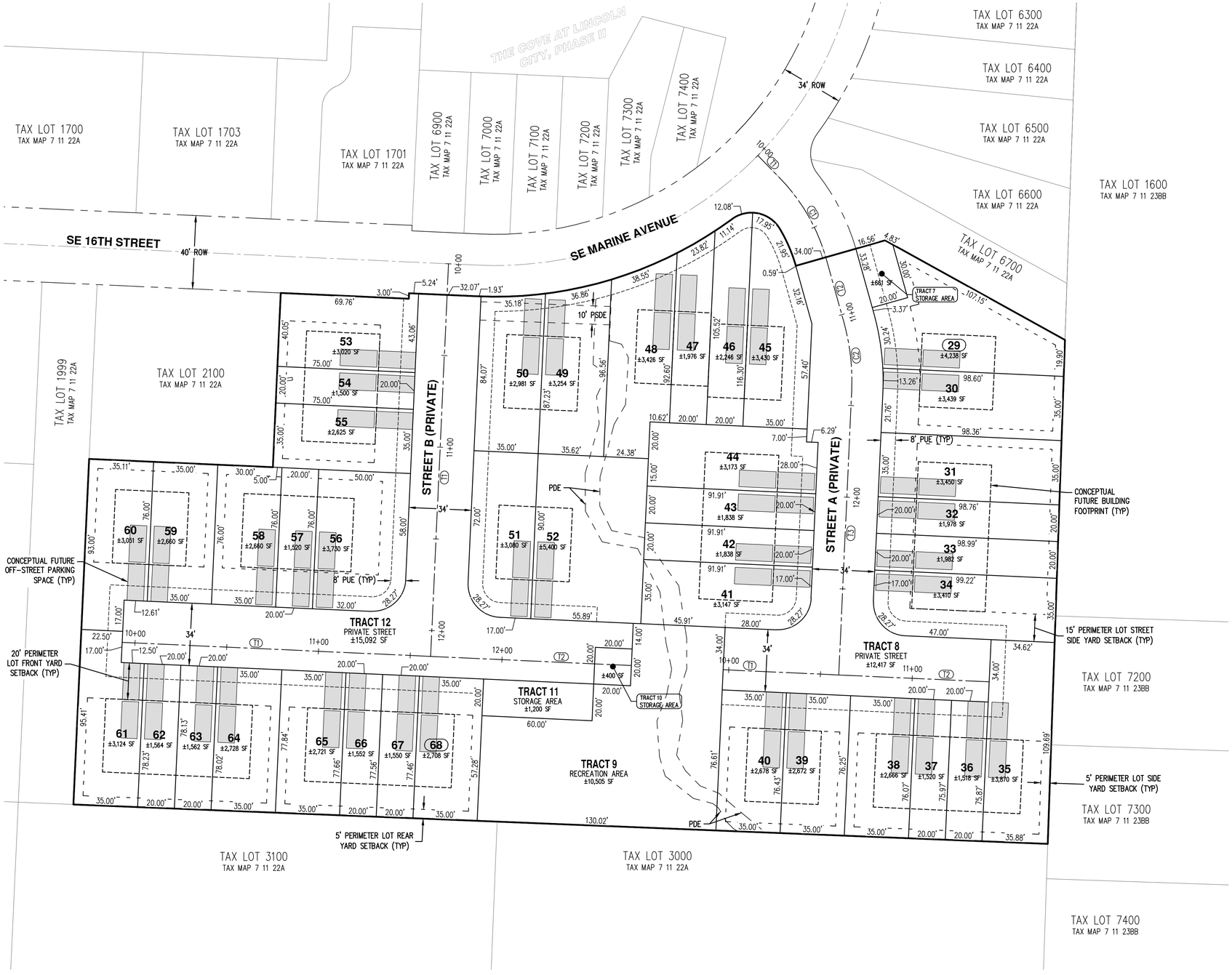
EXISTING CONDITIONS PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

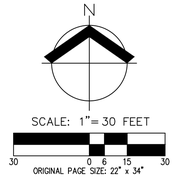
REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY NOT FOR CONSTRUCTION
OREGON
MARCH 14, 2017
BENJAMIN R HUFF
84738PLS
RENEWS: 6/30/21

JOB NUMBER: 7432
DATE: 05/26/2020
DESIGNED BY:
DRAWN BY: CTH
CHECKED BY: BRH

P-02

AKS DRAWING FILE: 7432 EXCOND.DWG | LAYOUT: P-02





STREET A ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	10+00.00		17.25'			S44°12'25"E
C1	10+17.25	102.00'	50.95'	28°37'16"	50.42	S29°53'46"E
T2	10+68.20		35.88'			S15°35'08"E
C2	11+04.08	120.00'	38.10'	18°11'36"	37.94	S06°29'20"E
T3	11+42.18		154.76'			S02°36'28"W

STREET A TURNAROUND ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	9+62.68		97.32'			S87°23'32"E
T2	10+60.00		116.89'			S87°23'32"E

STREET B ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	10+00.00		214.06'			S02°36'28"W

STREET B TURNAROUND ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	9+70.50		190.61'			S87°23'32"E
T2	11+61.11		141.97'			S87°23'32"E

LEGEND:

CONCEPTUAL FUTURE BUILDING FOOTPRINT (DOES NOT NECESSARILY COINCIDE WITH MINIMUM REQUIRED PERIMETER YARD SETBACKS LISTED BELOW).

9' × 20' — CONCEPTUAL FUTURE OFF-STREET PARKING SPACE PER LCMC 17.56

REQUIRED SETBACKS:

THERE ARE NO SETBACKS FOR ATTACHED SINGLE FAMILY HOMES, EXCEPT PERIMETER LOTS WHICH HAVE THE FOLLOWING SETBACK REQUIREMENTS:

PERIMETER LOT MINIMUM SETBACKS (R-M DISTRICT):

FRONT YARD	20 FT
**SIDE YARD	5 FT
STREET SIDE YARD	15 FT
**REAR YARD	5 FT

**SETBACK INCREASES BY 0.5' FOR EVERY FOOT THAT THE BUILDING EXCEEDS 15' IN HEIGHT.

SITE AREA SUMMARY:

TOTAL SITE AREA	±147,668 SF
*ANTICIPATED FUTURE STRUCTURES	±32,002 SF
STREETS	±27,509 SF
RECREATION AREA	±10,505 SF
STORAGE AREA	±2,261 SF

AREA COVERAGE SUMMARY:

TOTAL AREA	±147,668 SF
*TOTAL ANTICIPATED FUTURE LAND COVERAGE	±32,002 SF
*TOTAL ANTICIPATED FUTURE LAND COVERAGE	±22%

*ANTICIPATED BUILDABLE AREA BASED ON CONCEPTUAL FUTURE BUILDING SETBACKS FOR A 35' TALL BUILDING.

DESIGN NOTE:

ALL FUTURE ATTACHED SINGLE-FAMILY DWELLINGS SHALL UTILIZE AT LEAST TWO OF THE DESIGN FEATURES LISTED IN LCMC 17.52.260.I TO BE REVIEWED FOR COMPLIANCE DURING THE BUILDING PERMIT REVIEW PROCESS.

EASEMENT LEGEND:

PUBLIC DRAINAGE EASEMENT	PDE
PUBLIC UTILITY EASEMENT	PUE
PRIVATE STORM DRAINAGE EASEMENT	PSDE
PRIVATE PEDESTRIAN ACCESS EASEMENT	PPAE

NOTE:

THE PURPOSE OF THE PRELIMINARY SUBDIVISION PLAT IS TO SHOW LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO CHANGE.

DEDICATION NOTE:

NO PROPERTY IS INTENDED TO BE DEDICATED TO THE CITY OF LINCOLN CITY AS PART OF THIS SUBDIVISION PLAT.

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY SUBDIVISION PLAT WITH CONCEPTUAL FUTURE BUILDING FOOTPRINTS

THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

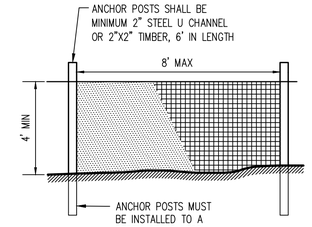
REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 28, 2005
MONTGOMERY B. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-03

AKS DRAWING FILE: 7432 BLDG STBK.DWG | LAYOUT: STBK





NOTES:
1. BLAZE ORANGE PLASTIC MESH FENCE FOR TREE PROTECTION DEVICE OR APPROVED EQUAL.
2. AVOID DAMAGE TO CRITICAL ROOT ZONE. DO NOT DAMAGE OR SEVER LARGE ROOTS WHEN INSTALLING POSTS.
3. DEVICE SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

TREE PROTECTION / CONSTRUCTION FENCE

LEGEND

	CONIFEROUS	DECIDUOUS
EXISTING TREES TO BE PRESERVED	✳	⊙
EXISTING TREES TO BE REMOVED	✳	⊙
EXISTING GROUND CONTOUR (1 FT)		
EXISTING GROUND CONTOUR (5 FT)	155	
FINISHED GRADE CONTOUR (1 FT)		
FINISHED GRADE CONTOUR (5 FT)	155	
TREE PROTECTION/CONSTRUCTION FENCE (TREE PROTECTION AREA)		
SEDIMENT FENCE		

(#) **KEYED NOTE:**
1. ARBORIST OBSERVATION REQUIRED DURING TREE REMOVAL BEHIND TREE PROTECTION FENCE.

NOTES:
1. TREES SHOWN TO BE REMOVED THAT ARE LOCATED ON THE PROPERTY LINE AND ADJACENT PROPERTIES SHALL BE COORDINATED WITH ADJACENT PROPERTY OWNER.

N

SCALE: 1"= 30 FEET

30 0 6 15 30

ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

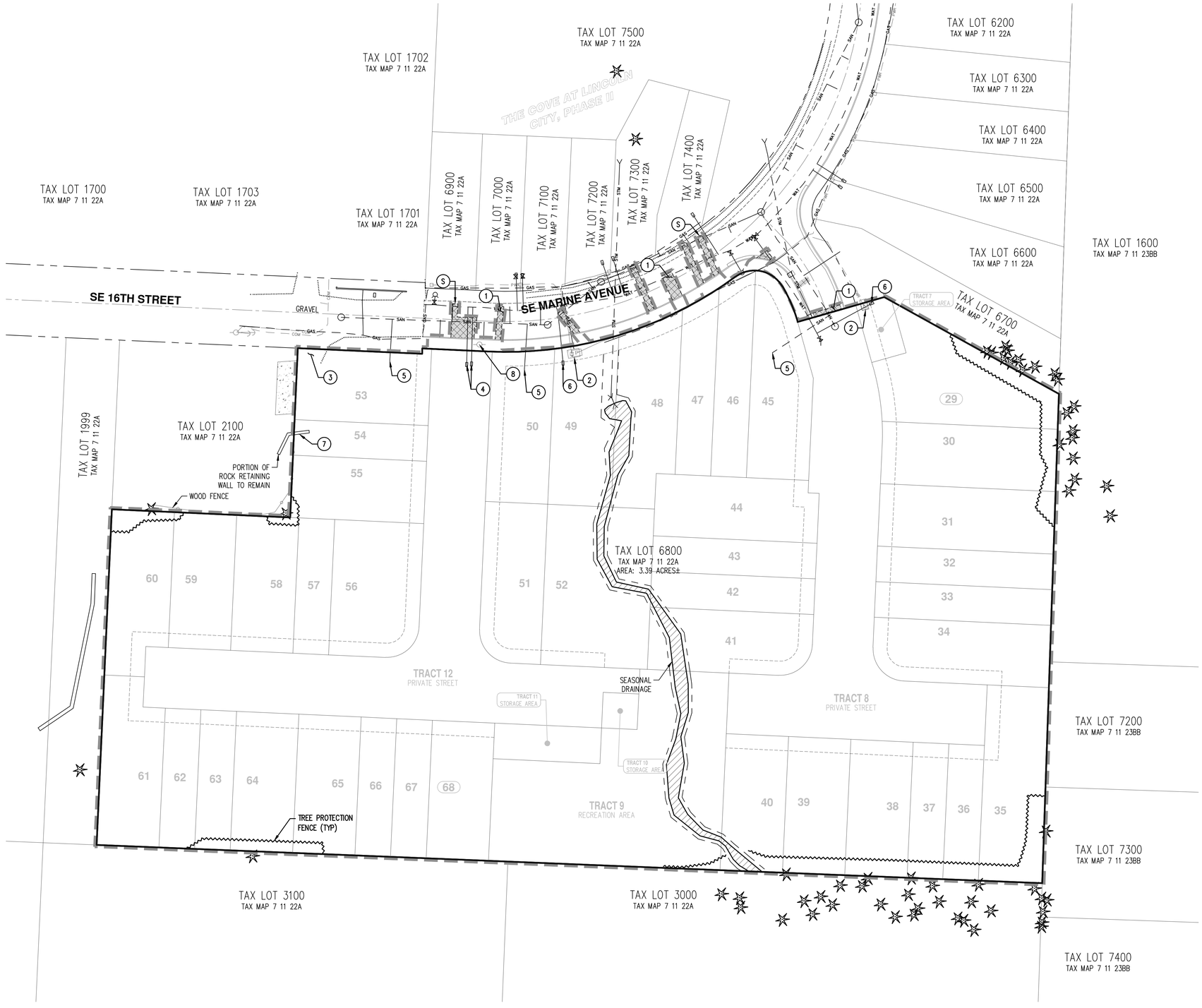
PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 13, 2006
MONTGOMERY B. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-04

AKS DRAWING FILE: 7432 TREE PLAN.DWG | LAYOUT: PLAN



LEGEND:

EXISTING AC PAVEMENT TO BE REMOVED

DEMOLITION KEYED NOTES:

S. SAWCUT LINE (TYP).

1. REMOVE EXISTING AC PAVEMENT (TYP).
2. REMOVE/RELOCATE EXISTING POWER VAULT. COORDINATE WITH UTILITY PROVIDER.
3. REMOVE PORTION OF GRAVEL DRIVE. COORDINATE WITH ADJACENT PROPERTY OWNER.
4. REMOVE/RELOCATE EXISTING WATER SERVICE.
5. PRESERVE EXISTING SANITARY LATERAL.
6. PRESERVE EXISTING WATER SERVICE.
7. REMOVE PORTION OF EXISTING ROCK RETAINING WALL. COORDINATE WITH ADJACENT PROPERTY OWNER.
8. REMOVE/RELOCATE EXISTING UTILITY POLE. COORDINATE WITH UTILITY PROVIDER.

N

SCALE: 1"= 30 FEET

30 0 6 15 30

ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY DEMOLITION PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

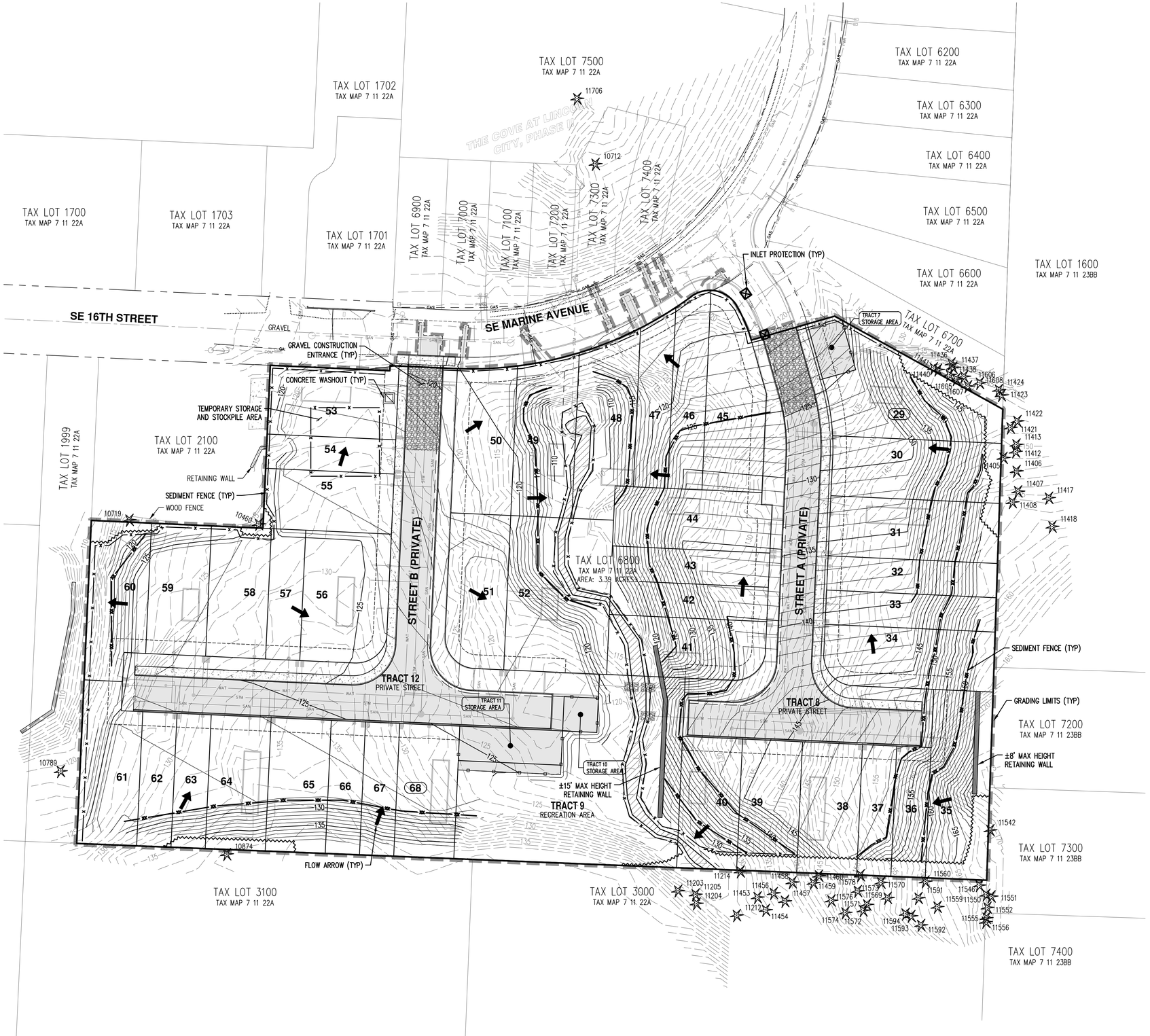
REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 28, 2005
MONTGOMERY B. HURLEY
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION
6.8.2020

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-05

AKS DRAWING FILE: 7432 DEMO.DWG | LAYOUT: DEMO



LEGEND

- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT)
- FINISHED GRADE CONTOUR (1 FT)
- FINISHED GRADE CONTOUR (5 FT)
- SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING)
- SEDIMENT FENCE (TO BE INSTALLED AFTER GRADING)
- INLET PROTECTION
- CONCRETE WASHOUT AREA
- DRAINAGE FLOW DIRECTION
- GRAVEL CONSTRUCTION ENTRANCE
- GRADING LIMITS/DISTURBANCE LIMITS
- TREE PROTECTION/CONSTRUCTION FENCE

N

SCALE: 1" = 30 FEET

30 0 6 15 30

ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

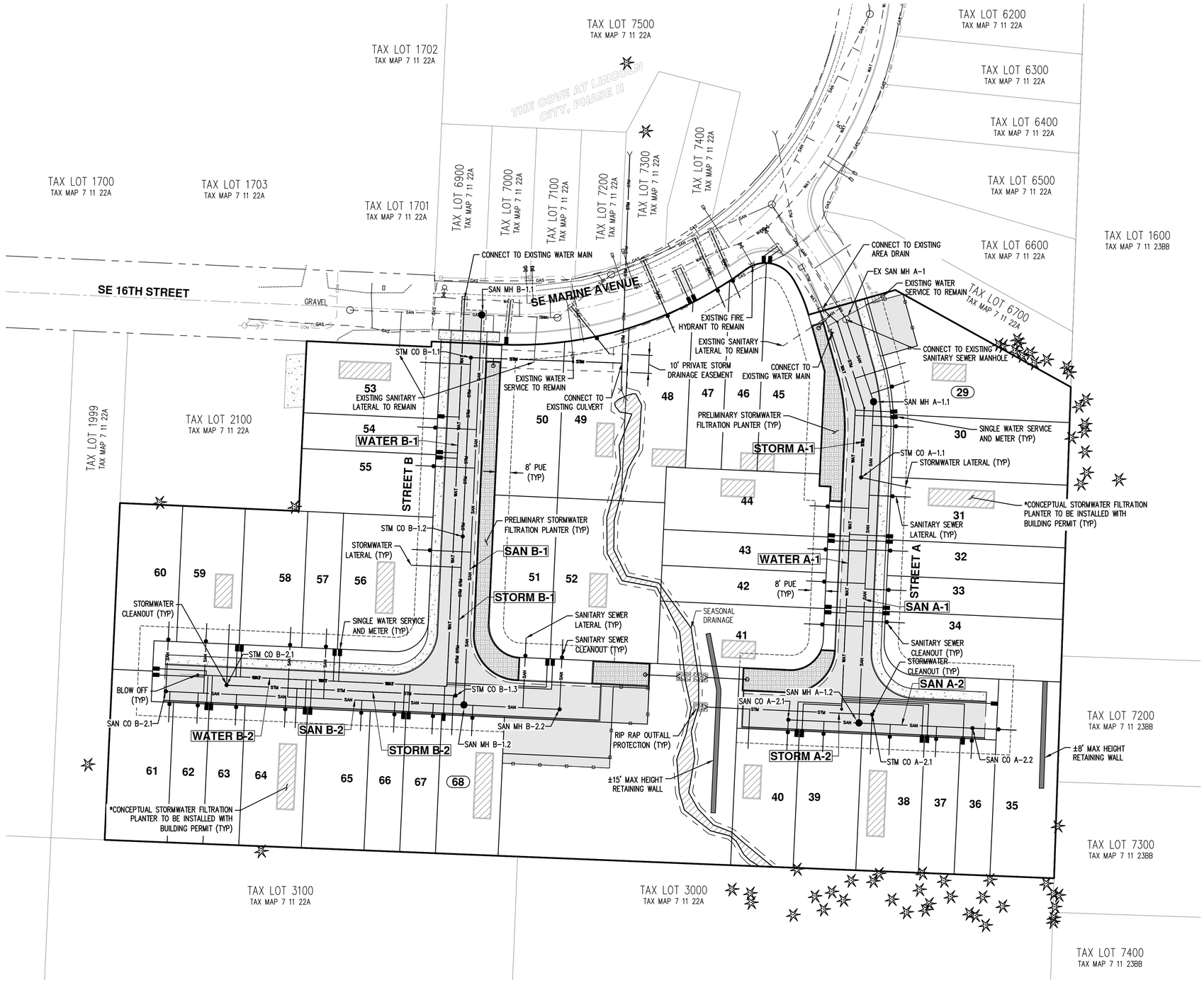
PRELIMINARY GRADING AND EROSION AND SEDIMENT CONTROL PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 9, 2007
MONTGOMERY B. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-06

AKS DRAWING FILE: 7432 GRADING.DWG | LAYOUT: GRAD



NOTE
*LOCATIONS SHOWN ARE CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE.

N

SCALE: 1"= 30 FEET
30 0 6 15 30
ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

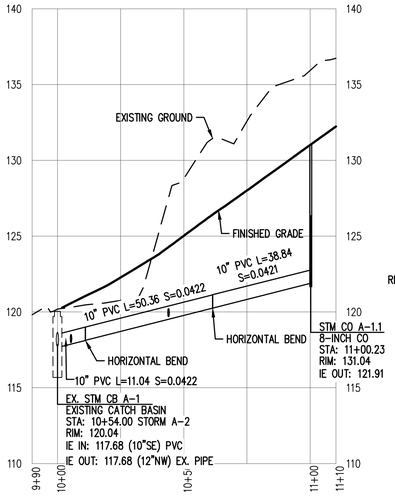
PRELIMINARY COMPOSITE UTILITY PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON JULY 25, 2000
MONTGOMERY B. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

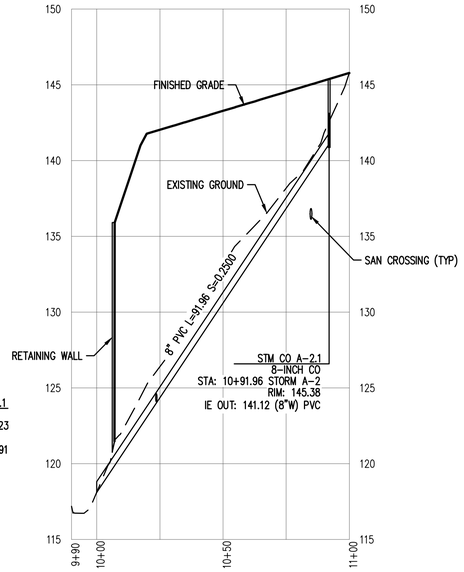
P-07

AKS DRAWING FILE: 7432 UTILITY.DWG | LAYOUT: UTIL



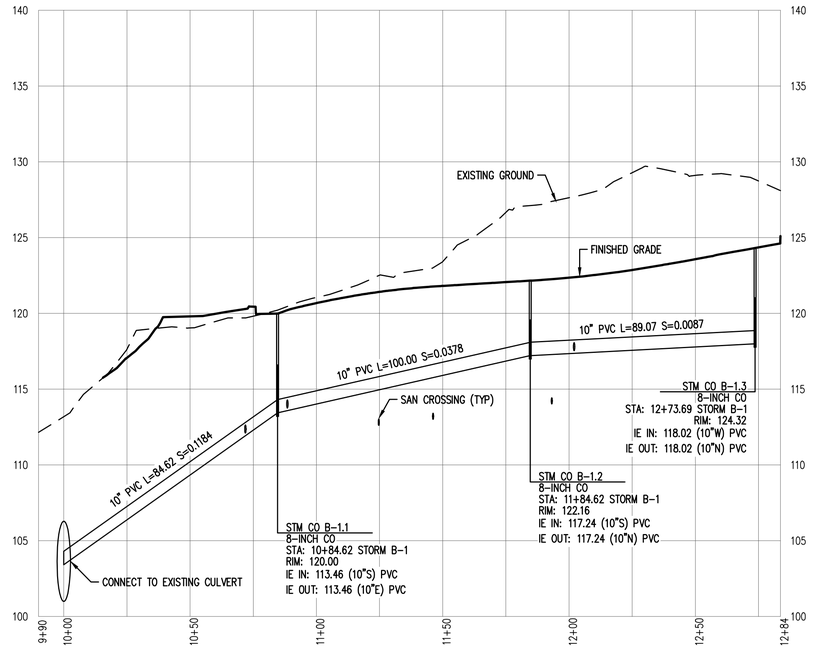
STATIONING BASED ON PIPE CENTERLINE UNLESS NOTED OTHERWISE

STORM A-1
HOR: 1"= 30'
VERT: 1"= 5'



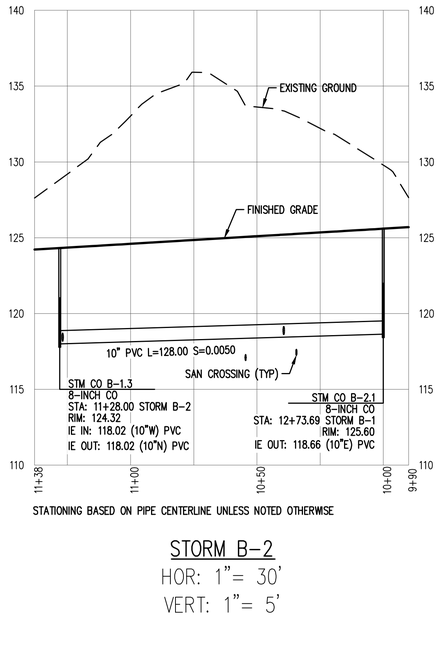
STATIONING BASED ON PIPE CENTERLINE UNLESS NOTED OTHERWISE

STORM A-2
HOR: 1"= 30'
VERT: 1"= 5'



STATIONING BASED ON PIPE CENTERLINE UNLESS NOTED OTHERWISE

STORM B-1
HOR: 1"= 30'
VERT: 1"= 5'



STATIONING BASED ON PIPE CENTERLINE UNLESS NOTED OTHERWISE

STORM B-2
HOR: 1"= 30'
VERT: 1"= 5'

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

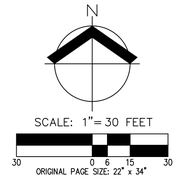
PRELIMINARY STORMWATER PROFILES
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON



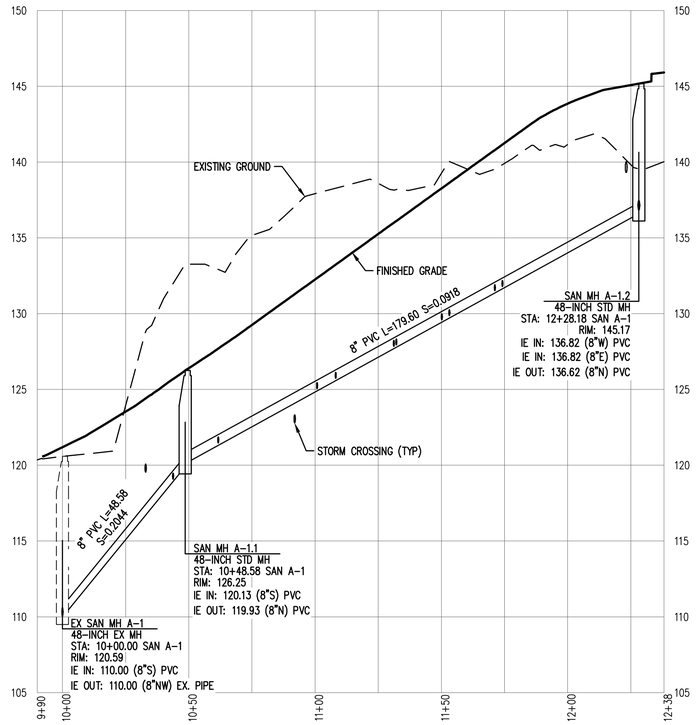
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-08

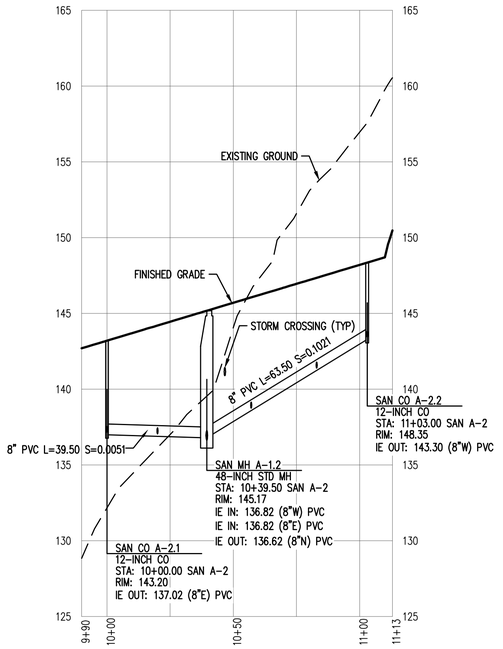


AKS DRAWING FILE: 7432 UTILITY.DWG | LAYOUT: STRM



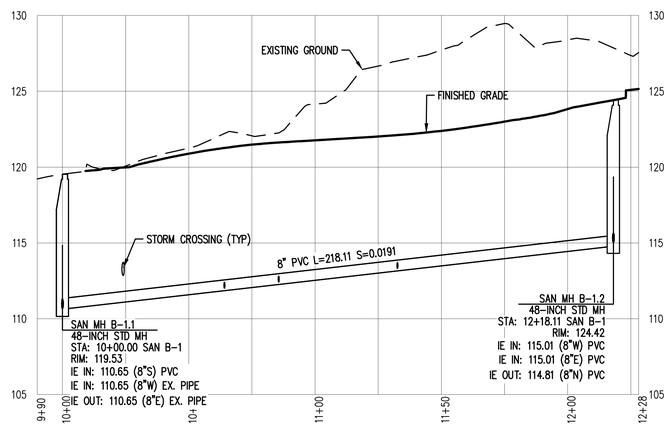
STATIONING BASED ON PIPE CENTERLINE UNLESS NOTED OTHERWISE

SAN A-1
HOR: 1"= 30'
VERT: 1"= 5'



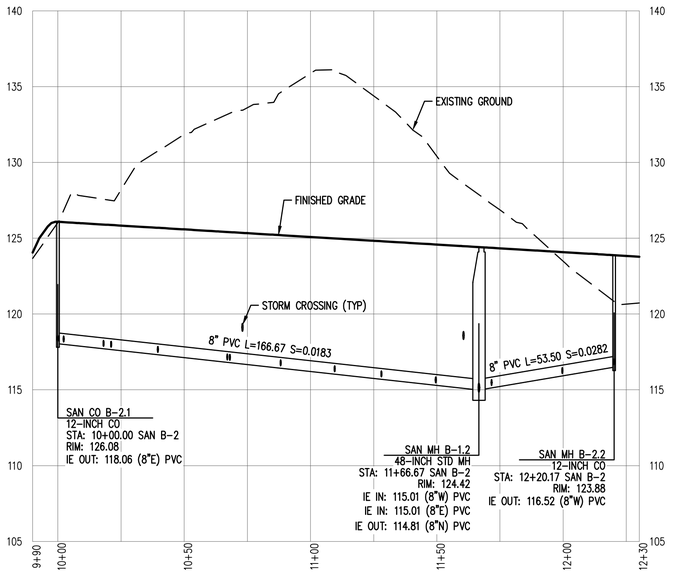
STATIONING BASED ON PIPE CENTERLINE UNLESS NOTED OTHERWISE

SAN A-2
HOR: 1"= 30'
VERT: 1"= 5'



STATIONING BASED ON PIPE CENTERLINE UNLESS NOTED OTHERWISE

SAN B-1
HOR: 1"= 30'
VERT: 1"= 5'



STATIONING BASED ON PIPE CENTERLINE UNLESS NOTED OTHERWISE

SAN B-2
HOR: 1"= 30'
VERT: 1"= 5'

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY SANITARY PROFILES
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2007
LYNDON T. PETERSON
RENEWAL DATE: 6/30/21

NOT FOR CONSTRUCTION
PRELIMINARY
MONTGOMERY B. HURLEY
EXPIRES: 6/30/2021

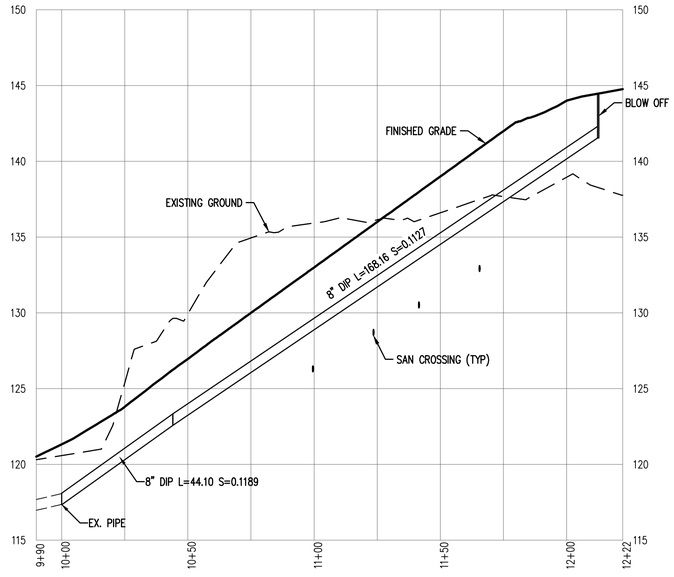
JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-09

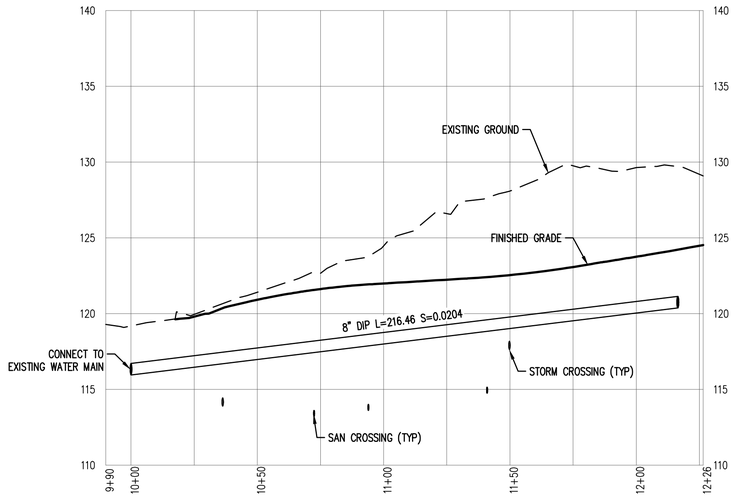
N

SCALE: 1"= 30 FEET
30 0 6 15 30
ORIGINAL PAGE SIZE: 22" x 34"

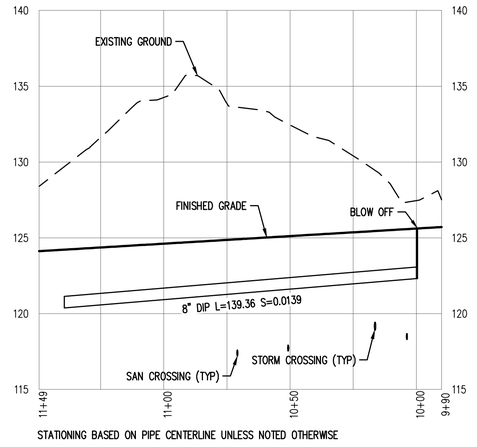
AKS DRAWING FILE: 7432 UTILITY.DWG | LAYOUT: SAN



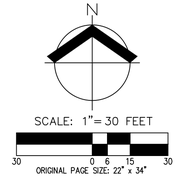
WATER A–1
HOR: 1"= 30'
VERT: 1"= 5'



WATER B–1
HOR: 1"= 30'
VERT: 1"= 5'



WATER B–2
HOR: 1"= 30'
VERT: 1"= 5'



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY WATER PROFILES
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

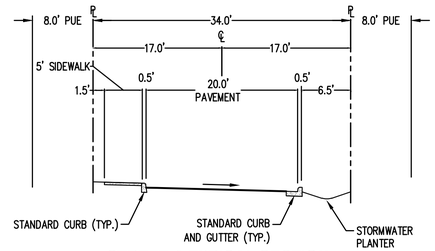
REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 9, 2002
CHRISTOPHER M. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

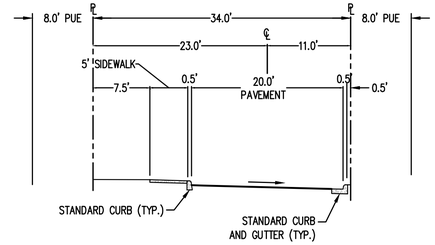
P-10

AKS DRAWING FILE: 7432 UTILITY.DWG | LAYOUT: WAT

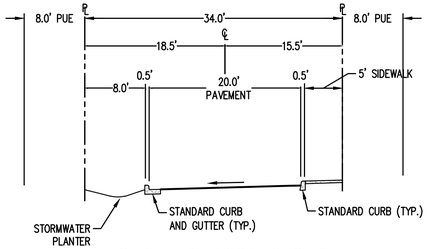




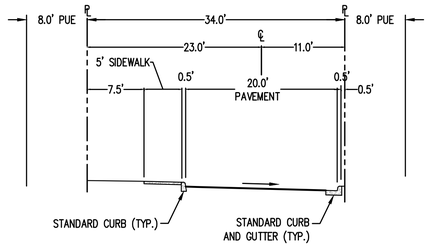
STREET A TYPICAL SECTION (PRIVATE)
N.T.S.



STREET A TURNAROUND TYPICAL SECTION (PRIVATE)
N.T.S.



STREET B TYPICAL SECTION (PRIVATE)
N.T.S.



STREET B TURNAROUND TYPICAL SECTION (PRIVATE)
N.T.S.

STREET B ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	10+00.00		214.06'			S02°36'28"W

STREET B TURNAROUND ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	9+70.50		190.61'			S87°23'32"E
T2	11+61.11		141.97'			S87°23'32"E

STREET A ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	10+00.00		17.25'			S44°12'25"E
C1	10+17.25	102.00'	50.95'	28°37'16"	50.42	S29°53'46"E
T2	10+68.20		35.88'			S15°35'08"E
C2	11+04.08	120.00'	38.10'	18°11'36"	37.94	S06°29'20"E
T3	11+42.18		154.76'			S02°36'28"W

STREET A TURNAROUND ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	9+62.68		97.32'			S87°23'32"E
T2	10+60.00		116.89'			S87°23'32"E

KEYED NOTES:

1. BEGIN STREET IMPROVEMENTS
2. END STREET IMPROVEMENTS
3. BEGIN TURNAROUND IMPROVEMENTS
4. END TURNAROUND IMPROVEMENTS

N

SCALE: 1"= 30 FEET

30 0 6 15 30

ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY STREET PLAN AND CROSS SECTIONS
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

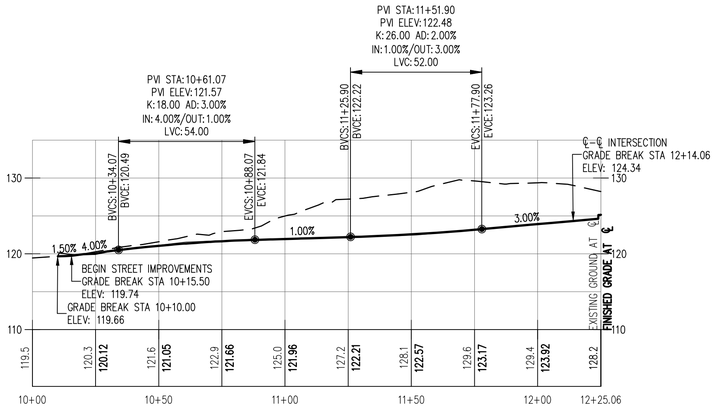
REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 13, 2012
VINH H. PHAN
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION
MONTGOMERY B. HURLEY

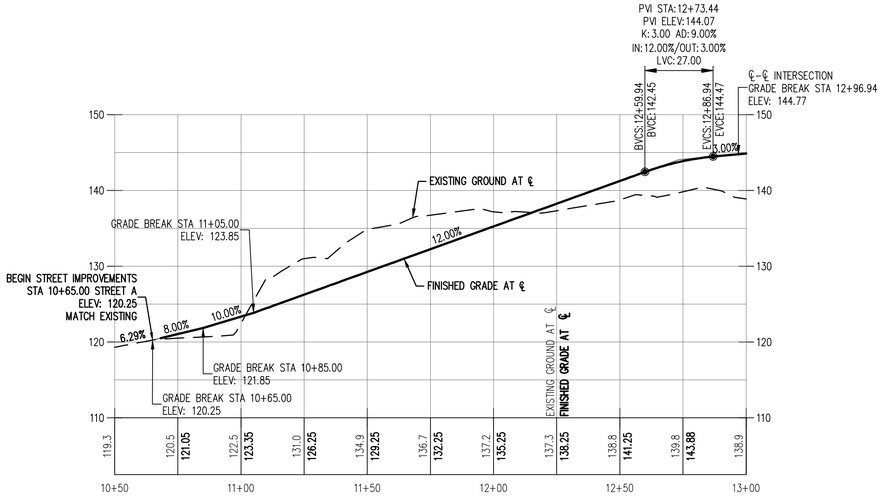
JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-11

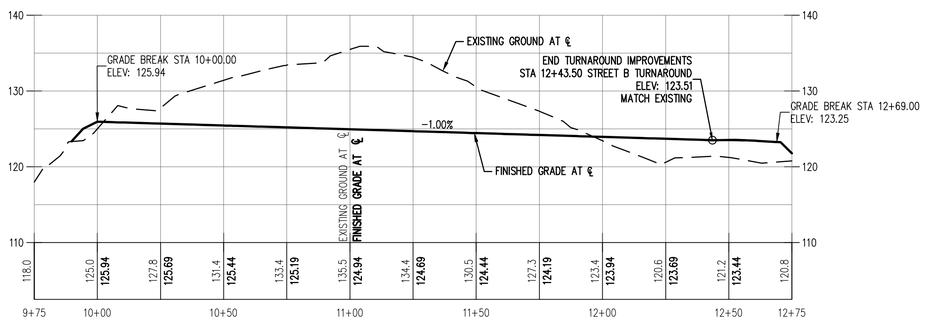
AKS DRAWING FILE: 7432 STREET.DWG | LAYOUT: PLAN



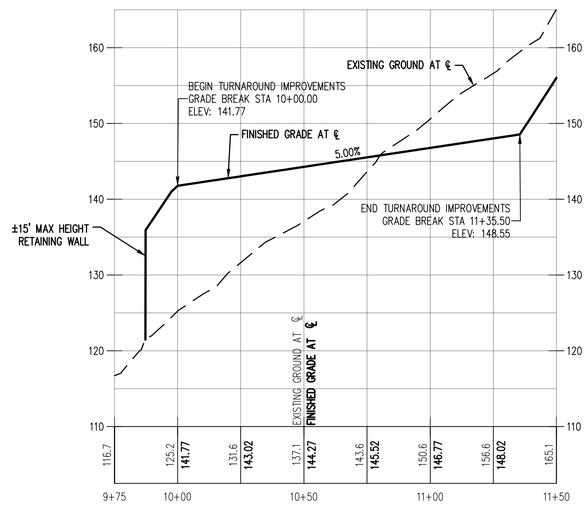
STREET B (PRIVATE)
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 10'



STREET A (PRIVATE)
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 10'



STREET B TURNAROUND (PRIVATE)
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 10'



STREET A TURNAROUND (PRIVATE)
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 10'

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY STREET PROFILES
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 8, 2002
MONTGOMERY B. HURLEY
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-12

AKS DRAWING FILE: 7432 STREET.DWG | LAYOUT: PROFILE

AKS DRAWING FILE: 7432 AERIAL.DWG | LAYOUT: AERIAL



PRELIMINARY AERIAL PHOTOGRAPH PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

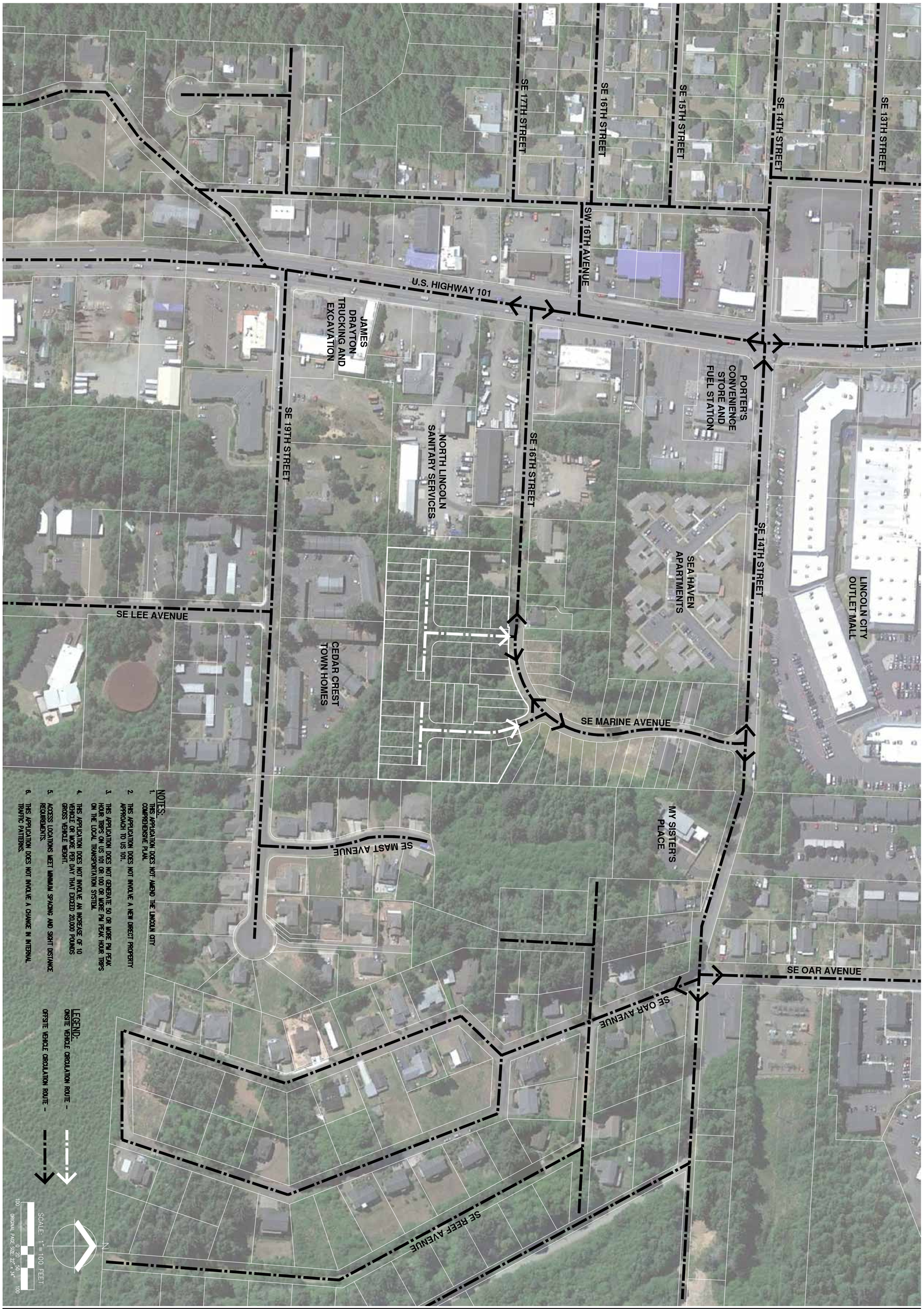
REGISTERED PROFESSIONAL ENGINEER
OREGON JULY 13, 2005
CHRISTOPHER B. HURLEY
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VAN

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE



CONCEPTUAL NEIGHBORHOOD CIRCULATION PLAN WITH AERIAL OVERLAY

THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON JULY 13, 2005
CHERYL B. HURLEY
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VAN

P-14

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE



NOTE:
ALL ON-SITE AREAS OUTSIDE OF PLANNED IMPERVIOUS AREAS, FUTURE BUILDING FOOTPRINTS, AND STORMWATER FACILITIES TO BE LANDSCAPED PER LCMC 17.52.100.

N

SCALE: 1"= 30 FEET
30 0 6 15 30
ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY LANDSCAPE PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
OREGON
JANUARY 8, 2002
MONTGOMERY B. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	05/26/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-15

AKS DRAWING FILE: 7432 LANDSCAPE.DWG | LAYOUT: LDSCP

May 22, 2020

AnneMarie Skinner, Director
City of Lincoln City
Planning and Community Development
PO Box 50
Lincoln City, OR 97367

RE: Completeness Review of The Cove at Lincoln City Phase III (SUB 2020-01/PUD 2020-01)

Dear AnneMarie:

Thank you for reviewing the Cove at Lincoln City Phase III Subdivision application. This letter and accompanying information respond to your request for additional information that we received in the letter dated March 31, 2020 (attached). The list of additional information requested is shown in *italics*, with the applicant's response directly below.

Public Works

1. *LCMC 16.08.250.D.6.d requires approximate plan and profiles of proposed sanitary sewers, storm drains, and water distribution system, showing pipe sizes and the location of valves and fire hydrants, all to conform to city standards. Please submit profiles of proposed sanitary sewers, storm drains, and water distribution system, including pipe sizes.*

Response: The Preliminary Plans have been updated to include the profiles and pipe sizes of the planned utilities.

2. *LCMC 17.52.210.I.11 requires 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. Please submit the required circulation plan and traffic impact analysis.*

Response: A conceptual neighborhood circulation plan is included in the Preliminary Plans. This application involves the creation of a subdivision for the future construction of 40 attached single-family homes. 40 attached single-family units creates 22 pm peak hour trips based on ITC Category 220 (10th Edition Trip Generation Manual). This does not meet the requirements for a Traffic Impact Study as detailed in Section 17.52.300 of the Lincoln City Municipal Code. As shown on the chart in the 10th Edition Trip Generation Manual for ITC Category 220 (copy enclosed), the average rate of pm peak hours is 0.56. Therefore 40 attached single-family homes would be anticipated to generate 22 pm peak hour trips, well under the threshold requirements for a TIS pursuant to Section 17.52.300 of 50 pm peak hour trips. This is consistent with the direction provided by City engineering staff at the pre-application conference.

3. *Emergency access gates across an existing, established right-of-way are not allowed. Please submit revised plans eliminating the emergency vehicle access gates.*

Response: The emergency access gate has been removed from the Preliminary Plans.

4. *The attached document contains additional revisions requested by Public Works. Please submit revised plans reflecting the requested revisions from the attached document.*

Response: These comments have been discussed further with City staff and the comments are intended to be addressed at the time that engineering plans are reviewed. These comments will be addressed in the future.

Planning and Community Development

1. *The submitted application is subject to LCMC 17.52.210. A number of items are missing from the application that are required per LCMC 17.52.210.*

   H.5. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent property boundaries and land uses.

Response: A vicinity map at a scale of one inch equals 400 feet that shows adjacent property boundaries and land uses is included in the Preliminary Plans.

I.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. If none are proposed, please include a note on the preliminary plat stating as much.

Response: Preliminary conditions, covenants, and restrictions (CC&Rs) are included with this response.

I.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. If not are proposed, please include a note on the preliminary plat stating as much.

Response: This application does not include property that is planned to be dedicated to the City or public. A note has been added to the preliminary plat stating the same.

I.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;

17.52.210.

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

Response: Because the subject site is greater than two acres, this subdivision is being processed as a planned unit development. The application demonstrates compliance with the perimeter yard requirements, land coverage, recreation area, storage areas, and design features required for attached single-family dwellings. Therefore, this application satisfies the applicable standards for an attached single-family dwelling subdivision pursuant to Section 17.52.260

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

Response: This property is currently owned by The Cove at Lincoln City, LLC. It is anticipated that ownership will remain unchanged until future homes are constructed and sold.

I.10. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be relandscaped. Include the required 6-foot-tall sight-obstructing fence, hedge, or wall around the storage areas, identifying the types of materials used for the sight obstruction.

Response: The updated Preliminary Plans include a Preliminary Landscape Plan.

I.12. A statement whether the applicant proposed 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.

Response: This application includes concurrent processing of a Preliminary and Final Master Plan and is intended to be completed in one single stage. The Applicant intends to begin construction as soon as practicable and as the market allows.

2. *LCMC 17.52.260.B. discusses setbacks. Clearly identify the perimeter setback lines and call out the distances. State if the setbacks are shown for a 15-foot tall building or not and add a note indicating that the side and rear yard setbacks increase by one-half foot for each foot that the building is above 15 feet in height.*

Response: The updated Preliminary Plans show perimeter setback lines and the note about the side and rear yard setbacks. The layout and setbacks shown on the Preliminary Plans have been designed assuming the future buildings will be up to 35 feet in height.

3. *LCMC 17.52.260.I. notes additional requirements. Add a note to the preliminary plat that all attached single-family dwellings shall utilize at least two of the design features from LCMC 17.52.260.I, to be reviewed for compliance during the building permit review process.*

Response: A note has been added to the Preliminary Plat that addresses design features for future attached single-family homes.

4. *Chapter 17.56 LCMC addresses off-street parking requirements. Show the required off-street parking spaces, with dimensions, on each lot on the revised preliminary plat.*

Response: The Preliminary Plans have been updated to show off-street parking for each lot.

Thank you for your review of our submittal materials for the Cove at Lincoln City Phase III. Please let us know if you have questions.

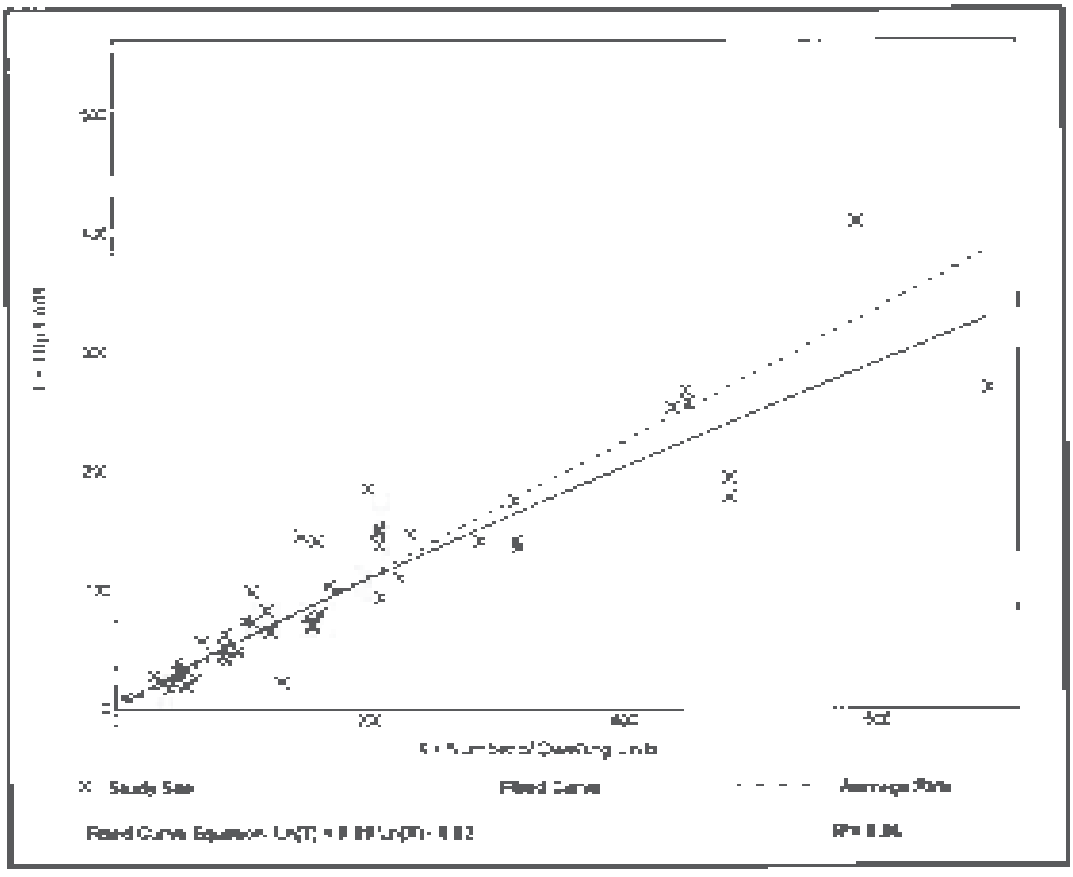
Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Chris Goodell, AICP, LEED^{AP} – Associate
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151 | chrisg@aks-eng.com

Multifamily Housing (Low-Rise)

Data Plot and Equation



DRAFT

AFTER RECORDING, RETURN TO:

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Protective Covenants, Conditions and Restrictions ("Declaration") is made and effective the ___, day of_____, 2020. This Declaration affects that certain real property (the "Property") located in the City of Lincoln City, Lincoln County, Oregon and more particularly described as Lots 29 through 68, inclusive, as shown on Subdivision Plat _____the "Plat) recorded in the official records of Lincoln County on_____, and all improvements now existing or to be constructed on the Property, which Property and improvements are collectively known and referred to as The Cove at Lincoln City Phase III.

RECITALS, INTENT AND PURPOSE

A. _____is the owner in fee simple of the Property and the Declarant herein.

NOW, THEREFORE, for such purposes, Declarant makes this Declaration for governance of the Property:

DECLARATION

Declarant hereby declares on behalf of itself, its successors, grantees and assigns, as well as any and all persons having, acquiring or seeking to have or acquire any interest of any nature whatsoever in and to any part of the Property, as follows:

1. Definitions. Except as otherwise provided or modified by this Section 1, the terms contained herein shall have the meaning set forth in the Oregon Planned Community Act, ORS 94.550 et seq. As used in this Declaration, the following terms shall have the following meanings:

1.1 Mortgage. Mortgage means a recorded first mortgage, first trust deed or first contract of sale that creates a first lien against a Lot, and “Mortgagee” means the holder, beneficiary or vendor of such a mortgage, trust deed or contract of sale, but only when such holder, beneficiary or vendor notifies the Association in writing of the existence of such mortgage and

DRAFT

gives the Association a current name and mailing address.

1.2 Owner. Owner means the sole, or all joint, owners of one or more Lots.

1.3 Plat. Plat has the meaning provided in the initial paragraph of this Declaration.

2. Name Description

2.1. Name. The name by which the Property shall be known is The Cove at Lincoln City Phase III.

2.2. Lot Designation. The Property is comprised of (40) Lots, each suitable for construction of one residential building, and easements as described in the Plat. The boundaries, designation, location and dimensions of each Lot are shown on the Plat.

3. Easements. Easements are reserved as shown on the Plat. Within these easements no structure, planting or other materials shall be placed or permitted to remain which may damage or interfere with the purpose of the easement.

4. Building Materials and Size Limitations. All building materials to be incorporated into and visible as a part of the external structure of any building or other structure in the Property conform to the following criteria:

4.1. Roofing material. In particular, all roofing material for any building or structure shall be of wood (shake or shingle), tile, or a 25-year or better composition architectural shake with ridge caps.

4.2. Siding material. All siding materials shall be natural wood, or man-made lap siding materials provided.

4.3. Minimum House Size. Each single-family residence constructed on a Lot shall have a minimum floor area of 1,000 square feet, exclusive of garages.

5. Landscape, Hedges and Fences. All front and side yards must be completely landscaped within six (6) months of initial occupancy. All grounds and related structures shall be maintained in harmony with surrounding landscaping. No weeds, noxious plants, or unsightly vegetation shall be planted or allowed to grow. Fences shall comply with applicable City regulations but shall not exceed six (6) feet in height. Fences shall be well constructed of suitable materials and shall not detract from the appearance of the adjacent structures or buildings. No high output exterior lighting, including but not limited to mercury vapor and halide lights, shall be installed. No tree shall be removed except in accordance with City of Estacada permit standards.

6. No Rezoning or Redivision. No property within the Property may be rezoned or redivided, nor may a Lot line or boundary line of a Lot be altered, without the written consent of the City of Lincoln City and a majority of Owners.

DRAFT

7. Restrictions on Animals. No animals of any kind shall be raised, bred or kept in the Property, except that dogs, cats and other commonly maintained household pets may be kept so long as they are not bred, maintained or kept for commercial purposes. No animal of any kind, including dogs and cats, shall be allowed to interfere with the quiet enjoyment of the other residents in the Property, or permitted untended upon the streets, or upon premises of other occupants of the Property.

8. No Commercial Use. No portion of property in the Property shall be used for business or commercial purposes. No occupant of property within the Property shall park, nor permit to be parked, any commercial vehicle such as log trucks, dump trucks, tractor trailer rigs, or any other vehicles except passenger automobiles (including pickups) upon property, including streets, in the Property. No owner or occupant shall permit, initiate, or carry on activities in the Property that are obnoxious or offensive, nor allow conditions on any Lot of the Property to become a nuisance or annoyance to the neighborhood. No commercial signs shall be erected on the property, except real estate sales signs of not more than five (5) square feet advertising property within the Property for sale or rent.

9. Screening. Trash, garbage and other waste shall not be kept except in sanitary containers, screened from public view. No Lot or Tract shall be used as a dumping ground for trash, garbage, waste or debris. All heat pumps and condensers on Lots (or other utilities and devices commonly placed out of doors) shall receive special consideration to provide visual screening and noise attenuation.

10. No Interference. Owners or occupants within the Property shall not engage in nor continue uses which unreasonably interfere with use of other property within the Property. The following activities shall conclusively be deemed to unreasonably interfere with other property in the Property: (1) construction and maintenance of communications transmission and reception towers and antenna; and (2) construction and maintenance of exterior radio and television antennae and other receptors except for satellite dish type antennae not larger than 36 inches in diameter.

11. Completion of Improvements. All structures (including flat work and landscaping) constructed within the Property shall be erected and completed within one year after the commencement of construction. All remodeling, reconstruction, or enhancement of structures shall be completed within one year of the commencement of construction. Commencement of construction shall be deemed to be the date upon which a building permit was first issued for the construction, or, if no building permit was obtained, the date on which Lot clearing, demolition or remodeling commenced.

DRAFT

12. No Further Subdivision. No Lot may be subdivided or partitioned into divisions of any nature.

13. Mandatory Mediation Prior to Litigation. All Lot owners agree that all claims, controversies or disputes, whether they be statutory, contract and/or tort claims between or among the parties hereto which arise out of or are related to this Agreement, or which relate to the formation, interpretation, breach or invalidity of this Agreement, whether arising before, during or after termination (hereinafter collectively referred to as "Claims"), shall be resolved in accordance with the mediation and litigation procedures specified herein.

13.1 Mediation. All "Claims" defined in the foregoing paragraph shall be submitted to mediation. The parties shall agree to a mediator. If the parties cannot agree as to the selection of a mediator, then either party may request appointment of a mediator from the American Arbitration Association or the Arbitration Service of Portland, Inc., whichever organization is selected by the party which first initiates mediation by filing a claim in accordance with the filing rules of the organization selected. The parties shall share equally the cost of the mediation process.

13.2 Litigation and Attorney's Fees. Any "Claims" that have not been resolved by mediation may be the subject of litigation in which the parties shall have all rights and remedies available at law and in equity, and the prevailing party in such litigation shall be entitled to an award of attorneys' fees and costs of action at trial and on appeal and review.

13.3 Judgment. Judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. The parties shall share equally the fees and costs charged by the arbitration entity. The parties knowingly and voluntarily waive their rights to have their dispute tried and adjudicated by a judge or jury. In the event a party fails to proceed with arbitration, unsuccessfully challenges the arbitrator's award, or fails to comply with the arbitrator's award, the other party is entitled to costs, including reasonable attorney's fees, for having to compel arbitration or defend or enforce the award.

13.4 Venue. The venue for any litigation to interpret or enforce the provisions hereof shall be Lincoln City, Oregon. The parties expressly consent to the jurisdiction of such court.

14. Section and Paragraph Captions. Section and paragraph captions shall not be deemed to be a part of this Declaration unless the context otherwise requires. In construing this Declaration, if the context so requires, the singular shall be taken to mean and to include the plural, the masculine shall be taken to mean and to include the feminine and the neuter and, generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to individuals, trusts, estates, personal representative, trustees and corporations.

DRAFT

The undersigned Owner of the subject property has caused this Declaration to be executed this _____day of_____, 2020.

DECLARANT:

_____

The Cove at Lincoln City Phase III Subdivision Land Use Application

Date: February 2020

Submitted to: City of Lincoln City
PO Box 50
801 SW Highway 101
Lincoln City, OR 97367

Applicant: Nandina & Co., LLC
10300 SW Greenburg Road, Suite 270
Portland, OR 97223

AKS Job Number: 7432

AKS ENGINEERING & FORESTRY
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6161

Table of Contents

I. Executive Summary....2
II. Site Description/Setting....3
III. Applicable Review Criteria....3
LINCOLN CITY MUNICIPAL CODE....3
TITLE 17 – ZONING....3
CHAPTER 17.200 MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE....3
CHAPTER 17.46 NATURAL RESOURCE OVERLAY (NR) ZONE....6
CHAPTER 17.52 SUPPLEMENTARY REGULATIONS AND EXCEPTIONS....7
CHAPTER 17.56 OFF-STREET PARKING AND LOADING REGULATIONS....17
TITLE 16 – SUBDIVISIONS....19
CHAPTER 16.08 PROCEDURE....19
CHAPTER 16.12 DESIGN STANDARDS....22
CHAPTER 12.08 GRADING AND EROSION CONTROL....29
CHAPTER 12.28 VEHICULAR ACCESS AND CIRCULATION....29
IV. Conclusion....30

Exhibits

Exhibit A: Preliminary Plans
Exhibit B: City of Lincoln City Land Use Application Forms
Exhibit C: Lincoln County Assessor's Map
Exhibit D: Ownership Information
Exhibit E: The Cove at Lincoln City and The Cove at Lincoln City Phase II Recorded Final Subdivision Plats
Exhibit F: Tree Inventory Table
Exhibit G: Preliminary Stormwater Report

The Cove at Lincoln City Phase III Subdivision Land Use Application

Submitted to:
City of Lincoln City
Planning and Community Development Department
PO Box 50
801 SW Highway 101
Lincoln City, OR 97367

Applicant:
Nandina & Co., LLC
10300 SW Greenburg Road, Suite 270
Portland, OR 97223

Owner:
The Cove at Lincoln City, LLC
10300 SW Greenburg Road, Suite 270
Portland, OR 97223

Applicant's Consultant:
AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

Contact(s): Chris Goodell, AICP, LEED^{AP}
Email: chrisg@aks-eng.com
Phone: (503) 563-6151

Site Location: South of SE 14th Street and North of SE 19th Street

Lincoln County Assessor's Map: 07 11 22 AA, Tax Lot 6800

Site Size: ±3.39 Acres

Land Use District: R-M (Multiple-Family Residential)

I. Executive Summary

Nandina & Co., LLC (Applicant) is submitting this application for a 40-lot residential subdivision. This site was previously approved as part of the Cove at Lincoln City phased subdivision (File No. SUB 04-07), but the approvals have lapsed. Phases 1 and 2 of The Cove at Lincoln City have been platted and six attached single-family homes have been built in these two phases. This third phase was held as a large tract to be developed in the future and will provide additional lots for the future construction of attached single-family homes. The project is planned to take access from SE Marine Avenue at the site's northern boundary. The planned project features include:

- **40 Lots for the Future Construction of Attached Single-Family Homes:** This project includes 40 lots for future attached single-family homes. These homes are intended to provide variety to the existing housing market in Lincoln City.
- **Recreation Area:** This project includes over 10,000 square feet of recreation area.
- **Storage Area:** This project includes storage areas located around the site for future residents.
- **On-Site Stormwater Facilities:** This project includes a stormwater collection and conveyance system that will capture and treat stormwater runoff on site.

The site is designated R-M (Multi-Family Residential), and this application involves the creation of a subdivision for the future construction of attached single family homes. The standards for attached single-family homes discussed in Chapter 17.52.260 have been applied in this application.

The Cove at Lincoln City Phase III subdivision is a "needed housing" application under Oregon Revised Statute (ORS) 197.303(1)(a) as it provides detached single-family housing within an urban growth boundary. ORS 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the development of needed housing, and such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Oregon Courts and the Land Use Board of Appeals (LUBA), have generally held that an approval standard is not clear and objective if it imposes on an applicant "subjective, value-laden analyses that are designed to balance or mitigate impacts of the development." Rogue Valley Association of Realtors v. City of Ashland, 35 Or LUBA 139, 158 (1998) aff'd, 158 Or App 1 (1999). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on needed housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the needed housing statutes apply to this application. [The exceptions in ORS 197.307(4)(a) and 197.307(5) do not apply to this application. ORS 197.307(7)(a) is controlled by ORS 197.307(4)].

This Application is also a "limited land use application" as that term is defined in ORS 197.015 (12). ORS 197.195 (1) describes how certain standards can be applied to a limited land use application.

This application includes the City application forms, written materials, and Preliminary Plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The subject site is ± 3.39 acres and is located south of Phases 1 and 2 of The Cove at Lincoln City (Lincoln County Assessor's Map 07 11 22 AA). The site is currently vacant and is designated with R-M (Multi-Family Residential) zoning. This site is in an area that has surrounding mixed uses including multi-family, attached single-family, and industrial uses. The site is underdeveloped considering what the zoning would allow.

Description of the Surrounding Area

Area	Jurisdiction	Zoning	Land Uses
North	City of Lincoln City	R-M Residential, Multi-Family	Residential
South	City of Lincoln City	R-M Residential, Multi-Family	Residential
East	City of Lincoln City	R-1 -7.5 Residential	Residential
West	City of Lincoln City	R-M Residential, Multi-Family	Residential
West	City of Lincoln City	P-I Planned Industrial	Industrial

III. Applicable Review Criteria

LINCOLN CITY MUNICIPAL CODE

TITLE 17 – ZONING

CHAPTER 17.200 MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE

17.20.020 Permitted Uses.

I. Attached single-family dwellings, when developed in accordance with the standards specified in LCMC 17.52.260.

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. This is an allowed use when in accordance with the standards in Section 17.52.260. As discussed elsewhere in this written statement, this application meets the requirements of Chapter 17.52.260 of the Lincoln City Municipal Code (LCMC). This criterion is met.

17.20.050 Minimum lot area and density requirements.

The minimum lot area shall be 5,000 square feet for a single-family dwelling and a minimum of 8,000 square feet for a duplex or the first two units of a multifamily development. For each additional dwelling unit, the following standards shall apply:

A. Low Density. Where the entire lot is in excess of 150 feet from a boundary of a commercial zone, the lot must have an additional area of 2,250 square feet for each additional dwelling.

Response: For purposes of this section, density for an attached single-family development is calculated in the same manner as duplex and multi-family developments. This application involves the creation of a with new lots intended for future attached single-family homes and per LCMC Chapter 17.52.260 the subdivision has no minimum lot area requirements. As shown on the Preliminary Plans, the site is ±147,668 square feet and is in excess of 150 feet from a boundary of a commercial zone. The maximum allowed density for this site is

64 lots ((147,668 square feet – 8,000 square feet for the first two lots) / 2,250 square feet per additional lot); therefore, the planned density for this project meets the criteria.

(…)

17.20.060 Lot width, building coverage and yard requirements.

A. Lot Width. The minimum average lot width shall be at least 50 feet for single-family residences and duplexes; at least 60 feet for triplexes or greater number of dwelling units.

B. Front Yard. The minimum front yard shall be 20 feet.

C. Side and Rear Yard. The minimum side and rear yard shall be at least five feet, except that the street side yard shall be a minimum of 15 feet. The side and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

D. Building Coverage. The maximum building coverage by buildings and structures shall not exceed 45 percent of the total lot area.

E. Special yards and distances between buildings shall be provided as follows:

1. The distance between any principal building and any accessory building shall be a minimum of 10 feet.

2. An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width.

3. Except for single-family dwellings on one lot, the distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 15 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

4. For special yard requirements, see Chapter 17.52 LCMC, Supplementary Regulations and Exceptions.

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes that are an allowed use when developed in accordance with the standards in LCMC Chapter 17.52.260. As addressed previously, there are no minimum lot area or setback standards for lots in an attached single-family development. Lot coverage and yard requirements are discussed in detail in LCMC Chapter 17.52.260. To the extent applicable, these requirements are satisfied.

17.20.070 Maximum building height.

Maximum building height shall be 35 feet except as provided in LCMC 17.52.190 and 17.52.200.

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. Compliance with building height will be reviewed with building permit approvals. However, the layout and setbacks shown on the Preliminary Plans have been designed assuming the future buildings will be up to 35 feet in height. To the extent applicable, this criterion is met.

17.20.080 Signs.

Signs shall be permitted in accordance with the provisions of Chapter 17.72 LCMC.

Response: This application does not include signs, therefore, the provisions of LCMC Chapter 17.72 do not apply.

17.20.090 Parking.

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

Response: As discussed in LCMC Chapter 17.56, planned off-street parking for this project meets the requirements of LCMC Chapter 17.56. This criterion is satisfied.

17.20.100 Other required conditions.

A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.

Response: As discussed in LCMC Chapter 17.52.100, the planned site landscaping meets the requirements of LCMC Chapter 17.52.100. This criterion is met.

B. Recreation Area. A multifamily development shall have a minimum of 250 square feet of recreation area for each living unit. The recreation area must be exclusively for recreational use, and shall not be located in the required yard and shall not be considered as required landscape areas. The recreation area, which may include useable floor space in recreation buildings, must be available and free for use by occupants and their guests, and accessible to occupants without having to leave the property comprising the multifamily dwelling complex. The recreation area may be in one or more locations in the multifamily dwelling complex. Any location for use by more than an individual unit shall be at least 20 feet in width and within view of the residences it serves.

Response: This standard is superseded by Section 17.52.260.F. Therefore, this section does not apply.

C. [Reserved]

D. Access Barrier. Each lot, with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining highway or street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Such a barrier shall be located at the edge of, or within, the front yard or in side yards abutting streets unless suitable curbs and gutters are provided within the highway or street right-of-way. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street or highway.

Response: As shown on the Preliminary Plans (Exhibit A), curbs are included with the planned street improvements. This criterion is met.

E. Access Ways. Each lot shall have not more than two access ways to any one street or highway, which shall comply with the following requirements:

1. Width of Access Way. The width of any access way leading to or from a street or highway shall not exceed 24 feet, or where the city engineer or the Oregon Department of Transportation requires a turn lane, 36 feet, nor be less than 15 feet in width at the right-of-way line for a one-way ingress or egress. The alignment of access ways and curb return dimensions is subject to site plan review committee approval.

2. Spacing of Access Ways. At its intersection with the lot line, no part of any access way shall be nearer than 20 feet to any other access way on the same lot, nor shall any part of the access way be nearer than 10 feet to any side or rear property line and its intersection with a

right-of-way line. Insofar as practicable, the use of common access ways by two or more permitted uses is encouraged in order to reduce the number and closeness of access points along the highways.

3. Traffic Hazards. The location and number of access ways shall be so arranged that they will reduce the possibilities of traffic hazards as much as possible.

Response: This application does not include access ways as defined in Section 17.08.010. Therefore, these criteria are not applicable.

F. Restrictions. No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development, except as provided in LCMC 17.52.120(A).

Response: As shown on the Preliminary Plans (Exhibit A) and discussed in LCMC Chapter 16.16.040 and LCMC Chapter 16.16.050, sanitary sewer and water services are planned to be provided for this project by connecting to existing public services located in SE Marine Avenue. This criterion is satisfied.

G. Design Features. All single-family units (site-built, modular and manufactured homes) to be constructed or located in the multifamily residential zone shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. Dormers;
2. Gables;
3. Recessed entries;
4. Covered porch entries;
5. Cupolas;
6. Pillars or posts;
7. Bay or bow windows;
8. Eaves (minimum six-inch projection);
9. Off-sets on building face or roof (minimum 16 inches).

Response: This application involves a subdivision for the future construction of attached single-family dwellings. Therefore, these criteria do not apply. Please refer to Section 17.52.260.I for applicable standards related to building design features.

CHAPTER 17.46 NATURAL RESOURCE OVERLAY (NR) ZONE

17.46.030 Application.

A. The natural resource overlay zone consists of the land identified in the city comprehensive plan as "significant natural resource areas," including significant riparian areas, significant wetlands, and significant wildlife areas.

B. These provisions are to be applied in conjunction with the provisions of the underlying zone. Where the provisions of the NR overlay zone conflict with those of the underlying zone, the more restrictive provisions must be applied.

C. Limitation on Extent of Significant Riparian Areas. The significant riparian area extends a certain distance upland from the ordinary high water mark and includes everything within the area between the ordinary high water mark and the upper edge of the significant riparian area, to a maximum distance of 50 feet. If the area of transition extends less than 50 feet from the ordinary high

water mark, then the significant riparian area will be less than 50 feet in width. The significant riparian area may be more than 50 feet if the significant riparian area is adjacent to a significant wetland, in which case the maximum 50-foot distance is to be measured from the upland edge of the wetland. If it is necessary, for purposes of an application, to determine the extent of a significant riparian area, the property owner is responsible for having a qualified professional conduct a delineation to determine the significant riparian area boundaries.

Response: The site does not have mapped significant natural resource areas as identified in the City of Lincoln City Comprehensive Plan. Therefore, these criteria are not applicable.

CHAPTER 17.52 SUPPLEMENTARY REGULATIONS AND EXCEPTIONS

17.52.030 Access requirement.

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

Response: This project includes new private streets within tracts. As shown on the Preliminary Plans, each of the lots in the subdivision has access to a private street.

17.52.050 Storage in front yard.

Boats and trailers and house trailers shall not be stored in a required front yard.

Response: This standard is understood.

17.52.060 Clear-vision area requirement.

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

B. Definition of a Clear-Vision Triangle. This section defines a clear-vision triangle differently for (1) controlled intersections, where at least one street has a stop sign or traffic control light; (2) for uncontrolled intersections; and (3) in commercial zones, for alleys and driveways. The definitions for clear-vision triangles at the intersections of two streets use "Point A," which is the point of intersection of the lot lines (the property corner), or in the case of a curved lot line, the intersection of the tangents of the endpoints of the curve (Figure 17.52.060-1).

Response: Vision clearance areas are shown on the Preliminary Plans that are consistent with the provisions above. These standards are satisfied.

17.52.080 Maintenance of minimum requirements.

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

Response: This application does not include lot areas, yards, open space, off-street parking that are below the minimum requirements. This requirement is satisfied.

17.52.090 Dual use of required open space.

No lot area, yard or other open space or off-street parking or loading area which is required by this title for one use shall be utilized to satisfy requirements for lot area, yard or other open space or off-street parking or loading area for another use, except as provided in Chapter 17.56 LCMC.

Response: Lot areas, yards, and open space within this project will be for the sole purpose of this project and are not intended to be counted for any other use in the area. This requirement is met.

17.52.100 Landscaping.

A. Purpose. Landscaping is important to the community for its aesthetic value and environmental benefits, such as controlling erosion and functioning as part of the natural hydrologic cycle. By requiring landscaping for all new development and substantial improvements, the aim of this section is to maximize both benefits. Landscaping for each new development shall satisfy the following requirements.

B. Applicability. Landscaping requirements in this section apply to:

1. Newly developed lots.

2. Previously developed lots whenever improved by 50 percent or more of the assessed value of the existing improvements.

C. Landscape Plan. A landscape plan shall be submitted with any building permit for new construction, as applicable under this section.

1. Single-Family Residences and Duplexes.

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. Compliance with the landscaping requirements for individual lots will be reviewed at the time of building permit issuance.

(…)

D. Impervious Surface Limits. The following limits on impervious surface apply to all lots:

1. Single-Family Dwellings and Duplexes. Maximum coverage of a lot in impervious surfaces shall be limited to a percentage of the lot, according to zone, as listed in the table below.

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. Therefore, this criterion is not applicable.

2. All Development Other Than Single-Family Dwellings and Duplexes. Impervious surface shall be limited in accordance with Chapter 17.56 LCMC, Off-Street Parking and Loading Regulations, and subsection (E) of this section, and the applicable zoning designation.

Response: This application involves the creation of a subdivision for future attached single-family homes. Therefore, impervious surface limitations do not apply. This criterion is not applicable.

(…)

E. Planted Area – Minimum Requirements. For the purposes of this chapter, a planted area is any area designed to accommodate live vegetation. It includes the non-living ground cover that is distributed amongst and between the plants for erosion control, soil fertility, and beautification.

1. Single-Family Dwellings and Duplexes.

a. At a minimum, planted area shall be a percentage of single-family and duplex lots based on zone, as listed in the table below.

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. Therefore, these criteria are not applicable.

2. All Development Other Than Single-Family Dwellings and Duplexes. Except as modified by other sections of the zoning ordinance, a minimum of 15 percent of the total lot area shall be landscaped with plants and groundcover, as described in this section.

Response: As shown on the Preliminary Plans, the project can accommodate a planted area meeting this requirement. Planned landscaping and planted areas will be confirmed at the time of building permit approval. To the extent applicable, this requirement is met.

17.52.110 Distance between buildings.

A minimum distance of 15 feet shall be maintained between buildings designed for dwelling purposes on the same lot. A minimum distance of 10 feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. This application does not include multiple buildings on the same lot. Therefore, this criterion is not applicable.

17.52.120 Utilities.

A. In the single-family residential (R-1) zone, and the multiple-family residential (R-M) zone, when city services are not available or when only partial services are available, the minimum parcel size shall be five acres; except however, any existing lots of record less than five acres in area which do not front on a public sewer line but which will be connected to a public water line may be developed with a single-family dwelling utilizing an approved subsurface sewerage disposal system, provided a deferred improvement agreement is executed and recorded by the owner of record consenting to the establishment of a local improvement district to participate in future public sewer system extensions and connections.

Response: As shown on the Preliminary Plans, utilities for this site will be provided by connecting to existing utilities located in SE Marine Avenue. This criterion is not applicable.

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

Response: New utilities and services within the project site area are planned to be located underground, therefore, this criterion is satisfied.

17.52.160 Required yards – Exceptions.

A. Architectural Features. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, and bay windows not more than four feet wide or high may project up to 18 inches into a required yard.

B. Accessory Buildings. A required side or rear yard may be reduced to three feet for an accessory building, provided the building is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 200 square feet.

C. Fences. Fences, which may be located within required yards up to the property line, may not exceed three and one-half feet from the grade of the street centerline in the front yard, and shall not exceed six feet in other yards nor conflict with requirements of a clear vision area as provided in LCMC 17.52.060 or the clear vision areas of adjacent private driveways.

Response: This application involves a subdivision and does not include fences, accessory buildings, or structures that would have architectural features. These criteria are not applicable.

D. Retaining Walls. Retaining walls may be constructed in required yards, subject to the following limitations:

1. One or more retaining walls, none of which individually exceeds four feet in height, may be used, provided each successive wall is set back or stepped from the next lowest wall at least one foot for each one foot of height for that wall;

2. Within side and rear building setbacks that are not adjacent to a street or right-of-way, the height of a retaining wall exposed toward the interior of the property may be allowed that is up to eight feet in height. Those exposed toward the exterior of the property shall be limited as in subsection (D)(1) of this section;

Response: This sites topography necessitates that retaining walls be incorporated into the project design. As shown on the Preliminary Plans, there are planned retaining walls within side and rear setbacks of this project. These planned retaining walls are not adjacent to a street or right-of-way. The retaining wall shown on Lot 35 has a planned height of ±8.0 feet and is exposed toward the interior of the project. Portions of a retaining wall shown in Tract 9 and Lot 41 exceed 8' in height. However, these portions are located outside of the required setback as described above. These criteria are met.

E. Handicapped Access Facilities. Handicapped access facilities may be constructed in required yards as additions to existing buildings if exclusive of railings they do not exceed the height of the building's ground floor and do not conflict with the clear vision requirements of LCMC 17.52.060. For purposes of this section handicapped access facilities include ramps, sidewalks, curbing and entrances constructed for the purpose of making a building accessible to a physically handicapped person. Handicapped access facilities must be constructed in accordance with any applicable requirements of the building code in effect at the time of their construction. Handicapped access facilities constructed as additions to a nonconforming structure shall not be considered an alteration or extension of the nonconforming structure.

F. Bridges. Unenclosed and uncovered pedestrian or vehicular bridges for access to a dwelling may be constructed in a required yard. Such bridges may not have a slope up from the adjacent roadway exceeding the maximum allowed for driveways.

G. Porches, Decks, and Stairs. Unenclosed and uncovered porches, decks, and stairs may be constructed in a required yard, provided no part of the porch,

deck, or stairs is more than 30 inches above the ground or otherwise requires a building permit.

Response: This application involves the creation of a subdivision and does not include handicapped access facilities, bridges, or porches. These criteria are not applicable.

(…)

17.52.170 Trash receptacle enclosures.

In any R-M, PC, RC, GC and PI zone, all trash receptacles shall be located within a building or within an enclosure which screens the receptacle from the view of neighboring property or from a public right-of-way, except those trash receptacles accessory to a single-family dwelling.

Response: This application involves the creation of a subdivision and does not include trash receptacle areas. This criterion is not applicable.

17.52.190 Building height limitations.

Response: This application involves the creation of a subdivision and does not include the construction of new buildings. Compliance with building height requirements will be reviewed at the time of building permit issuance. This criterion is met.

17.52.220 Tree protection and removal.

(…)

F. When a Tree Removal Permit Is Required. Except as allowed in subsection (E) of this section, no person shall engage in or cause land clearance or tree removal without first having obtained a tree removal permit issued by the city.

(…)

3. Review Process. If part of a project that requires subdivision review, site plan review, or a conditional use permit, the permit for tree removal shall be processed as part of development or conditional use permit review. Other tree removal applications shall be reviewed by the director of planning and community development, who may require an erosion control plan to determine conformance with Chapter 12.08 LCMC, Grading and Erosion Control, and rules issued by the public works department.

Response: This application involves a subdivision review; therefore, the tree removal permit will be processed with the future development permit for the site.

(…)

9. Tree Removal for Development. Removal of tree(s) for the placement of structures and other improvements shall comply with the following:

a. Timing of Permit Issuance.

i. Building. A permit for tree removal from individual building lots shall be issued in conjunction with, and not prior to, issuance of the building permit.

Response: This application does not include buildings. Therefore, this criterion is not applicable

ii. Infrastructure. A tree removal permit may not be issued under this subsection for removal for

installation of street, gutter, curb, sidewalk, sanitary sewer, storm sewer, and water system improvements until the city engineer has given final approval to the design of the improvements and to the grading and erosion control plans, and, to the extent otherwise required by this section or this code, the owner has entered into a public infrastructure improvement agreement for the improvements and provided financial security therefor, including for tree mitigation; and the director of planning and community development has approved a tree protection and mitigation plan, if required.

Response: It is understood that a tree removal permit will be issued in conjunction with the approval of infrastructure improvements.

iii. Phased Developments. For phased developments, a separate tree removal permit is required for each phase of infrastructure development, which will not be issued until such time as public works approves commencement of grading for the phase. Tree removal permits issued for infrastructure development shall apply only to the minimum area necessary to accommodate the improvements.

Response: This application is not a phased development. That being said, as shown on the Preliminary Plans, the trees that are planned to be removed are the minimum required to accommodate the planned improvements. To the extent applicable, this criterion is satisfied.

(…)

G. Replacement of Trees Lawfully Removed.

1. Applicability. The standards of this section apply to trees removed with a permit required by subsection (F) of this section that are more than 100 feet from a building subject to site plan review, or conditional use approval, or that are removed to allow development of parking in excess of the amount of required parking, or that are removed for purposes other than compliance with a governmental requirement. If the tree being removed is dead, dying, diseased or dangerous to life or property, replacement is encouraged, but not required, unless the tree is a protected tree, in which case replacement is required.

Response: This application involves the creation of a subdivision for future attached single-family homes, and as discussed in subsection (F) above are subject to removal with a permit that will be processed with this subdivision application. Trees that are planned to be removed with this project are not within 100 feet of a building subject to a site plan review, or conditional use approval, or are being removed to allow development of parking in excess of the amount of required parking. Therefore, tree replacement is not required.

(…)

I. Tree Protection and Replacement Plan Required.

1. Applicability. Requirements of this subsection apply to any lot, parcel or combination of lots or parcels for which an application for a subdivision, site plan review, planned unit development or conditional use is filed if the proposed project will involve tree removal.

Response: This application involves the creation of a subdivision that includes tree removal. Therefore, these criteria are applicable.

2. Elements of a Tree Protection Plan. The owner of lots or parcels specified in subsection (I)(1) of this section shall provide a tree protection plan for the planting, maintenance, removal and protection of trees, prepared by a certified arborist to meet the approval of the director of planning and community development and the city engineer. The tree protection plan shall include all of the following items; however, the director of planning and community development and the city engineer may waive one or more of the items where the required information already has been made available to the city, or is not necessary to review the application.

   a. Identification of the location, size and species of all existing, large trees and protected trees.

   b. An accurate topographical survey, subdivision map or plat map that bears the signature of a qualified, registered surveyor or engineer, and showing:

      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 large trees and protected trees on the site, and indicating species, approximate height, diameter, canopy spread and common name; and

      iii. The location of existing and proposed easements, as well as setbacks required by existing zoning requirements.

   c. In lieu of the map or survey required in subsection (I)(2)(b) of this section, an applicant proposing to remove trees may provide aerial photographs with overlays, GIS documentation, or maps approved by the director of planning and community development, that clearly indicate the information required by this subsection.

   d. Arborist Report. The report, prepared by a certified arborist, shall describe all large trees and all protected trees on the site and any large or protected trees removed within the period of one year prior to application for a tree permit. The report shall include the following:

      i. Information on the health and condition of all large trees and protected trees;

      ii. Information on species, common name, diameter, and approximate height and age of all large trees and protected trees; and

      iii. Indication of those subject to removal or transplanting.

e. Tree Identification. Unless specifically exempted by the director of planning and community development and the city engineer, 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 Plan. A detailed description and map of the proposed tree replacement program, meeting the standards of subsection (I)(2) of this section and including the information on the number, size, species, and cost.

g. Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to remove trees on common areas in a recorded subdivision or planned unit development, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.

h. Tree Protection Program. A program describing how preserved trees will be protected during tree removal and construction that meets the requirements of subsection (I) of this section, unless specifically exempted by the director of planning and community development. The tree protection program shall commit the property owner to a maintenance plan that promotes the vitality of all protected trees.

Response: A Preliminary Tree Preservation and Removal Plan (Exhibit A) and Tree Inventory Table (Exhibit F) that includes the information listed above, as applicable, is included in with this application.

3. Recording of Tree Protection Plan. Approved tree protection plans shall be recorded, either separately or included in development agreements required in LCMC Titles 16 and 17 for planned unit developments (PUDs) and subdivisions. The property owner shall record a deed restriction as a condition of approval of any development permit affected by this section to the effect that trees preserved and planted in accordance with an approved tree protection plan may be removed only with a permit and only for the reasons described in subsection (E) of this section, in which case the tree shall be replaced. The form of this deed restriction shall be subject to approval by the director of planning and community development and the city attorney. Except as provided in this subsection, removal of a tree designated for protection under a tree protection plan recorded as a condition of development approval shall constitute a Class B violation.

Response: If required, a tree protection plan can be recorded to meet this requirement. To the extent applicable, this criterion is satisfied.

17.52.260 Standards for attached single-family dwellings development.

A. There are no minimum lot area or setback standards for individual lots in an attached single-family housing development; provided, that the attached housing development as a whole meets the density, parking, height and landscaping requirements for the underlying zone.

Response: Density, parking, height, and landscaping requirements are discussed in detail elsewhere in this application and show compliance with the applicable requirements. To the extent applicable, this criterion is satisfied.

> **B. Perimeter Yard Requirements. The front, street side, side and rear yards around the perimeter of an attached single-family housing development are those of the underlying zone.**

Response: As shown on the Preliminary Plans, the planned perimeter setbacks can meet the applicable yard requirements of the R-M zone listed in the table below. Compliance with the applicable setbacks for individual lots will be reviewed at the time of building permit issuance. This standard is met.

MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE YARD REQUIREMENTS			
Front Yard	Side Yard	Street Side Yard	Rear Yard
20 feet	5 feet	15 feet	5 feet

> **C. Land Coverage. The maximum land coverage by buildings and structures for an attached single-family housing development shall not exceed 45 percent of the total land area.**

Response: As shown on Preliminary Plans, the total land coverage associated with building and structures is not anticipated to exceed 45 percent. Therefore, this standard is met.

> **D. Special yards and distances between buildings shall be provided as follows:**
>
> **1. The distance between a principal building and any accessory building shall be a minimum of 10 feet.**

Response: This application does not include the construction of buildings. Therefore, this standard is not applicable. That being said, this standard can be met if applicable, at some point in the future.

> **2. An inner court providing access to double row dwelling groups shall be a minimum of 20 feet in width.**

Response: This application does not require or include an inner court as described above. This standard is not applicable.

> **3. The distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 15 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.**

Response: This application does not involve the construction of new buildings, rather it involves the creation of new lots (by way of a subdivision) for the future construction of attached single-family homes. As one new attached home (principal structure) is planned for each lot, separation between principal structures (on the same lot) is not applicable. Therefore, this standard is not relevant to the application.

> **4. The supplementary regulations and exceptions provisions of this chapter relating to yard requirements may also be applicable.**

Response: This narrative addresses the applicable supplementary regulations and exceptions of this chapter. This standard is met.

> E. Maximum Building Height. Maximum building height shall be 35 feet except as provided in LCMC 17.52.200.

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. Compliance with building height will be reviewed with building permit approvals. To the extent applicable, this criterion is met.

> F. Recreation Area. A minimum of 250 square feet of recreation area shall be provided for each living unit. The recreation area may be in one or more locations in the attached single-family housing development. Recreation buildings may be considered as part of these requirements.

Response: This application involves the creation of a 40-lot subdivision. Therefore, the recreation area requirement is 10,000 square feet. As shown on the Preliminary Plans, this project includes a recreation area that meets the minimum area requirement. This criterion is satisfied.

> G. Storage Area. Storage space (for boats, campers, etc.) shall be provided at the rate of one 10-foot by 20-foot space in size for every four living units. Adequate maneuvering room shall be provided; storage space shall be fenced with a six-foot-high sight-obscuring fence, hedge or wall.

Response: This application involves the creation of a 40-lot subdivision. Therefore, the total storage area requirement is 2,000 square feet. As shown on the Preliminary Plans, this project includes multiple storage areas that satisfy the minimum area requirement. This criterion is satisfied.

> H. Restrictions. No development of attached single-family dwellings or attached single-family housing developments may occur unless all city services (sewer and water) are available to serve such development.

Response: As shown on the Preliminary Plans, public sanitary sewer and public water service is planned to be provided to this site by connecting to existing public sanitary sewer and water mains located in SE Marine Avenue. This criterion is satisfied.

> I. Design Features. All attached single-family dwellings shall utilize at least two of the following design features to provide visual relief along the front of the dwelling:
>
> (…)

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. Compliance with the required design features will be reviewed at the time of building permit issuance. Although this standard is not relevant at this time, it can be satisfied in the future, when applicable.

17.52.300 Traffic impact study (TIS) requirements.

(…)

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

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

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

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

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

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

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

Response: This application involves the creation of a subdivision for the future construction of attached single-family homes. It is not anticipated that this type of use will generate 10 trips or more per day of vehicles that exceed 20,000 pounds gross vehicle weight. This application does not involve an amendment to the Lincoln City comprehensive plan or zoning map, a direct approach to US 101, does not create 50 p.m. peak hour trips, access driveways that do not meet minimum spacing or sight distance requirement, or changes to internal traffic patterns that cause such problems such as back-up onto the highway or traffic crashes in the approach area. Therefore, a Traffic Impact Study is not required.

CHAPTER 17.56 OFF-STREET PARKING AND LOADING REGULATIONS

17.56.040 Off-street parking.

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time:

A. A new building is hereafter erected;

(…)

Response: This application involves the creation of a subdivision with new lots intended for future attached single-family homes. It is understood that parking for each of the homes is required and is planned to be provided at the time that the homes are built. This standard is met.

17.56.050 Number of spaces required.

The number of off-street parking spaces required shall be set forth in the following schedule:

Use	Requirement
A. Residential	
1. Single-and two-family dwelling	
c. Over 1,000 square feet per unit	2 spaces per dwelling unit

17.56.090 Location of parking facilities.

> Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not further than 200 feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of providing the existence of such off-premises parking arrangement rests upon the person who has the responsibility of providing parking, by evidence in the form of deeds, leases or contracts for such off-premises parking arrangement. Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements.

Response: This application involves the creation of a subdivision for the future construction of attached single-family homes. A minimum of two off-street parking spaces are planned to be provided in the garage and/or driveway of each future home. This standard is met.

> 17.56.100 Parking — Front yard.
>
> Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of one- or two-family dwellings, but such space may be located within a required side or rear yard.

Response: This application involves the creation of a subdivision for future attached single-family homes. Therefore, this standard is not applicable.

> 17.56.110 Development and maintenance standards for off-street parking areas.
>
> A. Access. Except for single-family and two-family dwellings, groups of more than two parking spaces shall:
>
> (…)

Response: This application involves the creation of a subdivision for the future construction of attached single-family homes. As previously discussed, each of the future homes is not planned to have more than two parking spaces. Therefore, these standards do not apply.

> B. Screening. An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting on each side which adjoins property situated in residential zones or the premises of any school.

Response: This application does not include off-street parking areas for more than five vehicles. This standard is not applicable.

> C. Lighting. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in residential zones.

Response: This application does not include lighting for off-street parking areas. This standard is not applicable.

> D. Surfacing.
>
> 1. Materials. Areas used for standing and maneuvering of vehicles shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste vehicles and firefighting apparatus. Surfaces shall consist of one or more of the following materials:
>
> (…)

Response: This application involves the creation of a subdivision for the future construction of attached single-family homes. The off-street parking for these homes will be provided by way of driveways and garages. The surfacing materials will be reviewed at the time of building permit issuance. To the extent applicable, this standard is satisfied.

(…)

3. Maximum Impervious Surface.

(…)

b. All Development Other Than Single-Family Dwellings and Duplexes. All parking spaces in excess of the minimum required amount shall be surfaced with pervious materials, as listed in subsection (D)(1)(b) of this section.

Response: This application involves the creation of a subdivision for future attached single-family homes. Each of the future homes is planned to have two parking spaces in the driveway and garage. As this is not in excess of the two required parking spaces for each of the future single-family homes, this standard is not applicable.

(…)

TITLE 16 – SUBDIVISIONS

CHAPTER 16.08 PROCEDURE

Article IV. Subdivision

16.08.210 Inspection and processing fee.

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

16.08.220 Tentative plan – Submission.

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

Response: The required plans and fee are included with the submittal materials. These criteria are satisfied.

(…)

16.08.250 Tentative plan – Required data.

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

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

Response: Preliminary plans drawn to scale that show the planned improvements for this subdivision are included with the application submittal materials. These criteria are met.

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

Response: As shown on the Preliminary Plans, the planned subdivision is a complete subdivision of the property. This criterion is not applicable.

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

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

Response: Preliminary plans drawn to scale that show the planned improvements for this subdivision are included with the application submittal materials. These criteria are met.

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

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

b. Date, north point and scale of drawing;

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

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

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

Response: Preliminary Plans drawn to scale with the above-referenced information, as applicable, are included in this application (Exhibit A). This standard is met.

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

a. Location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract; and other important features, such as section lines and corners, city boundary lines and monuments;

b. Contour lines having the following minimum intervals:

i. Two-foot contour intervals for ground slopes less than 10 percent;

ii. Five-foot contour intervals for ground slopes 10 percent or greater;

iii. Contours shall be related to the city or other datum approved by the city engineer and/or surveyor;

c. Location of at least one temporary bench mark within the plat boundaries or the source of the contour line data shown (source and accuracy subject to city engineer and/or surveyor's approval);

d. Location and direction of all watercourses;

e. Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees;

f. Existing uses of the property, including location of all existing structures to remain on the property after subdividing;

Response: A Preliminary Existing Conditions Plan that includes the above-referenced elements is included in the Preliminary Plans (Exhibit A). This standard is met.

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

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

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

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

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

i. Multiple-family dwellings;

ii. Shopping centers;

iii. Churches;

iv. Industry;

v. Parks, schools, playgrounds;

vi. Public or semipublic buildings;

vii. Open space;

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

Response: Preliminary Plans including the above information (as applicable) are included in the materials submitted with this application. This standard is satisfied.

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

a. Proposed deed restrictions in outline form;

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

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

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

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

Response: The Preliminary Plans (Exhibit A) and Preliminary Stormwater Report (Exhibit G) included with this application show the above applicable information. These standards are satisfied.

CHAPTER 16.12 DESIGN STANDARDS

16.12.010 Design standards and principles of acceptability.

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

Response: This subdivision application is a "Limited Land Use Decision" as that term is defined in ORS 197.015(12) because it is a local government decision on a subdivision or partition, as described in ORS 92.040, within the Lincoln City urban growth boundary (UGB). ORS 197.195(1) prohibits a local government from directly applying comprehensive plan requirements as a basis for its decision on an application for a Limited Land Use Decision where the comprehensive plan requirements have not been incorporated into the local government's land use regulations. Therefore, Comprehensive Plan policies may not be applied to the subdivision application under ORS 197.195(1) because the applicable LCMC approval criteria do not make the application subject to specific Comprehensive Plan policies. Compliance with the applicable portions of the LCMC are addressed in the responses throughout this narrative. The applicable criteria are met.

16.12.020 Streets – General requirements.

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

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

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

Response: Access to the site is planned to be taken from SE Marine Avenue that abuts the site to the north. The Preliminary Plans include two new internal streets. Street A is planned to connect to an existing street stub to SE Marine Drive at the site's eastern boundary. As further shown, Street B connects to SE Marine Avenue to the west. The quantity and location of the roads included in the project provide appropriate access for the lots included in this subdivision. Topographical constraints and existing development patterns preclude street connections in any direction. These criteria are satisfied.

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

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

Response: The Preliminary Plans illustrate the planned roadway widths for the new private streets within the subject site are designed to match low-use local street designs.

The widths and cross sections of the planned streets are shown on the Preliminary Street and Cross Sections Plan. Per previous conversations with City staff, it is understood that the planned private street improvements shown on the Preliminary Plans are allowed. Therefore, this standard is met.

16.12.040 Streets – Reserve strips.

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

Response: This application does not include reserve strips or street plugs. Therefore, this criterion is not applicable.

16.12.050 Streets – Alignment.

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

Response: Access to the site is planned to be taken from SE Marine Avenue that abuts the site to the north. The Preliminary Plans include two new internal streets. Street A will connect to an existing street stub to SE Marine Drive at the site's eastern boundary. Street A is designed to align with the existing centerline of the existing street stub. Street B has been designed to connect to SE Marine Avenue with a T-intersection that does not create a jog at the intersection. This criterion is satisfied.

16.12.060 Streets – Future expansion.

A. Where a subdivision or partition adjoins undeveloped property, streets which, in the findings of the planning commission, should be continued in the event

of the subdivision or partitioning of the undeveloped property will be required to be provided through the boundary lines of the tract.

Response: Existing topographical constraints and off-site development patterns preclude the construction of roads offsite. To the extent applicable, this criterion is satisfied.

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

Response: This application does not include streets that would require reserve strips. This criterion is not applicable.

C. If, in the opinion of the city engineer, a traffic, pedestrian or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed as one of the required improvement items for the subdivision or partition.

Response: This application includes two private streets that terminate on site. Barricades at the termini of these streets should not be warranted but can be installed if required. As shown on the Preliminary Plans, this application also includes a planned emergency access gate on SE Marine Avenue west of Street B that is intended to route traffic circulation from the site to SE 14th Avenue.

16.12.070 Streets – Intersection angles.

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

Response: This application includes one new intersection at SE Marine Avenue and Street B that has been designed as close to a right angle as possible. This criterion is satisfied.

16.12.080 Existing streets.

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

Response: The subject site is not adjacent to existing streets that have inadequate width. Therefore, this criterion is not applicable.

16.12.090 Half-streets.

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

Response: This application does not include half-streets. Therefore, this criterion is not applicable.

16.12.100 Culs-de-sac.

A. A cul-de-sac shall be as short as possible and shall, in no event, be more than 600 feet long, nor serve more than 18 single-family dwellings.

Response: As shown on the Preliminary Plans (Exhibit A), this application includes two private streets that terminate on site. Neither of these streets exceed 600 feet in length, nor do they serve more than 18 single-family homes. This criterion is satisfied.

B. All culs-de-sac shall terminate with an approved turnaround.

Response: As shown on the Preliminary Plans, this application includes two new private streets that terminate on site. As further shown on the plans, the streets have been designed to include turnarounds that accommodate emergency vehicle maneuvering. This criterion is satisfied.

16.12.110 Street names.

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

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

Response: As shown on the Preliminary Plans, this application includes two new private streets. Street names meeting the above criteria will be provided prior to final plat submittal. To the extent applicable, these criteria are met.

16.12.120 Streets – Grades and curves.

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

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

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

Response: This application does not include major streets or collector streets. As shown on the Preliminary Plans, the planned street grades do not exceed 12 percent and do not have centerline radii of curves that are less than 100 feet. As further shown on the Preliminary Plans, this site does not have flat areas. Therefore, to the extent applicable, these criteria are satisfied.

16.12.130 Streets – Planting easements.

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

Response: This application includes two new private streets that have been designed to follow the standards for a low-use local street with a total width of 34 feet.

16.12.140 Marginal access streets.

Where a subdivision or partition abuts or contains an existing or proposed major street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in nonaccess reservation along the rear property line, or such other treatment as

may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Response: The property that is the subject of this subdivision does not abut nor contain an existing or proposed major street. Therefore, this criterion is not applicable.

16.12.150 Alleys.

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

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

Response: This application does not include alleys. Therefore, these criteria are not applicable.

16.12.160 Blocks – General requirements.

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

Response: The subject site has existing significant topography. This subdivision has been designed with careful consideration of safe and convenient circulation and topography. This criterion is satisfied.

16.12.170 Block sizes.

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

Street and Access Spacing Standards	
	Local/Shared
Maximum Block Size (public street to public street)	530 feet
Minimum Block Size (public street to public street)	265 feet
Minimum Driveway Spacing (Public street to driveway and driveway to driveway)	None

Response: This application includes two new private (not public) streets. However, as shown on the Preliminary Plans, the block length standards noted above meet these requirements. This criterion is met.

16.12.180 Easements – Utility lines.

Easements for electric lines or other public utilities are required. Easements for utilities shall be a minimum of 12 feet in width and centered on all rear and side lot lines, unless specifically waived by the planning commission. Front lot line utility easements up to six feet in width behind the property lines may

be required if the need can be demonstrated. No permanent structures will be allowed within such easements.

Response: The location and width of public utility easements are shown on the Preliminary Plans to be consistent with the provision above. This requirement is satisfied.

16.12.190 Easements – Watercourses.

Where a subdivision or partition is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose. Streets or parkways parallel to major watercourses may be required.

Response: As shown on the Preliminary Plans, the site is traversed by a drainage ditch. The plans show a drainage easement for this drainage ditch. This requirement is met.

16.12.200 Easements – Pedestrian and bicycle access ways.

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

1. From the head of a cul-de-sac to the nearest street;

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

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

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

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

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

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

Response: As shown on the Preliminary Plans, the planned subdivision does not include cul-de-sacs or block lengths that are more than 750 feet. The subject site is not adjacent to existing pedestrian or bicycle accessways. Therefore, pedestrian and bicycle access ways for this project are not included nor are they warranted. These criteria are not applicable.

16.12.210 Lots – General requirements.

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

16.12.220 Minimum lot sizes.

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

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

Response: This application involves the creation of a subdivision for the future construction of attached single-family homes. As discussed in LCMC Chapter 17.52.260 there are no minimum lot area or setback standards for attached single-family homes. These criteria are not applicable.

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

Response: This application involves the creation of a subdivision of property that has a R-M (Multiple-Family Residential) zoning designation. Therefore, this criterion is not applicable.

16.12.230 Through lots.

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

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

Response: This application does not include through lots. These criteria do not apply.

16.12.240 Lot side lines.

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

Response: As shown on the Preliminary Plans, the planned lots run as close to right angles as practicable. This criterion is satisfied.

16.12.250 Lots – Resubdivision.

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

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

Response: As shown on the Preliminary Plans, the planned subdivision is a complete subdivision of the property. These criteria are not applicable.

16.12.260 Lots – Residential building setback lines.

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

Response: As shown on the Preliminary Plans, the planned setbacks for this subdivision meet the requirements for subdivisions with an R-M zoning designation. This criterion is not applicable.

16.12.270 Public open spaces.

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

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

Response: As shown on the Preliminary Plans, public open space is not included; therefore, these criteria aren't applicable.

CHAPTER 12.08 GRADING AND EROSION CONTROL

12.08.060 Erosion prevention and control plan required.

A. Plan Required. Except as otherwise provided in subsection (B) of this section, no person shall commence or perform any of the following activities without first receiving the city engineer's approval of an erosion control plan:

1. Any land disturbing activity that will affect an area in excess of 1,000 square feet.

2. Any land disturbing activity that will affect an area in excess of 500 square feet if the activity is within 25 feet of a river, stream, lake, bay, watercourse, or wetland.

3. Any grading, excavation, fill, or any combination thereof that will exceed 50 cubic yards on a lot or parcel.

Response: It is understood that a grading and erosion control permit will be required before grading is to commence.

CHAPTER 12.28 VEHICULAR ACCESS AND CIRCULATION

12.28.200 Vehicular access and circulation.

A. Intent and Purpose. The intent of this section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function while providing reasonable access for residents and businesses.

B. Applicability. The standards of this section apply to lots adjacent to Highway 101 created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation, and to properties subject to land use approval or site plan review. The requirements in this chapter are in addition to requirements relating to properties abutting Highway 101 imposed by the Oregon Department of Transportation (ODOT) through the provisions of Oregon Administrative Rule 734-051. Where ODOT requires more restrictive provisions than city requirements, ODOT standards shall prevail.

Response: As shown on the Preliminary Plans (Exhibit A), the site is not adjacent to Highway 101. Therefore, these criteria are not applicable.

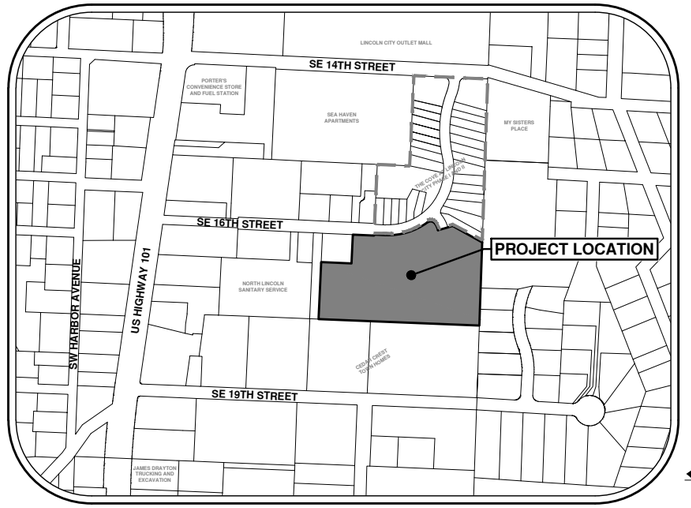
IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Lincoln City Municipal Code. The evidence in the record is substantial, and the City can rely upon this information in this approval of this application.

Exhibit A: Preliminary Plans

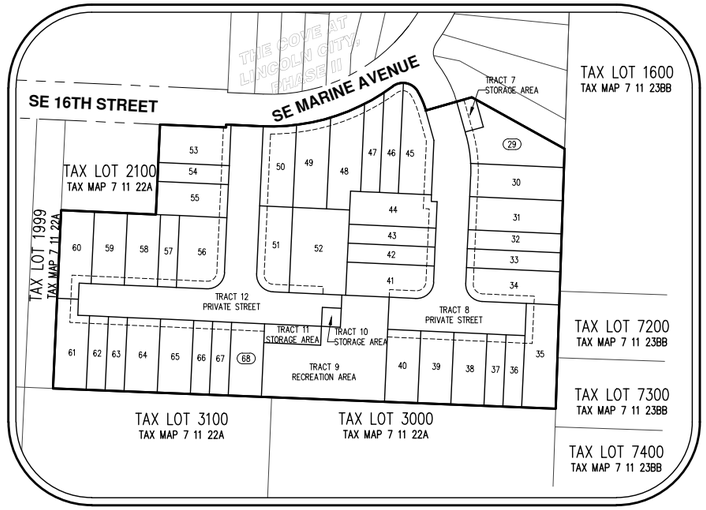
THE COVE AT LINCOLN CITY PHASE III

PRELIMINARY PLANS



VICINITY MAP

NOT TO SCALE



SITE MAP

SCALE: 1" = 80'

LEGEND

	EXISTING	PROPOSED		EXISTING	PROPOSED
DECIDUOUS TREE			STORM DRAIN CLEAN OUT		
CONIFEROUS TREE			STORM DRAIN CATCH BASIN		
			STORM DRAIN AREA DRAIN		
FIRE HYDRANT			STORM DRAIN MANHOLE		
WATER BLOWOFF			GAS METER		
WATER METER			GAS VALVE		
WATER VALVE			GUY WIRE ANCHOR		
DOUBLE CHECK VALVE			UTILITY POLE		
AIR RELEASE VALVE			POWER VAULT	P	P
SANITARY SEWER CLEAN OUT			POWER JUNCTION BOX		
SANITARY SEWER MANHOLE			POWER PEDESTAL		
SIGN			COMMUNICATIONS VAULT	C	C
STREET LIGHT			COMMUNICATIONS JUNCTION BOX		
MAILBOX	MB	MB	COMMUNICATIONS RISER		

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE	XXX XXX XXX	
GRAVEL EDGE		
POWER LINE	PWR PWR	PWR PWR
OVERHEAD WIRE	OHW	OHW OHW
COMMUNICATIONS LINE	COM COM	COM COM
FIBER OPTIC LINE	CFO CFO	CFO CFO
GAS LINE	GAS GAS	GAS GAS GAS
STORM DRAIN LINE	STM STM	STM STM
SANITARY SEWER LINE	SAN SAN	SAN SAN
WATER LINE	WAT WAT	WAT WAT

OWNER
THE COVE AT LINCOLN CITY, LLC
10300 SW GREENBURG ROAD,
SUITE 270
PORTLAND, OR 97223

APPLICANT
NANDINA & CO., LLC
10300 SW GREENBURG ROAD,
SUITE 270
PORTLAND, OR 97223

LAND USE PLANNING / CIVIL ENGINEERING / SURVEYING FIRM
AKS ENGINEERING & FORESTRY, LLC
CONTACT: MONTY HURLEY/CHRIS GOODELL
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PH: 503-563-6151

PROJECT LOCATION: EAST OF THE INTERSECTION OF SE 16TH STREET AND US HIGHWAY 101, NORTH OF SE 19TH STREET, AND SOUTH OF SE 14TH STREET, CITY OF LINCOLN CITY.

PROPERTY DESCRIPTION: TAX LOT 6800 LINCOLN COUNTY TAX MAP 07 11 22AA. LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON.

EXISTING LAND USE: THE EXISTING SITE IS AN UNDEVELOPED (FUTURE) PHASE OF A PREVIOUSLY APPROVED SUBDIVISION.

PROJECT PURPOSE: SUBDIVISION FOR FUTURE ATTACHED SINGLE-FAMILY HOMES.

VERTICAL DATUM ELEVATIONS ARE BASED ON NGS BENCHMARK NO. QE1409, LOCATED AT THE NE END OF THE NW WALKWAY OF THE BRIDGE SPANNING THE DEVILS RIVER. ELEVATION = 26.58 FEET (NAVD 88).

SHEET INDEX

P-01 COVER SHEET WITH SITE AND VICINITY MAPS
P-02 EXISTING CONDITIONS PLAN
P-03 PRELIMINARY SUBDIVISION PLAT WITH CONCEPTUAL FUTURE BUILDING FOOTPRINTS
P-04 PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN
P-05 PRELIMINARY DEMOLITION PLAN
P-06 PRELIMINARY GRADING AND EROSION AND SEDIMENT CONTROL PLAN
P-07 PRELIMINARY COMPOSITE UTILITY PLAN
P-08 PRELIMINARY STREET PLAN AND CROSS SECTIONS
P-09 PRELIMINARY STREET PROFILES
P-10 PRELIMINARY AERIAL PHOTOGRAPH PLAN

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

COVER SHEET WITH SITE AND VICINITY MAPS
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

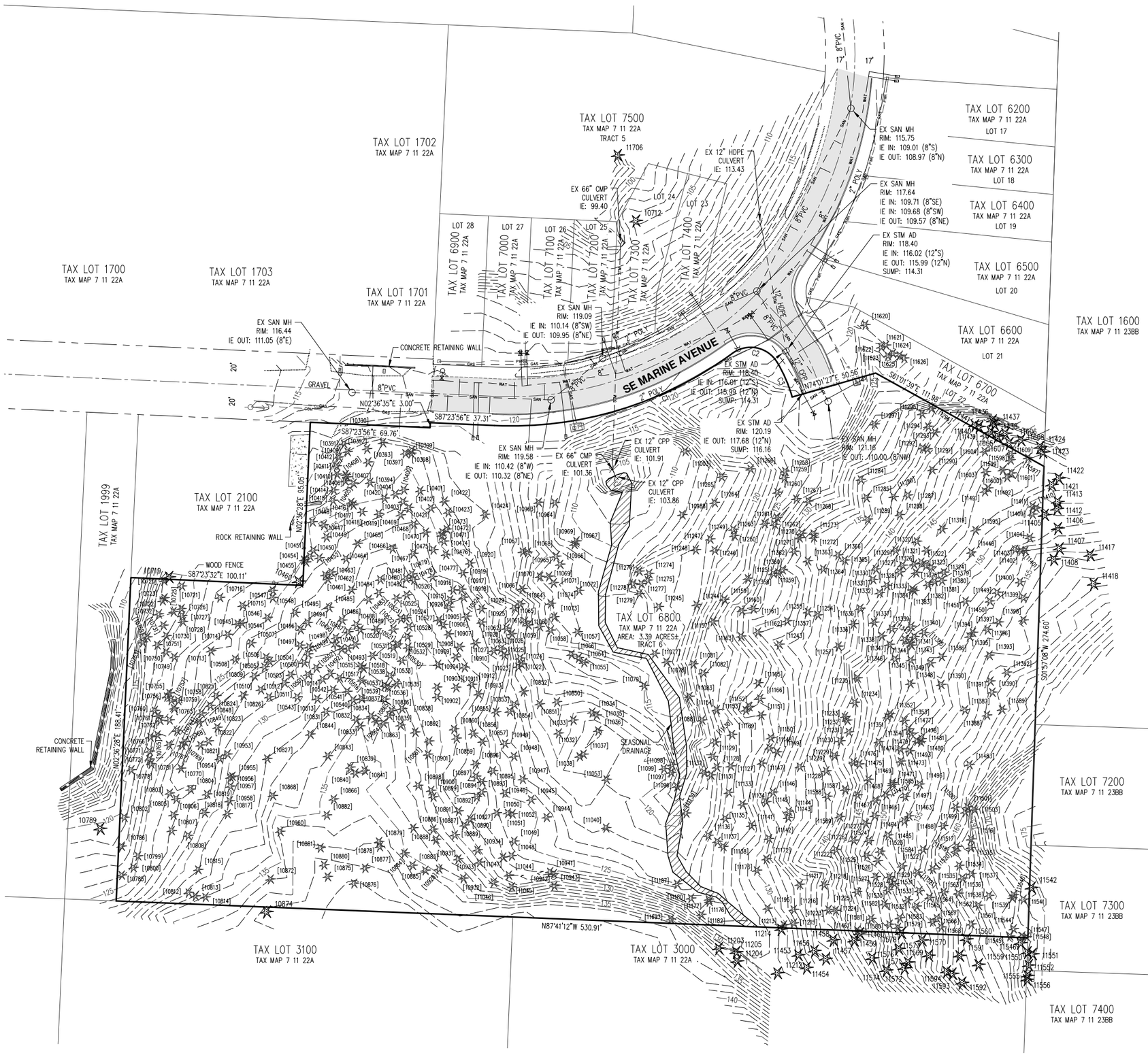
REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 9, 2002
MONTGOMERY B. HURLEY
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P-01

AKS DRAWING FILE: 7432 COVER.DWG | LAYOUT: COVR



NOTES:

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 19240470. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. FIELD WORK WAS CONDUCTED SEPTEMBER 11–13, 19–25, 2019 AND OCTOBER 10, 2019
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. QE1409, LOCATED AT THE NE END OF THE NW WALKWAY OF THE BRIDGE SPANNING THE DEVILS RIVER. ELEVATION = 26.58 FEET (NAVD 88).
4. THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
5. CONTOUR INTERVAL IS 1 FOOT.
6. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT.
7. FOR INFORMATION RELATED TO TREES, REFER TO THE PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN AND PRELIMINARY TREE TABLE.
8. SEASONAL DRAINAGE BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC. ON 6/18/19 AND WERE PROFESSIONALLY SURVEYED BY AKS ON 9/11/19.

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	217.00'	38°56'33"	147.49'	N73°07'47"E 144.67'
C2	18.00'	95°35'36"	30.03'	S78°32'41"E 26.67'
C3	85.00'	14°47'56"	21.95'	S23°20'55"E 21.89'

N

SCALE: 1" = 30 FEET

30 0 6 15 30

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

EXISTING CONDITIONS PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY NOT FOR CONSTRUCTION
OREGON
MARCH 14, 2017
BENJAMIN R HUFF
84738PLS
RENEWS: 6/30/21

JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	
DRAWN BY:	CTH
CHECKED BY:	BRH

P.09

AKS DRAWING FILE: 7432 EXCOND.DWG | LAYOUT: P-02



STREET A ALIGNMENT TABLE						
CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	10+00.00		17.25'			S44°12'25"E
C1	10+17.25	102.00'	50.95'	28°37'16"	50.42	S29°53'46"E
T2	10+68.20		35.88'			S15°35'08"E
C2	11+04.08	120.00'	38.10'	18°11'36"	37.94	S06°29'20"E
T3	11+42.18		154.76'			S02°36'28"W

STREET A TURNAROUND ALIGNMENT TABLE						
CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	9+62.68		97.32'			S87°23'32"E
T2	10+60.00		116.89'			S87°23'32"E

STREET B ALIGNMENT TABLE						
CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	10+00.00		214.06'			S02°36'28"W

STREET B TURNAROUND ALIGNMENT TABLE						
CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	9+70.50		190.61'			S87°23'32"E
T2	11+61.11		141.97'			S87°23'32"E

LEGEND:

CONCEPTUAL FUTURE BUILDING FOOTPRINT (DOES NOT NECESSARILY COINCIDE WITH MINIMUM REQUIRED PERIMETER YARD SETBACKS LISTED BELOW).

REQUIRED SETBACKS:

THERE ARE NO SETBACKS FOR ATTACHED SINGLE FAMILY HOMES, EXCEPT PERIMETER LOTS WHICH HAVE THE FOLLOWING SETBACK REQUIREMENTS:

R-M DISTRICT:

FRONT YARD	20 FT
*SIDE YARD	5 FT
STREET SIDE YARD	15 FT
*REAR YARD	5 FT

SITE AREA SUMMARY:

TOTAL SITE AREA	±147,668 SF
*ANICIPATED FUTURE STRUCTURES	±32,002 SF
STREETS	±27,509 SF
RECREATION AREA	±10,505 SF
STORAGE AREA	±2,261 SF

*ANITICIPATED BUILDABLE AREA BASED ON CONCEPTUAL FUTURE BUILDING SETBACKS.

AREA COVERAGE SUMMARY:

TOTAL AREA	±147,668 SF
*TOTAL ANTICIPATED FUTURE LAND COVERAGE	±32,002 SF
*TOTAL ANITICPATED FUTURE LAND COVERAGE	±22%

*ANITICIPATED BUILDABLE AREA BASED ON CONCEPTUAL FUTURE BUILDING SETBACKS.

EASEMENT LEGEND:

PUBLIC DRAINAGE EASEMENT	PDE
PUBLIC UTILITY EASEMENT	PUE
PRIVATE STORM DRAINAGE EASEMENT	PSDE
PRIVATE PEDESTRIAN ACCESS EASEMENT	PPAE

NOTE:

THE PURPOSE OF THE PRELIMINARY SUBDIVISION PLAT IS TO SHOW LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO CHANGE.

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

PRELIMINARY SUBDIVISION PLAT WITH CONCEPTUAL FUTURE BUILDING FOOTPRINTS

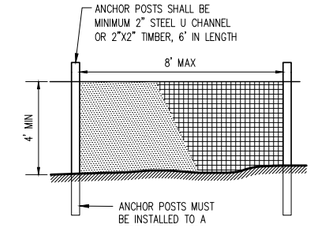
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 15, 2008
MONTGOMERY B. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

AKS DRAWING FILE: 7432 BLDG STBK.DWG | LAYOUT: STBK





NOTES:
1. BLAZE ORANGE PLASTIC MESH FENCE FOR TREE PROTECTION DEVICE OR APPROVED EQUAL.
2. AVOID DAMAGE TO CRITICAL ROOT ZONE. DO NOT DAMAGE OR SEVER LARGE ROOTS WHEN INSTALLING POSTS.
3. DEVICE SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

TREE PROTECTION / CONSTRUCTION FENCE

LEGEND

	CONIFEROUS	DECIDUOUS
EXISTING TREES TO BE PRESERVED	✳	⊙
EXISTING TREES TO BE REMOVED	✳	⊙
EXISTING GROUND CONTOUR (1 FT)		
EXISTING GROUND CONTOUR (5 FT)	155	
FINISHED GRADE CONTOUR (1 FT)		
FINISHED GRADE CONTOUR (5 FT)	155	
TREE PROTECTION/CONSTRUCTION FENCE (TREE PROTECTION AREA)		
SEDIMENT FENCE		

(#) **KEYED NOTE:**
1. ARBORIST OBSERVATION REQUIRED DURING TREE REMOVAL BEHIND TREE PROTECTION FENCE.

NOTES:
1. TREES SHOWN TO BE REMOVED THAT ARE LOCATED ON THE PROPERTY LINE AND ADJACENT PROPERTIES SHALL BE COORDINATED WITH ADJACENT PROPERTY OWNER.
2. SEE DETAILED TREE INVENTORY FOR ADDITIONAL INFORMATION.

N

SCALE: 1" = 30 FEET
30 0 6 15 30
ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

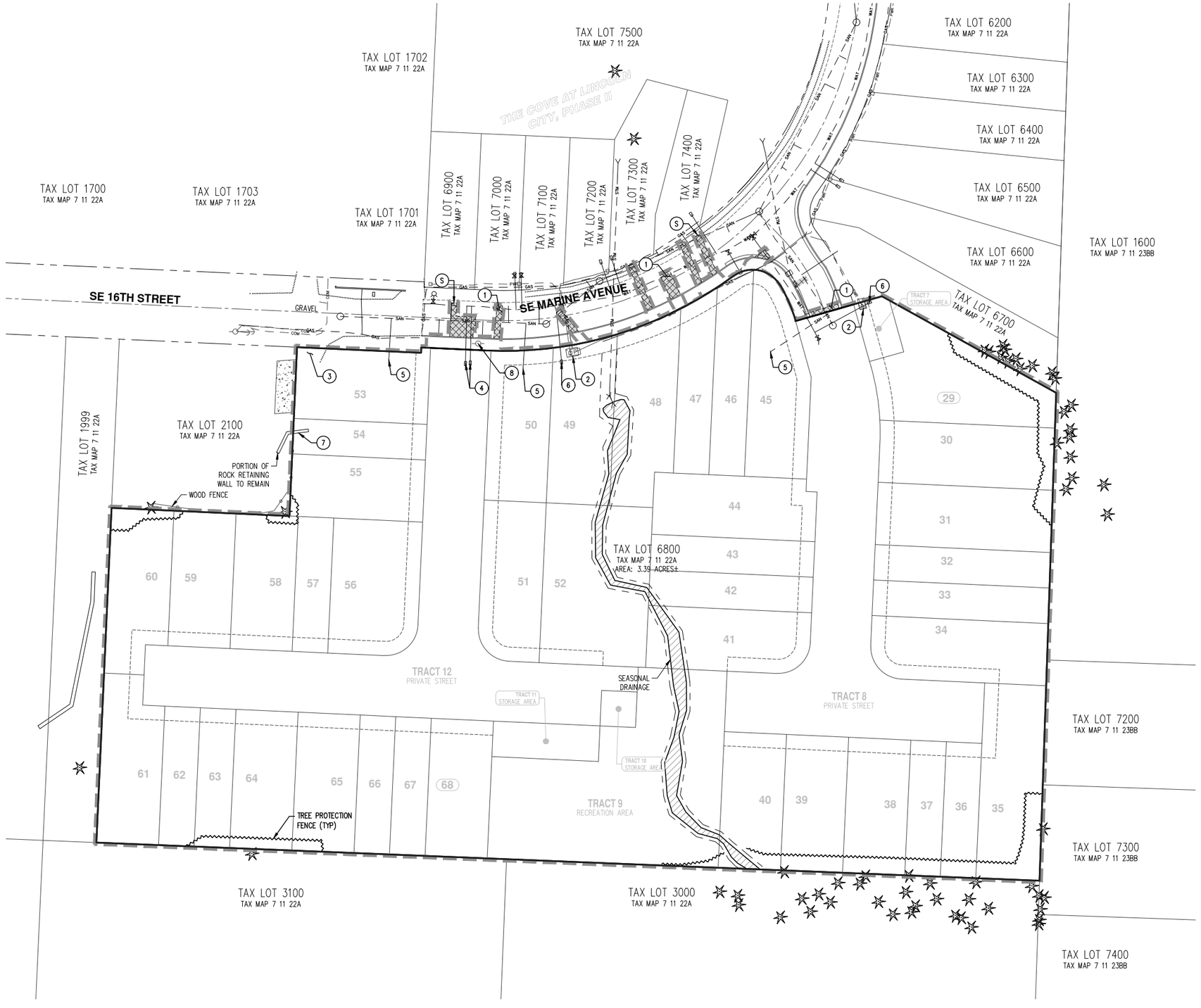
PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 13, 2006
TIMOTHY P. CROWLEY
PRELIMINARY NOT FOR CONSTRUCTION
OCTOBER 8, 2020
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P.04

AKS DRAWING FILE: 7432 TREE PLAN.DWG | LAYOUT: PLAN



LEGEND:

EXISTING AC PAVEMENT TO BE REMOVED

DEMOLITION KEYED NOTES:

S. SAWCUT LINE (TYP).

1. REMOVE EXISTING AC PAVEMENT (TYP).
2. REMOVE/RELOCATE EXISTING POWER VAULT. COORDINATE WITH UTILITY PROVIDER.
3. REMOVE PORTION OF GRAVEL DRIVE. COORDINATE WITH ADJACENT PROPERTY OWNER.
4. REMOVE/RELOCATE EXISTING WATER SERVICE.
5. PRESERVE EXISTING SANITARY LATERAL.
6. PRESERVE EXISTING WATER SERVICE.
7. REMOVE PORTION OF EXISTING ROCK RETAINING WALL. COORDINATE WITH ADJACENT PROPERTY OWNER.
8. REMOVE/REPLACE EXISTING UTILITY POLE. COORDINATE WITH UTILITY PROVIDER.

N

SCALE: 1"= 30 FEET

30 0 6 15 30

ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, SITE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

PRELIMINARY DEMOLITION PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 22, 2005
MONTGOMERY B. HURLEY

PRELIMINARY NOT FOR CONSTRUCTION
OCT 8, 2020

RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P.05

AKS DRAWING FILE: 7432 DEMO.DWG | LAYOUT: DEMO



LEGEND

- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT) — 115
- FINISHED GRADE CONTOUR (1 FT)
- FINISHED GRADE CONTOUR (5 FT) — 115
- SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING)
- SEDIMENT FENCE (TO BE INSTALLED AFTER GRADING)
- INLET PROTECTION
- CONCRETE WASHOUT AREA
- DRAINAGE FLOW DIRECTION
- GRAVEL CONSTRUCTION ENTRANCE
- GRADING LIMITS/DISTURBANCE LIMITS
- TREE PROTECTION/CONSTRUCTION FENCE

N

SCALE: 1" = 30 FEET

30 0 6 15 30

ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

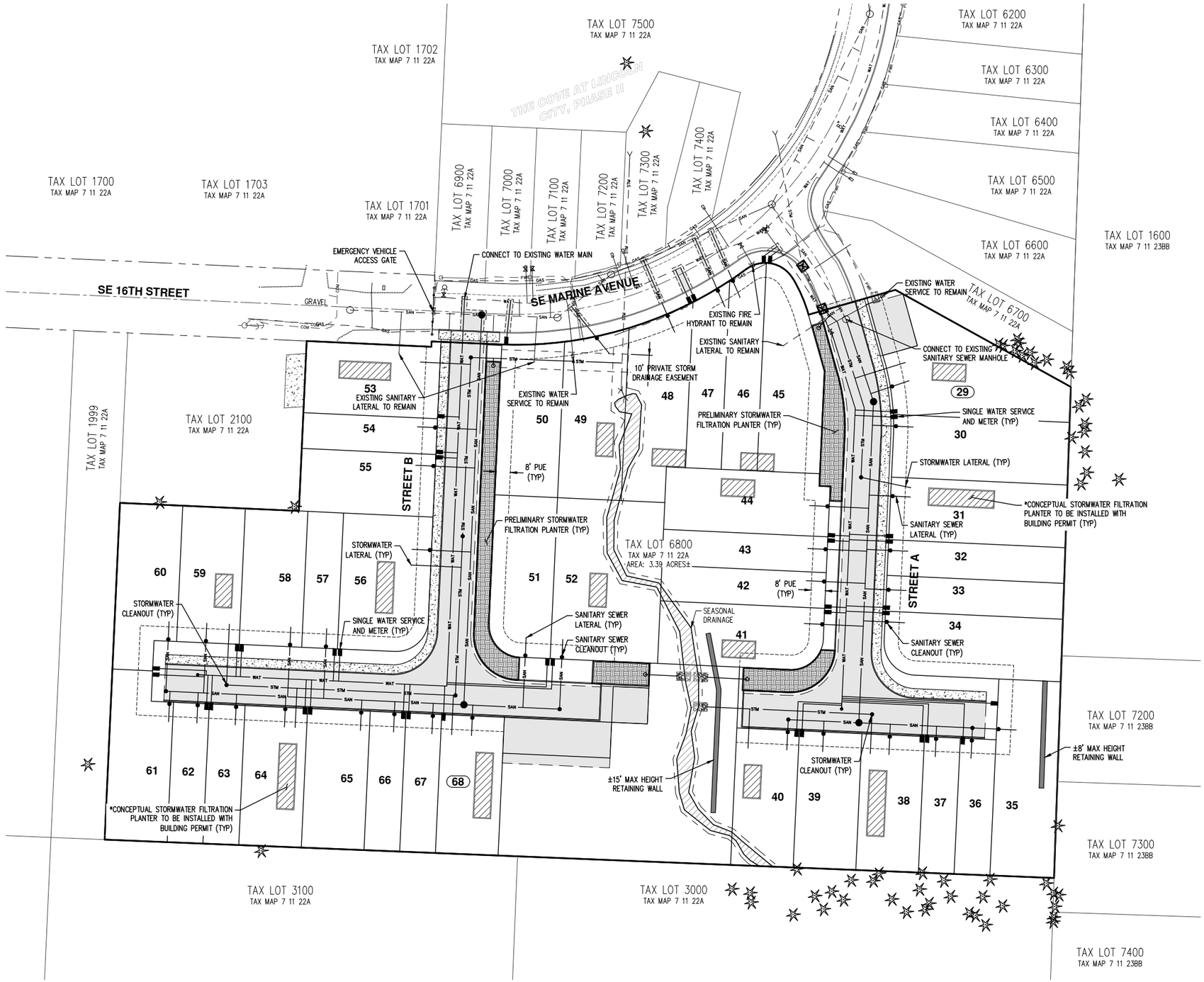
PRELIMINARY GRADING AND EROSION AND SEDIMENT CONTROL PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 28, 2005
MONTGOMERY B. HURLEY
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P.06

AKS DRAWING FILE: 7432 GRADING.DWG | LAYOUT: GRAD



NOTE
*LOCATIONS SHOWN ARE CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE.

N

SCALE: 1"= 30 FEET
30 0 6 15 30
ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

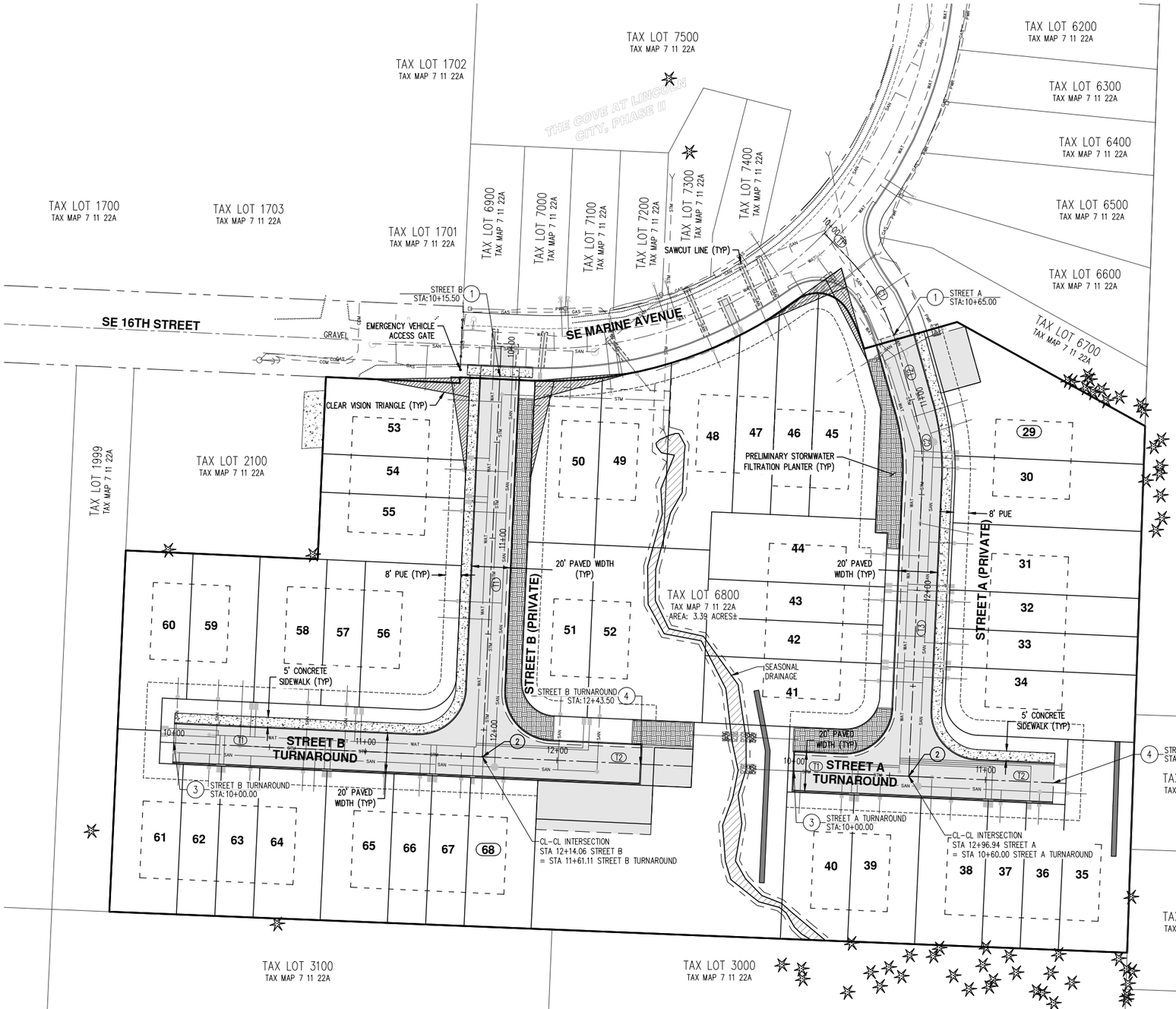
PRELIMINARY COMPOSITE UTILITY PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

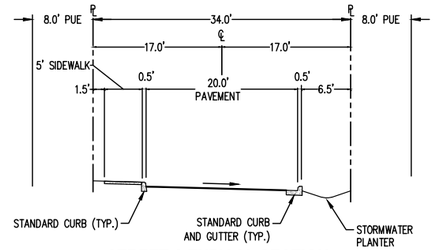
REGISTERED PROFESSIONAL ENGINEER
OREGON JULY 13, 2005
PRELIMINARY NOT FOR CONSTRUCTION
MONTGOMERY B. MURLEY
RENEWAL DATE: 6/30/21

JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

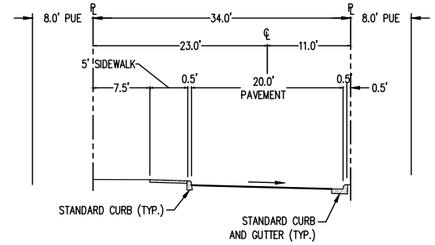
P.07

AKS DRAWING FILE: 7432 UTILITY.DWG | LAYOUT: UTIL

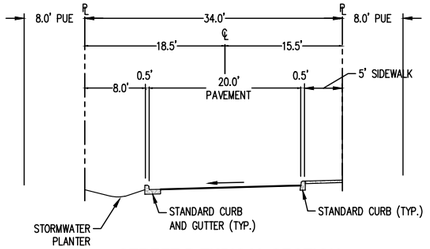




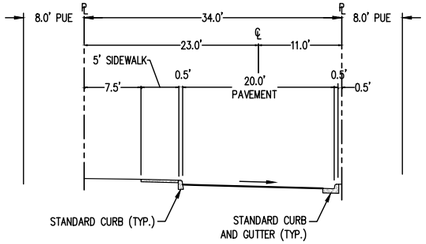
STREET A TYPICAL SECTION (PRIVATE)
N.T.S.



STREET A TURNAROUND TYPICAL SECTION (PRIVATE)
N.T.S.



STREET B TYPICAL SECTION (PRIVATE)
N.T.S.



STREET B TURNAROUND TYPICAL SECTION (PRIVATE)
N.T.S.

KEYED NOTES:

1. BEGIN STREET IMPROVEMENTS
2. END STREET IMPROVEMENTS
3. BEGIN TURNAROUND IMPROVEMENTS
4. END TURNAROUND IMPROVEMENTS

STREET B ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	10+00.00		214.06'			S02°36'28"W

STREET B TURNAROUND ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	9+70.50		190.61'			S87°23'32"E
T2	11+61.11		141.97'			S87°23'32"E

STREET A ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	10+00.00		17.25'			S44°12'25"E
C1	10+17.25	102.00'	50.95'	28°37'16"	50.42	S29°53'46"E
T2	10+68.20		35.88'			S15°35'08"E
C2	11+04.08	120.00'	38.10'	18°11'36"	37.94	S06°29'20"E
T3	11+42.18		154.76'			S02°36'28"W

STREET A TURNAROUND ALIGNMENT TABLE

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	TANGENT/CHORD BEARING
T1	9+62.68		97.32'			S87°23'32"E
T2	10+60.00		116.89'			S87°23'32"E

N

SCALE: 1"=30 FEET

30 0 6 15

ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCE
FORESTRY • PLANNING • LANDSCAPE ARCHITECTU

PRELIMINARY STREET PLAN AND CROSS SECTIONS
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

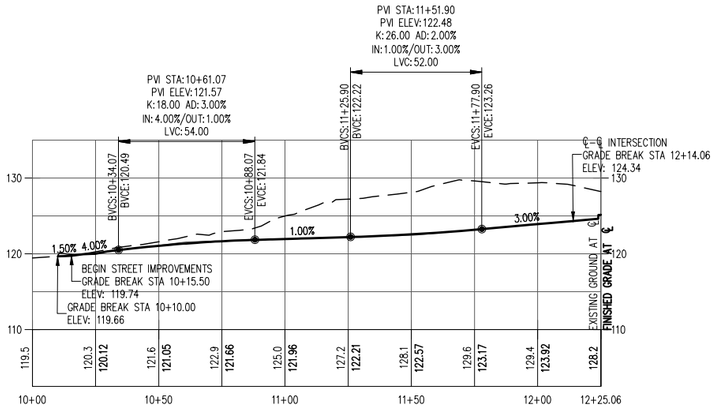
REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 9, 2007
MONTGOMERY B. HURLEY
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION

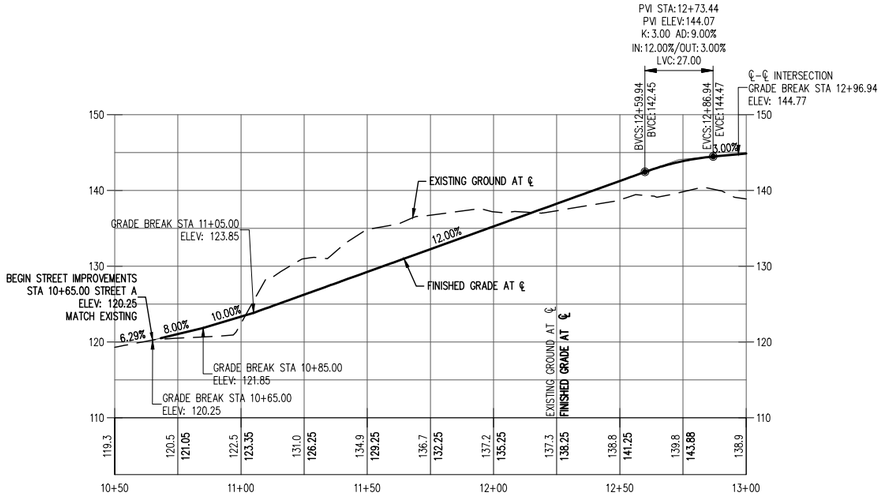
JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P.09

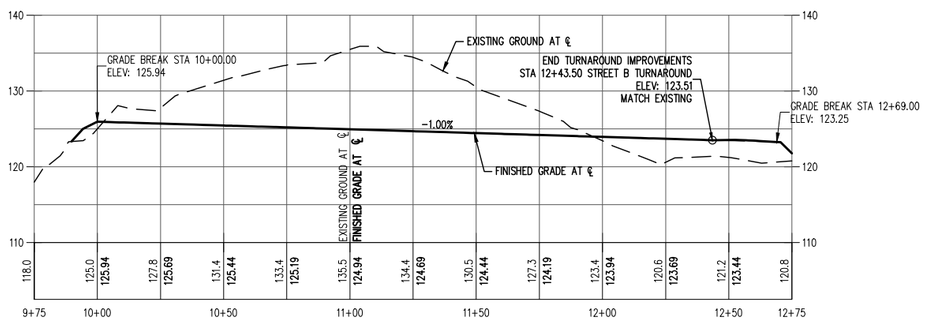
AKS DRAWING FILE: 7432 STREETDWG | LAYOUT: PLAN



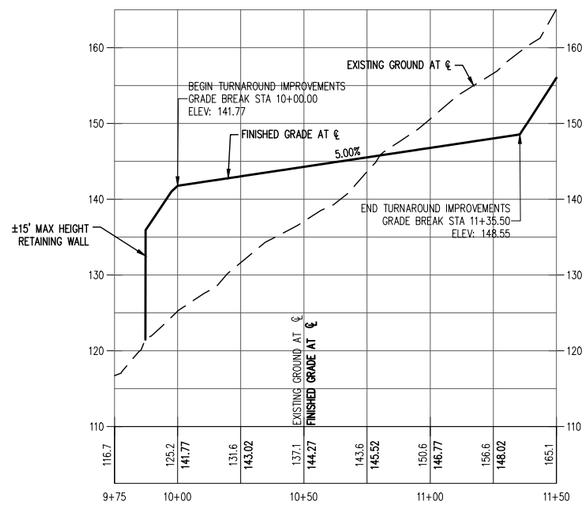
STREET B (PRIVATE)
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 10'



STREET A (PRIVATE)
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 10'



STREET B TURNAROUND (PRIVATE)
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 10'



STREET A TURNAROUND (PRIVATE)
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 10'

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

PRELIMINARY STREET PROFILES
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 8, 2003
MONTGOMERY B. HURLEY
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7432
DATE:	02/18/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P.00

AKS DRAWING FILE: 7432 STREET.DWG | LAYOUT: PROFILE

AKS DRAWING FILE: 7432 AERIAL.DWG | LAYOUT: AERIAL



PRELIMINARY AERIAL PHOTOGRAPH PLAN
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

JOB NUMBER: 7432
DATE: 02/18/2020
DESIGNED BY: LTP
DRAWN BY: APC
CHECKED BY: VAN

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 9, 1981
CHERYL B. HURLEY
RENEWAL DATE: 6/30/21

PRELIMINARY NOT FOR CONSTRUCTION

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURC
FORESTRY • PLANNING • LANDSCAPE ARCHITECTU

Exhibit B: City of Lincoln City Land Use Application Forms

OFFICE USE ONLY
Date Filed:
Amount/Fee:
Receipt No:
Received By:
30 Days:
Deemed Incomplete:
Deemed Complete:
120 Day Deadline:

City of Lincoln City

OFFICE USE ONLY
Stamp Date Received

LAND USE APPLICATION

File No:

APPLICATION TYPE

- ☐ Annexation
- ☐ Lot Line Adjustment
- ☐ Site Plan Review
- ☐ Appeal of Planning Commission Decision
- ☐ Minor Partition
- ☑ Subdivision
- ☐ Appeal of Planning Department Decision
- ☐ Natural Resource Development Review
- ☐ Urban Growth Boundary Amendment
- ☐ Comprehensive Plan & Zoning Map Amendment
- ☐ Natural Resource Development Variance
- ☐ Vacation
- ☐ Comprehensive Plan &/or Zoning Ordinance Text Amendment
- ☐ Planned Unit Development Preliminary Master Plan
- ☐ Variance
- ☐ Conditional Use Permit
- ☐ Planned Unit Development Final Master Plan
- ☐ OTHER

NAME OF APPLICANT: Nancina & Co , LLC

MAILING ADDRESS: 10300 SW Greenburg Road. Suite 270

CITY: Portland STATE: OR ZIP: 97223

DAYTIME PHONE: Please contact Applicant's Consultant (information on next page) Signature:

EMAIL (OPTIONAL): Please contact Applicant's Consultant (information on next page)

OWNER OF RECORD (if other than applicant)

NAME: The Cove At Lincoln City LLC

MAILING ADDRESS: 10300 SW Greenburg Road. Suite 270

CITY: Portland STATE: OR ZIP: 97223

DAYTIME PHONE: Please contact Applicant's Consultant (information on next page) Signature:

EMAIL (OPTIONAL): Please contact Applicant's Consultant (information on next page)

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

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

PROJECT LOCATION: South of SE 14th Street and North of SE 19th Street

PROJECT ADDRESS: No Situs Address

ASSESSOR'S MAP NO.: 07 11 22AA **TAX LOT(S):** 6800

AREA: ± 3.39 (acres) **SQ. FT.:** ± 147,668 **ZONING:** R-M

SUBDIVISION TENTATIVE PLAT REVIEW

File # ____________

APPLICANT

Name Nandina & Co. LLC

Address 10300 SW Greenburg Road, Suite 270, Portland, OR 97223

Daytime Telephone Please contact Applicant's Consultant Email Please contact Applicant's Consultant Cell

PROPERTY OWNER

Name(s) The Cove at Lincoln City, LLC

Address 10300 SW Greenburg Road, Suite 270, Portland, OR 97223

Daytime Telephone Please contact Applicant's Consultant Email Please contact Applicant's Consultant Cell

APPLICANT'S CONSULTANT

Name AKS Engineering & Forestry, LLC - Chris Goodell

Address 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

Daytime Telephone (503) 563-6151 Email chrisg@aks-eng.com Cell

ENGINEER /SURVEYOR

Name AKS Engineering & Forestry, LLC - Monty Hurley

Address 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

Daytime Telephone (503) 563-6151 Email monty@aks-eng.com Cell

Name of Subdivision Cove at Lincoln City Phase 3

Number of Lots 40

Site Location South of SE 14th Street and North of SE 19th Street

Assessor's Map & Tax Lot No.(s) 07-11-22AA Tax Lot 6800

Zone R-M Site area (Acres or square feet) ± 3.39 Acres

Existing services at site ✓ Sewer ✓ Water ✓ Gas ✓ Electric Cable TV

(Please see attached information that must be provided for preliminary plat review.)

= =

PROPERTY OWNER'S CONSENT

I (We) consent to the submission of this application. Signatures of all owners of record holding title to the property are provided below.

APPLICANT'S VERIFICATION

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the information in this application and its attachments is true, complete, and correct.

[signature] Date 1.31.20

Applicant

[signature] Date 1.31.20

Property Owner

_______________________ Date ____________

Property Owner

Exhibit C: Lincoln County Assessor's Map

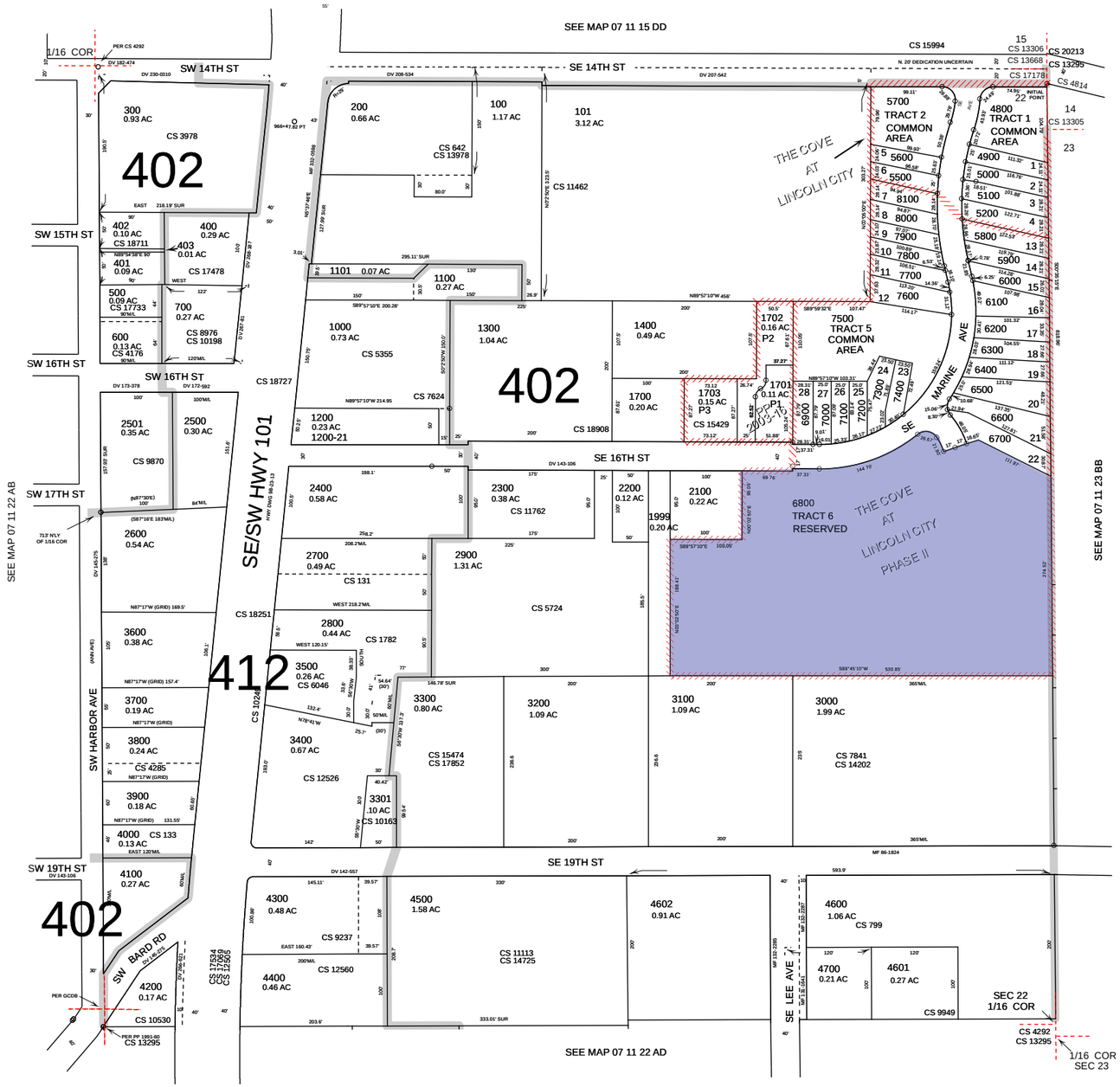
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

N.E.1/4 N.E.1/4 SEC.22 T.7S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

07 11 22 AA
LINCOLN CITY

Cancelled
102
800
900
1500
1600
1800
1801
1802
1900
1901
2000
5300
5400



Revised: SAO
01/11/2018

LINCOLN CITY
07 11 22 AA

Exhibit D: Ownership Information

FORM No. 723 – BARGAIN AND SALE DEED (Individual or Corporation)

Lincoln County, Oregon
02/08/2017 01:32:39 PM 2017-01207
DOC-BSD Cnt=1 Pgs=2 Bin=28
$10.00 $11.00 $20.00 $10.00 $7.00 - Total =$58.00

After recording, return to (Name, Address, Zip):
The Cove at Lincoln City, LLC
1830 SW Edgewater Pl. Ste 370
Portland, OR 97239

Until requested otherwise, send all tax statements to (Name, Address, Zip):
The Cove at Lincoln City, LLC
1830 SW Edgewater Pl. Ste 370
Portland, OR 97239

SPACE RESERVED FOR RECORDER'S USE

I, Dana W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time and that I have set my hand and seal of said office affixed.

Dana W. Jenkins, Lincoln County Clerk

Witness my hand and seal of County affixed.

NAME TITLE

By ..... Deputy

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that BMT Investment Properties LLC 1830 SW Edgewater Pl. Ste 370 Portland, OR 97239 hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto The Cove at Lincoln City, LLC 1830 SW Edgewater Pl. Ste 370 Portland, OR 97239 hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Lincoln County, State of Oregon, described as follows, to-wit:

See attached Exhibit "A".

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ N/A ① However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration. ① (The amount between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on February 3, 2017; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2007 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2007 (BALLOT MEASURE 37 (2004)).

STATE OF OREGON, County of Washington ss.

This instrument was acknowledged before me on February 3, 2017
by David L. Scott

This instrument was acknowledged before me on February 3, 2017
by David L. Scott
as Managing Member
of BMT Investment Properties LLC

OFFICIAL STAMP
NANCY J GRIFFIN
NOTARY PUBLIC-OREGON
COMMISSION NO. 931642
MY COMMISSION EXPIRES JUNE 20, 2020

Notary Public for Oregon
My commission expires 6/20/2020

EXHIBIT "A"

A tract of land located in the Northeast quarter of Section 22, Township 7 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon more particularly described as follows:

Beginning at the initial point of Partition Plat 2003-16, a 5/8 inch iron rod with yellow plastic cap marked "Dunckel & Associates" located at the Southeast corner of Parcel 1 of said Partition; thence South 0 deg. 02' 50" West 34.95 feet; thence South 89 deg. 57' 10" East 37.98 feet; thence 143.93 feet along a 212.36 foot radius curve to the left with a chord bearing North 70 deg. 37' 49" East 141.19 feet; thence 32.35 feet along a 19.41 foot radius curve to the right with a chord bearing South 81 deg. 02' 29" East 28.73 feet; thence 22.34 feet along a 88.44 foot radius curve to the right with a chord bearing South 26 deg. 03' 37" East 22.28 feet; thence North 71 deg. 28' 15" East 50.50 feet; thence South 63 deg. 33' 49" East 112.25 feet to a point on the East line of said Section 22; thence North 0 deg. 35' 36" West along said East line a distance of 544.47 feet to a point on the South right-of-way line of 14th Street; thence North 89 deg. 57' 10" West along said South right-of-way line a distance of 244.50 feet; thence leaving said right-of-way line South 0 deg. 02' 50" West 303.33 feet; thence North 89 deg. 57' 17" West 107.16 feet to the Northeast corner of Parcel 2 of said Partition; thence South 0 deg. 02' 50" West along the East lines of said Parcels 2 and 1 a distance of 194.84 feet to the point of beginning.

W.T.E. 20-0207607 PT

AFTER RECORDING RETURN TO:
BMJ INVESTMENT PROPERTY LLC

8705 SW NIMBUS 118
BEAVERTON OR 97008

Until a change is requested all tax statements shall be sent to the following address:
same as above
Escrow No.: 42-048133-MJM
Order No.: 048133

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON } ss.
County of Lincoln

2 Pages

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon. WITNESS my hand and seal of said office affixed.

DANA W. JENKINS Lincoln County Clerk

Doc : 2008000668
Rect: 000469 31.00
01/18/2008 02:33:38pm

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Silverado Group, LLC

Grantor, conveys and warrants to

BMJ Investment Properties LLC

Grantee, the following described real property free of encumbrances except as specifically set forth herein.

EXHIBIT A

Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930 and to inquire about the rights of neighboring property owners, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007.

ENCUMBRANCES: attached

The true consideration for this conveyance is $1,944,000.00.

Dated January 17 2008; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Silverado Group, LLC

BY
Jay Hinrichs
Managing Member

STATE OF California
County of Riverside

This instrument was acknowledged before me on the 17 day of January, 2008 by JAY HINRICHS MANAGING MEMBER OF Silverado Group, LLC

Notary Public for California

My Commission Expires: 6-17-2010

(SEAL)

R. N. CROFT
Commission # 1666263
Notary Public - California
Riverside County
My Comm. Expires Jun 17, 2010

80147 10240.doc

EXHIBIT "A"

A tract of land located in the Northeast quarter of Section 22, Township 7 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon more particularly described as follows:

Beginning at the initial point of Partition Plat 2003-16, a 5/8 inch iron rod with yellow plastic cap marked "Dunckel & Associates" located at the Southeast corner of Parcel 1 of said Partition; thence South 0 deg. 02' 50" West 34.95 feet; thence South 89 deg. 57' 10" East 37.98 feet; thence 143.93 feet along a 212.36 foot radius curve to the left with a chord bearing North 70 deg. 37' 49" East 141.19 feet; thence 32.35 feet along a 19.41 foot radius curve to the right with a chord bearing South 81 deg. 02' 29" East 28.73 feet; thence 22.34 feet along a 88.44 foot radius curve to the right with a chord bearing South 26 deg. 03' 37" East 22.28 feet; thence North 71 deg. 28' 15" East 50.50 feet; thence South 63 deg. 33' 49" East 112.25 feet to a point on the East line of said Section 22; thence North 0 deg. 35' 36" West along said East line a distance of 544.47 feet to a point on the South right-of-way line of 14th Street; thence North 89 deg. 57' 10" West along said South right-of-way line a distance of 244.50 feet; thence leaving said right-of-way line South 0 deg. 02' 50" West 303.33 feet; thence North 89 deg. 57' 17" West 107.16 feet to the Northeast corner of Parcel 2 of said Partition; thence South 0 deg. 02' 50" West along the East lines of said Parcels 2 and 1 a distance of 194.84 feet to the point of beginning.

Regulations, including the power to acquire rights of way and easements, and to levy assessments of the Devil's Lake Water Improvement District.

Subject property is either situated within the urban renewal boundaries or within the shared area of the Year 2000 Development Plan, Lincoln City, Oregon and is subject to the terms and provisions thereof, as outlined by instrument,

Recorded:	March 20, 1989
Document No.:	Book: 202 Page: 1261
Amended by instrument,	
Recorded:	December 8, 1989
Document No.:	Book: 211 Page: 1675

The rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.

Reservation of Easement for utilities as disclosed in Ordinance No. 2004-11 vacating a portion of SE 16th Street recorded August 24, 2004 in Document No. 200413023, Microfilm Records.

Subject to the provisions in Section 2 of Ordinance No. 2004-11, recorded August 24, 2004, Document No. 200413023, Microfilm Records, as follows:

"This Ordinance will be effective upon the dedication by the Silvernale Group, LLC of a revised alignment approved in writing by the City Manager, that connects the remainder of SE 16th Street with SE 14th Street."

WTI: 21-0026203-3

Form No. 721 - BARGAIN AND SALE DEED (Individual or Corporate)

COPYRIGHT 1996 STEVENS-NESS LAW PUBLISHING CO. PORTLAND, OR 97204

Grantor's Name and Address

Grantee's Name and Address

After recording, return to (Name, Address, Zip):

M.T.E.

Until requested otherwise, send all tax statements to (Name, Address, Zip):

NO CHANGE

STATE OF OREGON, County of) ss.

STATE OF OREGON } ss.
County of Lincoln

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.

Book ____ Page ____

WITNESS my hand and seal of said office affixed.

DANA W. Jenkins, Lincoln County Clerk

Doc : 200305909
Rect: 302963 31.00
04/16/2003 04:15:56pm

was ... rded in ... ception ... County. ... affixed. ... Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that JAY HINRICHS

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto SILVERADO GROVE LLC

hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Lincoln County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ -0- ① However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration.② (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on 4-14-03; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Jay Hinrichs

STATE OF OREGON, County of Yamhill } ss. 4-14-03

This instrument was acknowledged before me on ...

by Jay Hinrichs

This instrument was acknowledged before me on ...

by ...

as ...

of ...

Notary Public for Oregon

My commission expires 5-9-03

EXHIBIT "A"

PARCEL I:

That part of the Northeast quarter of the Northeast quarter of Section 22, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows: Beginning at a point that is East, 793.4 feet and South 558.5 feet from the Northwest corner of the Northeast quarter of the Northeast quarter of said section; thence South 95 feet, to the true point of beginning of the tract herein described, said point being the Southwest corner of the tract conveyed to Claire Meare by deed recorded February 21, 1961, in Book 314, page 299 Deed Records; thence South 190.5 feet to the North line of the Graham tract described in deed recorded in Book 142, page 398, Deed Records; thence East, along said North line, 520 feet, more or less, to the East line of said Section 22; thence North, along said East line 530 feet, more or less, to the Southeast corner of the Wolfe Tract described in Deed recorded in Book 101, page 580, Deed Records of Lincoln County, Oregon; thence West, along the South line of said Wolfe tract, 343 feet, more or less, to the Northeast corner of the Burns tract described in deed recorded in Book 156, page 578, Deed Records; thence South along the East line of said tract, 335 feet, to the Northeast corner of the Masonic tract, described in deed Recorded in Book 159, page 327, Deed Records; thence South along the East line of said Masonic Tract 95 feet to the Southeast corner thereof; thence West, along the South line of said Masonic tract and the south line of the Meare tract, 170 feet, to the true point of beginning. EXCEPTING that portion of said land conveyed to the City of Delake in Book 143, page 106, Deed Records. PARCEL II: A tract of land in Section 22, Township 7 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows: Beginning at a point that is East 793.4 feet and South 558.5 feet from the Northwest corner of the Northeast quarter of the Northeast quarter of Section 22, Township 7 South, Range 11 West, Willamette Meridian; thence East 100 feet to the true point of beginning of the tract herein described; thence South 95 feet; thence East 70 feet; thence North 95 feet; thence West 70 feet to the true point of Beginning.

STATE OF OREGON,
County of Yamhill } ss.

On 4-14-03 (DATE) before me personally appeared

Ray Hinrichs

whose identity was established to my satisfaction, and who executed the foregoing instrument, acknowledging to me that the same was executed freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the date first written above.

OFFICIAL SEAL
N J WIEBKE
NOTARY PUBLIC - OREGON
COMMISSION NO. 343401
MY COMMISSION EXPIRES JUNE 6, 2005

Notary Public for Oregon
My commission expires 6-6-05

31

FORM No. 881 – BARGAIN AND SALE DEED – STATUTORY FORM (Individual Grantor)

STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 97204

Grantor's Name and Address

Grantee's Name and Address

After recording, return to (Name, Address, Zip):
SILVERADO GROUP LLC
14633 SW CABERNET CT
TIGARD OR 97224

Until requested otherwise, send all tax statements to (Name, Address, Zip):
same as above

STATE OF OREGON, County of) ss.

STATE OF OREGON)
County of Lincoln) ss.

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.

Book _____ Page _____

WITNESS my hand and seal of said office affixed.

SPACE RESERVED FOR RECORDER'S USE

DANA W. JENKINS Lincoln County Clerk

LINCOLN COUNTY CLERK STATE OF OREGON

Doc : 200308782
Rect: 304296 31.00
06/09/2003 01:02:33pm

By _____, Deputy.

BARGAIN AND SALE DEED – STATUTORY FORM
(INDIVIDUAL GRANTOR)

JAY HINRICHS AN ESTATE IN FEE SIMPLE, Grantor,

conveys to SILVERADO GROUP LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee,

the following real property situated in LINCOLN County, Oregon, to-wit:

LEGAL ATTACHED

Recorded by First American
Title Insurance Co.
Order # 03-0204

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is $ NONE. (Here, comply with the requirements of ORS 93.030.)

DATED 6-3-03

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

JAY HINRICHS

STATE OF OREGON, County of CLACKAMAS) ss.
This instrument was acknowledged before me on 6-3-03
by JAY HINRICHS.

OFFICIAL SEAL
MARY JO MC GAUVRAN
NOTARY PUBLIC-OREGON
COMMISSION NO. 354628
MY COMMISSION EXPIRES MAY 30, 2006

Notary Public for Oregon
My commission expires 5-30-06

EXHIBIT A

LEGAL DESCRIPTION:

That portion of the Northeast quarter of Section 22, Township 7 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the Northeast corner of said Section 22; thence South 323.5 feet; thence West 1032.35 feet to the East line of the Oregon Coast Highway; thence Northerly along said East line to the North line of said Section 22; thence East to the point of beginning.

EXCEPTING THEREFROM the North 20 feet of said land as dedicated to the City of Delake for road purposes by deed Recorded April 27, 1960 in Book 207, page 542, Deed Records, Lincoln County, Oregon.

ALSO EXCEPTING that tract described in instrument recorded August 25, 1986 in Book 174, page 73, Microfilm Records of Lincoln County, Oregon.

ALSO EXCEPTING that tract described in instrument recorded November 3, 1989 in Book 210, page 1558, Microfilm Records, Lincoln County, Oregon.

ALSO EXCEPTING THEREFROM that tract described in instrument recorded June 27, 1983 in Book 141, page 2136, Microfilm Records, Lincoln County, Oregon.

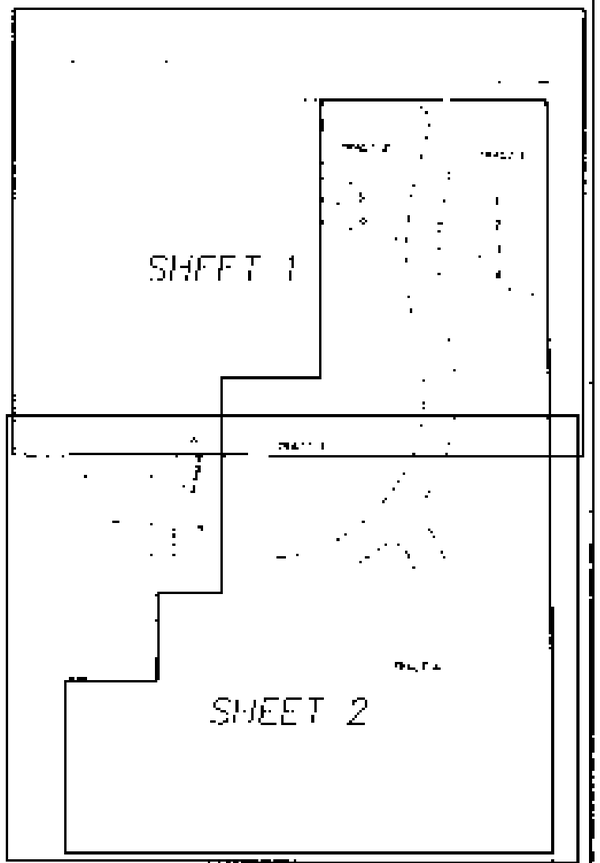
ALSO EXCEPTING THEREFROM that tract described in instrument recorded August 21, 1995 in Book 304, page 1528, Microfilm Records, Lincoln County, Oregon.

Exhibit E: The Cove at Lincoln City and The Cove at Lincoln City Phase II Recorded Final Plats

BOOK 18 PAGE 39

THE COVE AT LINCOLN CITY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, STATE OF OREGON
DATE: JULY 22, 2019



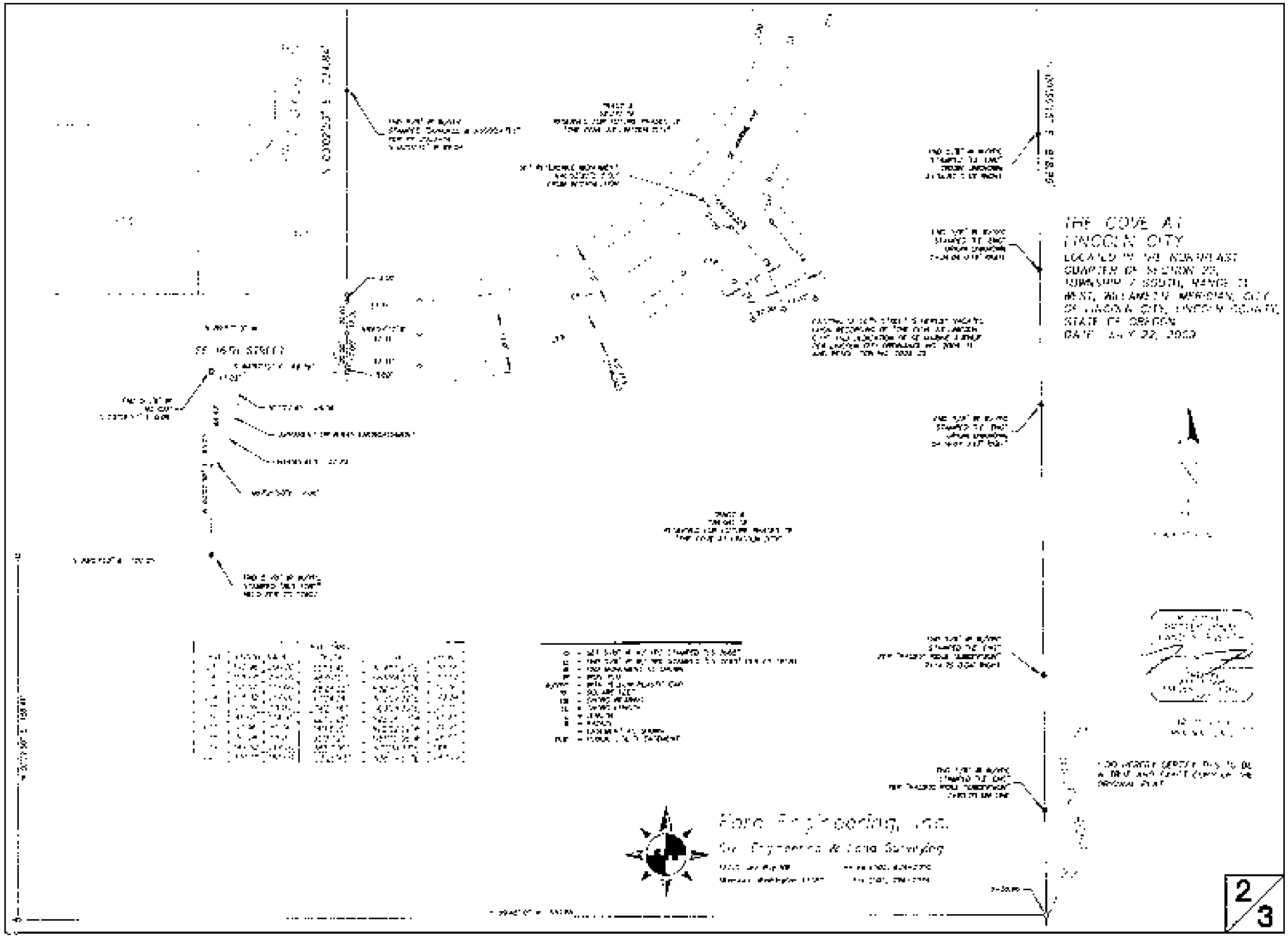
INDEX OF SHEETS

1 ...
2 ...
3 ...

Ford Engineering, Inc.
Civil Engineering & Land Surveying

1/3

BOOK 18 PAGE 39A



THE COVE AT LINCOLN CITY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 22,
TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE
MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY,
STATE OF OREGON
DATE: JULY 23, 2009

DECLARATION

APPROVALS

CITY OF LINCOLN CITY
PLANNING COMMISSION CHAIRPERSON

LINCOLN COUNTY SURVEYOR

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY OREGON REVISED STATUTE 92.095 HAVE BEEN PAID THROUGH JUNE 30, 2009

LINCOLN COUNTY TAX COLLECTOR

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

LINCOLN CITY PUBLIC WORKS DIRECTOR

LINCOLN CITY ENGINEER

LINCOLN CITY PLANNING DIRECTOR

LINCOLN CITY COMMUNITY DEVELOPMENT DIRECTOR

LINCOLN CITY ATTORNEY

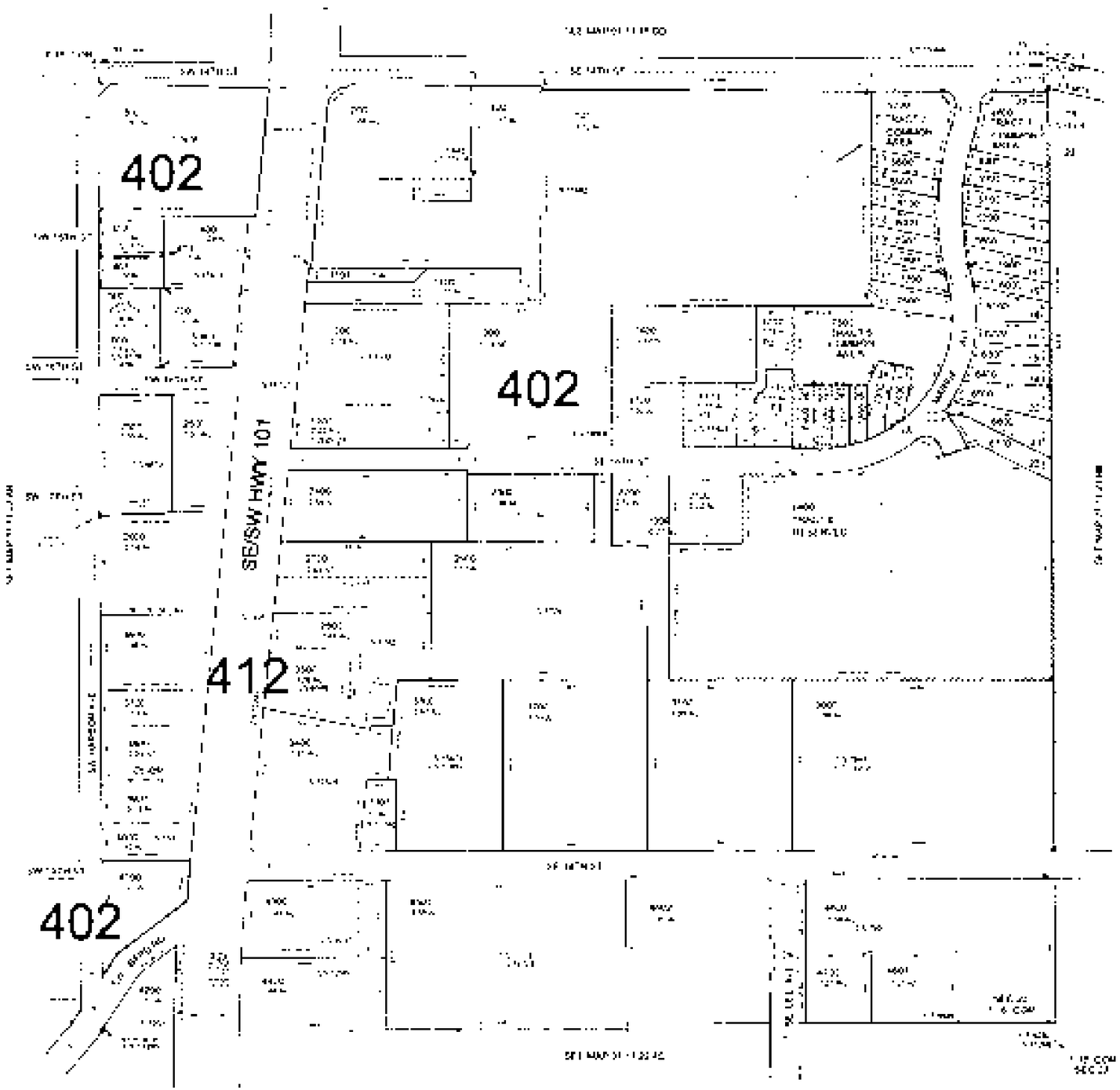
LINCOLN CITY MANAGER

NOTES:

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.E.1/4 N.E.1/4 SEC.22 T.7S. R.11W. W.M.
LINCOLN COUNTY

07 11 22 AA
LINCOLN CITY



LINCOLN CITY
07 11 22 AA

Book 19 Page 21

THE COVE AT LINCOLN CITY, PHASE II

A RE-PLAT OF TRACTS 3 AND 4 OF "THE COVE AT LINCOLN CITY" LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, STATE OF OREGON
DATE: MARCH 2, 2007

INDEX OF SHEETS

1 INDEX MAP & DEDICATION
2 SOUTH HALF OF SUBDIVISION
3 DETAILS, EXCEPTIONS AND NARRATIVES

Ford Engineering, inc.
Civil Engineering & Land Surveying

1/3

Book 19 page 218

THE COVE AT LINCOLN CITY, PHASE II

A REPLAT OF TRACTS 1 AND 2 OF "THE COVE AT LINCOLN CITY" LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, STATE OF OREGON

DATE: MARCH 2, 2017

SE 46TH STREET

Ford Engineering, Inc.

Civil Engineering & Land Surveying

2/3

Book 19 page 21B

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT VOLUME 19 PAGE 21, 21A-B WAS RECEIVED FOR RECORDING ON THE 11 DAY OF JAN 2018

BY [signature] 01/11/2018
LINCOLN COUNTY CLERK

THE COVE AT LINCOLN CITY PHASE II

A REPLAT OF TRACTS 3 AND 4 OF THE COVE AT LINCOLN CITY, LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF LINCOLN CITY, LINCOLN COUNTY, STATE OF OREGON
DATE: MARCH 2, 2017

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE TRACTS 3 AND 4 OF THE COVE AT LINCOLN CITY, LOCATED IN SECTION 22, TOWNSHIP 7 SOUTH, RANGE 11 WEST, AS APPROVED BY THE CITY OF LINCOLN CITY PLANNING [illegible] THE COVE AT LINCOLN CITY [illegible]

THE BASIS OF BEARING [illegible]

SURVEYOR'S CERTIFICATE

I, [illegible], BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE PROPERTY [illegible] OF THE LAND REPRESENTED IN THIS SUBDIVISION PLAT. THE BOUNDARY OF SAID SUBDIVISION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACTS 3 AND 4 OF THE COVE AT LINCOLN CITY

PUBLIC UTILITY EASEMENT (PUE)

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT [illegible] NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES [illegible] INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES. UTILITIES ALSO SHALL HAVE THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS, INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE [illegible] THE LOT OWNER AT THE LOT OWNER'S EXPENSE [illegible] PERMANENT STRUCTURES OR ANY OTHER OBSTRUCTION WHICH [illegible] THE USE OF THE PUE BY THE UTILITIES WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE PUE.

DECLARATION — THE COVE AT LINCOLN CITY

KNOW ALL PERSONS BY THESE PRESENTS THAT [illegible] VERNON GROUP, LLC, AN OREGON LIMITED LIABILITY COMPANY AND [illegible] LLC ARE THE OWNERS OF THE LAND DESCRIBED HEREIN AND DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, HAVE CAUSED THE LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN ON THE ANNEXED MAP, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES, AND DO HEREBY GRANT THE EASEMENTS AS SHOWN OR NOTED FOR THE PURPOSES SHOWN OR NOTED THEREON.

[signature] 9.27.17
DAVID SCOTT, [illegible] MEMBER, [illegible] GROUP, LLC — DATE

STATE OF Oregon
COUNTY OF Washington } SS

ON THIS 27th DAY OF Sept. IN THE YEAR 2017, BEFORE ME DAVID SCOTT AS [illegible] PERSONALLY APPEARED AND WAS PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE THAT HE IS THE PERSON WHOSE NAME IS SUBSCRIBED ON THIS SUBDIVISION PLAT AND HAS ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO EXECUTE THIS SUBDIVISION PLAT.

BY [signature] Sandra G Balada
NOTARY PUBLIC OREGON (SIGNATURE) — (PRINTED)
MY COMMISSION EXPIRES 5/29/21 — 965732 COMMISSION NO.

OFFICIAL STAMP
SANDRA G BALADA
NOTARY PUBLIC - OREGON
COMMISSION NO. 965732
MY COMMISSION EXPIRES MAY 29, 2021

[signature]
DAVID SCOTT, [illegible] MEMBER, THE COVE AT LINCOLN CITY, LLC

STATE OF Oregon
COUNTY OF Washington } SS

ON THIS 27th DAY OF Sept. IN THE YEAR 2017, BEFORE ME DAVID SCOTT AS AUTHORIZED [illegible] FOR THE COVE AT LINCOLN CITY, LLC PERSONALLY APPEARED AND WAS PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE THAT HE IS THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS SUBDIVISION PLAT AND HAS ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO EXECUTE THIS SUBDIVISION PLAT.

BY [signature] Sandra G Balada
NOTARY PUBLIC OREGON (SIGNATURE) — (PRINTED)
MY COMMISSION EXPIRES 5/29/21 — 965732 COMMISSION NO.

OFFICIAL STAMP
SANDRA G BALADA
NOTARY PUBLIC - OREGON
COMMISSION NO. 965732
MY COMMISSION EXPIRES MAY 29, 2021

APPROVALS:

[signature] 11/1/17
CITY OF LINCOLN CITY PLANNING COMMISSION CHAIRPERSON — DATE

[signature] 12/14/17
LINCOLN COUNTY SURVEYOR / DEPUTY — DATE

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID THROUGH (DATE)

[signature] 1-11-18
LINCOLN COUNTY TAX COLLECTOR — DATE

[signature] [illegible]
LINCOLN CITY DIRECTOR OF COMMUNITY DEVELOPMENT

Stephanie Reid 10-5-2017
LINCOLN CITY RECORDER — DATE

[signature] by SAD [illegible]
LINCOLN COUNTY ASSESSOR — DATE

[signature] 11-22-17
LINCOLN COUNTY COMMISSIONER — DATE

[signature] 11-22-17
LINCOLN COUNTY COMMISSIONER — DATE

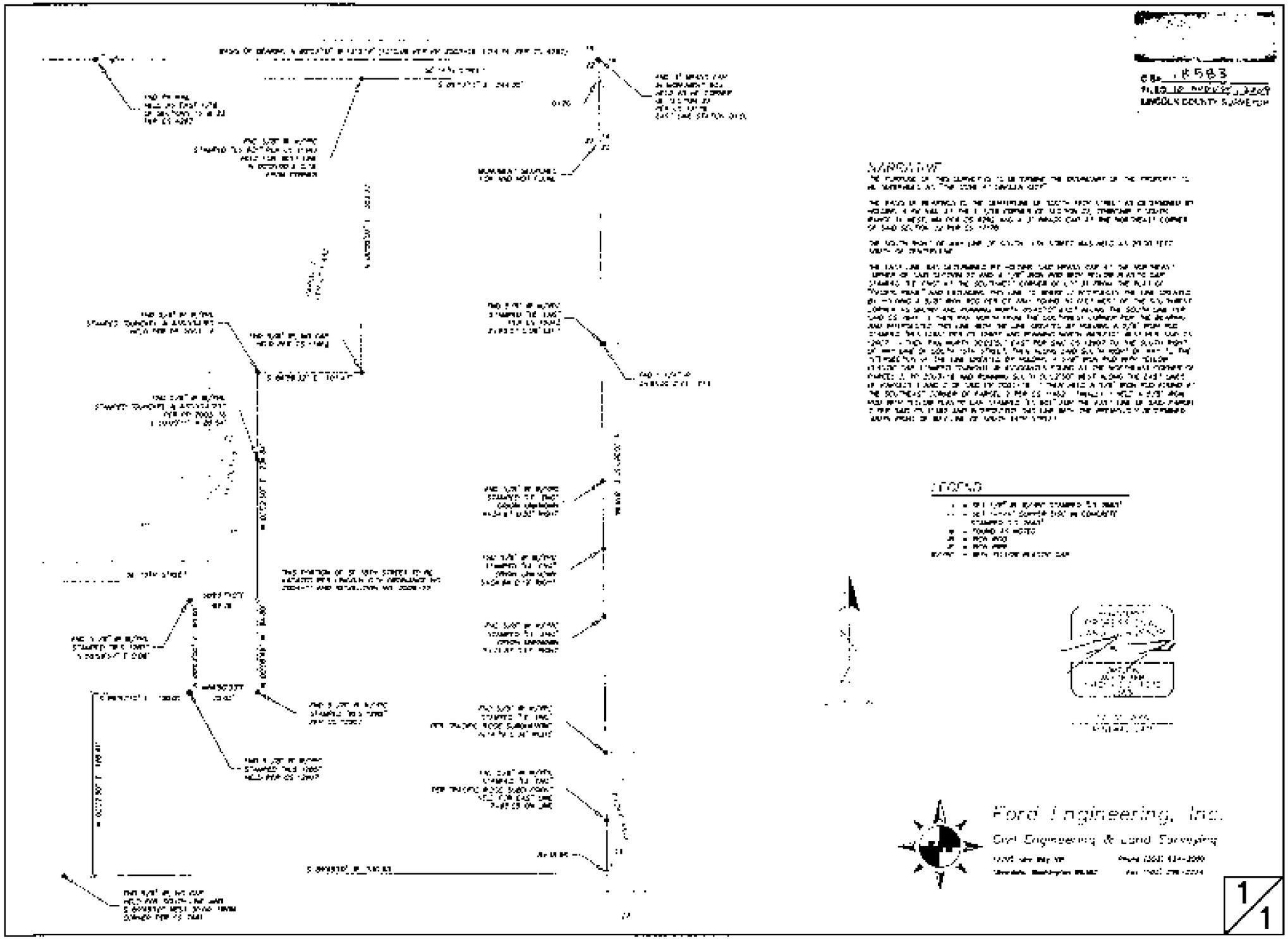
[signature] 11-22-17
LINCOLN COUNTY COMMISSIONER — DATE

I DO HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

NOTES

1. THIS SUBDIVISION IS SUBJECT TO THE CITY OF LINCOLN CITY PLANNING APPROVALS SUB [illegible]
2. AN [illegible] FOOT WIDE PUBLIC UTILITY EASEMENT (PUE) SHALL EXIST ALONG THE FRONTAGES OF ALL LOTS AND TRACTS ABUTTING THE PUBLIC STREET.
3. [illegible] IS A COMMON AREA AND SHALL REMAIN IN COMMON OWNERSHIP OF LOTS [illegible]
4. [illegible] IS RESERVED FOR FUTURE DEVELOPMENT PHASES OF THE COVE AT LINCOLN CITY

3/3



Ford Engineering, Inc.
Civil Engineering & Land Surveying

1/1

Exhibit F: Tree Inventory Table

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
10390	Coniferous	9	Onsite	Remove
10391	Coniferous	8	Onsite	Remove
10392	Coniferous	16	Onsite	Remove
10393	Coniferous	14	Onsite	Remove
10394	Coniferous	15	Onsite	Remove
10395	Coniferous	17	Onsite	Remove
10397	Coniferous	14	Onsite	Remove
10398	Coniferous	12	Onsite	Remove
10399	Coniferous	13	Onsite	Remove
10400	Coniferous	17	Onsite	Remove
10401	Coniferous	18	Onsite	Remove
10402	Coniferous	10	Onsite	Remove
10403	Coniferous	8	Onsite	Remove
10404	Coniferous	10	Onsite	Remove
10405	Coniferous	11	Onsite	Remove
10406	Coniferous	11	Onsite	Remove
10407	Coniferous	8	Onsite	Remove
10408	Coniferous	15	Onsite	Remove
10409	Coniferous	16	Onsite	Remove
10410	Coniferous	6	Onsite	Remove
10411	Coniferous	8	Onsite	Remove
10412	Coniferous	19	Onsite	Remove
10414	Coniferous	11	Onsite	Remove
10415	Coniferous	16	Onsite	Remove
10416	Coniferous	9	Onsite	Remove
10417	Coniferous	7	Onsite	Remove
10418	Coniferous	13	Onsite	Remove
10419	Coniferous	14	Onsite	Remove
10420	Coniferous	12	Onsite	Remove
10421	Coniferous	10	Onsite	Remove
10422	Coniferous	10, 15	Onsite	Remove
10423	Coniferous	15	Onsite	Remove
10424	Coniferous	30	Onsite	Remove
10447	Coniferous	9	Onsite	Remove
10448	Coniferous	24	Onsite	Remove
10449	Coniferous	15	Onsite	Remove
10450	Coniferous	14	Onsite	Remove
10451	Coniferous	14	Onsite	Remove
10452	Coniferous	11	Onsite	Remove
10454	Coniferous	8	Onsite	Remove
10455	Coniferous	8	Onsite	Remove
10460	Coniferous	11	Offsite	Preserve
10461	Coniferous	11, 10	Onsite	Remove
10462	Coniferous	14	Onsite	Remove
10463	Coniferous	17	Onsite	Remove
10464	Coniferous	20	Onsite	Remove
10465	Coniferous	22	Onsite	Remove
10466	Coniferous	12, 12	Onsite	Remove
10467	Coniferous	23	Onsite	Remove
10468	Coniferous	14	Onsite	Remove
10469	Coniferous	21	Onsite	Remove
10470	Coniferous	8	Onsite	Remove
10471	Coniferous	9	Onsite	Remove
10472	Coniferous	10	Onsite	Remove
10473	Coniferous	15	Onsite	Remove
10474	Coniferous	7	Onsite	Remove
10475	Coniferous	19	Onsite	Remove
10476	Coniferous	14	Onsite	Remove
10477	Coniferous	12	Onsite	Remove
10478	Coniferous	12	Onsite	Remove
10479	Coniferous	6	Onsite	Remove
10480	Coniferous	12	Onsite	Remove
10481	Coniferous	12, 12	Onsite	Remove
10482	Coniferous	18	Onsite	Remove
10483	Coniferous	18	Onsite	Remove
10484	Coniferous	14	Onsite	Remove
10485	Coniferous	13	Onsite	Remove
10486	Coniferous	13	Onsite	Remove
10487	Coniferous	18	Onsite	Remove
10488	Coniferous	7	Onsite	Remove
10489	Coniferous	13	Onsite	Remove

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
10490	Coniferous	10	Onsite	Remove
10491	Coniferous	12	Onsite	Remove
10492	Coniferous	12	Onsite	Remove
10493	Coniferous	13	Onsite	Remove
10494	Coniferous	9	Onsite	Remove
10495	Coniferous	31	Onsite	Remove
10496	Coniferous	13	Onsite	Remove
10497	Coniferous	10	Onsite	Remove
10498	Coniferous	8	Onsite	Remove
10499	Coniferous	13	Onsite	Remove
10500	Coniferous	7	Onsite	Remove
10501	Coniferous	11	Onsite	Remove
10502	Coniferous	8	Onsite	Remove
10503	Coniferous	25	Onsite	Remove
10504	Coniferous	11	Onsite	Remove
10505	Coniferous	8	Onsite	Remove
10506	Coniferous	9	Onsite	Remove
10507	Coniferous	27	Onsite	Remove
10508	Coniferous	12, 12	Onsite	Remove
10509	Coniferous	14	Onsite	Remove
10510	Coniferous	14	Onsite	Remove
10511	Coniferous	22	Onsite	Remove
10512	Coniferous	14	Onsite	Remove
10513	Coniferous	20	Onsite	Remove
10514	Coniferous	8	Onsite	Remove
10515	Coniferous	12	Onsite	Remove
10516	Coniferous	9	Onsite	Remove
10517	Coniferous	7	Onsite	Remove
10518	Coniferous	15	Onsite	Remove
10519	Coniferous	10	Onsite	Remove
10520	Coniferous	13	Onsite	Remove
10521	Coniferous	12	Onsite	Remove
10522	Coniferous	13	Onsite	Remove
10523	Coniferous	10	Onsite	Remove
10524	Coniferous	11	Onsite	Remove
10525	Coniferous	15	Onsite	Remove
10526	Coniferous	18	Onsite	Remove
10527	Coniferous	9	Onsite	Remove
10528	Coniferous	13	Onsite	Remove
10529	Coniferous	10	Onsite	Remove
10530	Coniferous	8	Onsite	Remove
10531	Coniferous	10	Onsite	Remove
10532	Coniferous	24	Onsite	Remove
10533	Coniferous	11	Onsite	Remove
10535	Coniferous	13	Onsite	Remove
10536	Coniferous	10	Onsite	Remove
10537	Coniferous	10	Onsite	Remove
10538	Coniferous	12	Onsite	Remove
10539	Coniferous	14	Onsite	Remove
10540	Coniferous	14	Onsite	Remove
10541	Coniferous	13	Onsite	Remove
10542	Coniferous	10	Onsite	Remove
10543	Coniferous	22	Onsite	Remove
10544	Coniferous	9	Onsite	Remove
10545	Coniferous	13	Onsite	Remove
10546	Coniferous	12	Onsite	Remove
10547	Coniferous	21	Onsite	Remove
10548	Coniferous	23	Onsite	Remove
10712	Coniferous	83	Offsite	Preserve
10713	Coniferous	12	Onsite	Remove
10714	Coniferous	7	Onsite	Remove
10715	Coniferous	17	Onsite	Remove
10716	Coniferous	21	Onsite	Remove
10719	Coniferous	18	Offsite	Preserve
10720	Coniferous	19	Onsite	Remove
10721	Coniferous	17	Onsite	Remove
10722	Coniferous	9	Onsite	Remove
10723	Coniferous	9	Onsite	Remove
10725	Coniferous	14	Onsite	Remove
10726	Coniferous	9	Onsite	Remove
10727	Coniferous	8	Onsite	Remove

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
10728	Coniferous	24	Onsite	Remove
10730	Coniferous	15	Onsite	Remove
10731	Coniferous	10	Onsite	Remove
10732	Coniferous	32	Onsite	Remove
10749	Coniferous	14	Onsite	Remove
10750	Coniferous	22	Onsite	Remove
10751	Coniferous	14	Onsite	Remove
10752	Coniferous	24	Onsite	Remove
10753	Coniferous	14	Onsite	Remove
10755	Coniferous	23	Onsite	Remove
10756	Coniferous	9	Onsite	Remove
10757	Coniferous	10	Onsite	Remove
10758	Coniferous	7, 8	Onsite	Remove
10759	Coniferous	7	Onsite	Remove
10760	Coniferous	14	Onsite	Remove
10761	Coniferous	10	Onsite	Remove
10762	Coniferous	14	Onsite	Remove
10763	Coniferous	6, 11	Onsite	Remove
10764	Coniferous	6	Onsite	Remove
10765	Coniferous	13	Onsite	Remove
10766	Coniferous	11	Onsite	Remove
10767	Coniferous	6, 10	Onsite	Remove
10768	Coniferous	13	Onsite	Remove
10769	Coniferous	8	Onsite	Remove
10770	Coniferous	23	Onsite	Remove
10771	Coniferous	13	Onsite	Remove
10772	Coniferous	10	Onsite	Remove
10778	Coniferous	13	Onsite	Remove
10781	Coniferous	9	Onsite	Remove
10785	Coniferous	10	Onsite	Remove
10786	Coniferous	8	Onsite	Remove
10789	Coniferous	9	Offsite	Preserve
10799	Coniferous	37	Onsite	Remove
10800	Coniferous	9	Onsite	Remove
10802	Coniferous	12	Onsite	Remove
10803	Coniferous	23	Onsite	Remove
10804	Coniferous	23	Onsite	Remove
10805	Coniferous	14	Onsite	Remove
10806	Coniferous	6, 14	Onsite	Remove
10807	Coniferous	16, 14	Onsite	Remove
10808	Coniferous	10	Onsite	Remove
10812	Coniferous	9	Onsite	Remove
10813	Coniferous	10, 11	Onsite	Remove
10814	Coniferous	7	Onsite	Remove
10815	Coniferous	8	Onsite	Remove
10817	Coniferous	22	Onsite	Remove
10818	Coniferous	29	Onsite	Remove
10819	Coniferous	16	Onsite	Remove
10821	Coniferous	12	Onsite	Remove
10822	Coniferous	13	Onsite	Remove
10823	Coniferous	16, 18	Onsite	Remove
10824	Coniferous	24	Onsite	Remove
10825	Coniferous	30	Onsite	Remove
10826	Coniferous	9	Onsite	Remove
10827	Coniferous	80	Onsite	Remove
10831	Coniferous	30	Onsite	Remove
10832	Coniferous	12	Onsite	Remove
10833	Coniferous	19	Onsite	Remove
10834	Coniferous	6	Onsite	Remove
10835	Coniferous	7	Onsite	Remove
10836	Coniferous	13	Onsite	Remove
10837	Coniferous	13	Onsite	Remove
10838	Coniferous	11	Onsite	Remove
10839	Coniferous	14, 15	Onsite	Remove
10840	Coniferous	16	Onsite	Remove
10841	Coniferous	23	Onsite	Remove
10843	Coniferous	23	Onsite	Remove
10844	Coniferous	13, 17, 21	Onsite	Remove
10848	Coniferous	9	Onsite	Remove
10849	Coniferous	13	Onsite	Remove
10850	Coniferous	23	Onsite	Remove

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
10851	Coniferous	17	Onsite	Remove
10852	Coniferous	10	Onsite	Remove
10853	Coniferous	17	Onsite	Remove
10854	Coniferous	13, 33	Onsite	Remove
10855	Coniferous	11	Onsite	Remove
10856	Coniferous	12	Onsite	Remove
10857	Coniferous	21	Onsite	Remove
10859	Coniferous	17	Onsite	Remove
10860	Coniferous	10, 21	Onsite	Remove
10861	Coniferous	15	Onsite	Remove
10862	Coniferous	22	Onsite	Remove
10863	Coniferous	20	Onsite	Remove
10864	Coniferous	15	Onsite	Remove
10865	Coniferous	7	Onsite	Remove
10866	Coniferous	15	Onsite	Remove
10868	Coniferous	26	Onsite	Remove
10872	Coniferous	24	Onsite	Remove
10874	Coniferous	40	Offsite	Preserve
10875	Coniferous	25	Onsite	Remove
10876	Coniferous	42	Onsite	Remove
10877	Coniferous	9	Onsite	Remove
10878	Coniferous	15	Onsite	Remove
10879	Coniferous	26	Onsite	Remove
10880	Coniferous	15	Onsite	Remove
10881	Coniferous	25	Onsite	Remove
10882	Coniferous	42	Onsite	Remove
10883	Coniferous	16	Onsite	Remove
10884	Coniferous	11	Onsite	Remove
10885	Coniferous	32	Onsite	Remove
10886	Coniferous	21	Onsite	Remove
10887	Coniferous	19	Onsite	Remove
10888	Coniferous	20	Onsite	Remove
10889	Coniferous	11	Onsite	Remove
10890	Coniferous	10	Onsite	Remove
10891	Coniferous	14	Onsite	Remove
10892	Coniferous	14	Onsite	Remove
10893	Coniferous	12	Onsite	Remove
10894	Coniferous	20	Onsite	Remove
10895	Coniferous	16	Onsite	Remove
10896	Coniferous	25	Onsite	Remove
10897	Coniferous	7	Onsite	Remove
10898	Coniferous	15	Onsite	Remove
10899	Coniferous	20	Onsite	Remove
10900	Coniferous	17, 25	Onsite	Remove
10901	Coniferous	31	Onsite	Remove
10902	Coniferous	14, 17	Onsite	Remove
10903	Coniferous	15	Onsite	Remove
10904	Coniferous	17	Onsite	Remove
10905	Coniferous	16	Onsite	Remove
10906	Coniferous	10	Onsite	Remove
10907	Coniferous	14	Onsite	Remove
10908	Coniferous	12	Onsite	Remove
10909	Coniferous	14	Onsite	Remove
10910	Coniferous	15	Onsite	Remove
10911	Coniferous	15	Onsite	Remove
10912	Coniferous	11	Onsite	Remove
10913	Coniferous	16	Onsite	Remove
10915	Coniferous	12	Onsite	Remove
10916	Coniferous	10	Onsite	Remove
10917	Coniferous	20	Onsite	Remove
10918	Coniferous	10	Onsite	Remove
10919	Coniferous	9	Onsite	Remove
10920	Coniferous	28	Onsite	Remove
10924	Coniferous	12	Onsite	Remove
10925	Coniferous	14	Onsite	Remove
10926	Coniferous	12	Onsite	Remove
10927	Coniferous	14	Onsite	Remove
10928	Coniferous	12	Onsite	Remove
10931	Coniferous	34	Onsite	Remove
10932	Coniferous	30	Onsite	Remove
10933	Coniferous	12	Onsite	Remove

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
10934	Coniferous	20	Onsite	Remove
10941	Coniferous	41	Onsite	Remove
10942	Coniferous	11	Onsite	Remove
10943	Coniferous	29	Onsite	Remove
10944	Coniferous	29	Onsite	Remove
10945	Coniferous	12, 25	Onsite	Remove
10946	Coniferous	16	Onsite	Remove
10947	Coniferous	23	Onsite	Remove
10948	Coniferous	17	Onsite	Remove
10949	Coniferous	21	Onsite	Remove
10953	Coniferous	13	Onsite	Remove
10954	Coniferous	13	Onsite	Remove
10955	Coniferous	16	Onsite	Remove
10956	Coniferous	14	Onsite	Remove
10957	Coniferous	17	Onsite	Remove
10958	Coniferous	15	Onsite	Remove
10960	Coniferous	23	Onsite	Remove
10963	Coniferous	27	Onsite	Remove
10964	Coniferous	24	Onsite	Remove
10965	Coniferous	12, 12	Onsite	Remove
10966	Coniferous	17	Onsite	Remove
10967	Coniferous	18	Onsite	Remove
10969	Coniferous	22	Onsite	Remove
10988	Coniferous	11	Onsite	Remove
11003	Coniferous	18	Onsite	Remove
11022	Coniferous	12	Onsite	Remove
11023	Coniferous	17	Onsite	Remove
11024	Coniferous	13	Onsite	Remove
11025	Coniferous	11	Onsite	Remove
11026	Coniferous	9	Onsite	Remove
11027	Coniferous	9	Onsite	Remove
11028	Coniferous	16	Onsite	Remove
11029	Coniferous	14	Onsite	Remove
11032	Coniferous	32	Onsite	Remove
11033	Coniferous	32	Onsite	Remove
11034	Coniferous	17 9	Onsite	Remove
11035	Coniferous	8	Onsite	Remove
11036	Coniferous	12, 24, 17	Onsite	Remove
11037	Coniferous	11, 14	Onsite	Remove
11038	Coniferous	21	Onsite	Remove
11040	Coniferous	27	Onsite	Remove
11044	Coniferous	23	Onsite	Remove
11045	Coniferous	16	Onsite	Remove
11046	Coniferous	33	Onsite	Remove
11047	Coniferous	9	Onsite	Remove
11048	Coniferous	13	Onsite	Remove
11049	Coniferous	20	Onsite	Remove
11050	Coniferous	19	Onsite	Remove
11051	Coniferous	9	Onsite	Remove
11052	Coniferous	20	Onsite	Remove
11053	Coniferous	32	Onsite	Remove
11054	Coniferous	15, 16	Onsite	Remove
11055	Coniferous	23	Onsite	Remove
11056	Coniferous	14	Onsite	Remove
11057	Coniferous	21	Onsite	Remove
11058	Coniferous	18	Onsite	Remove
11059	Coniferous	16	Onsite	Remove
11060	Coniferous	16	Onsite	Remove
11061	Coniferous	13	Onsite	Remove
11062	Coniferous	14	Onsite	Remove
11063	Coniferous	12	Onsite	Remove
11064	Coniferous	13	Onsite	Remove
11065	Coniferous	14	Onsite	Remove
11066	Coniferous	29	Onsite	Remove
11067	Coniferous	22	Onsite	Remove
11068	Coniferous	14	Onsite	Remove
11069	Coniferous	13	Onsite	Remove
11070	Coniferous	20	Onsite	Remove
11071	Coniferous	9	Onsite	Remove
11072	Coniferous	26	Onsite	Remove
11073	Coniferous	18	Onsite	Remove

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
11074	Coniferous	13, 13	Onsite	Remove
11077	Coniferous	25	Onsite	Remove
11078	Coniferous	23	Onsite	Remove
11079	Coniferous	41	Onsite	Remove
11081	Coniferous	16, 18	Onsite	Remove
11082	Coniferous	24	Onsite	Remove
11083	Coniferous	23	Onsite	Remove
11088	Coniferous	14	Onsite	Remove
11096	Coniferous	40	Onsite	Remove
11097	Coniferous	11	Onsite	Remove
11098	Coniferous	19	Onsite	Remove
11099	Coniferous	24	Onsite	Remove
11127	Coniferous	11	Onsite	Remove
11128	Coniferous	15	Onsite	Remove
11129	Coniferous	15	Onsite	Remove
11130	Coniferous	23	Onsite	Remove
11131	Coniferous	23	Onsite	Remove
11132	Coniferous	17	Onsite	Remove
11133	Coniferous	17	Onsite	Remove
11134	Coniferous	22	Onsite	Remove
11135	Coniferous	30	Onsite	Remove
11136	Coniferous	30	Onsite	Remove
11137	Coniferous	22	Onsite	Remove
11138	Coniferous	9	Onsite	Remove
11139	Coniferous	39	Onsite	Remove
11141	Coniferous	13	Onsite	Remove
11142	Coniferous	24	Onsite	Remove
11143	Coniferous	11	Onsite	Remove
11144	Coniferous	28	Onsite	Remove
11145	Coniferous	12	Onsite	Remove
11146	Coniferous	28	Onsite	Remove
11147	Coniferous	18	Onsite	Remove
11148	Coniferous	15	Onsite	Remove
11149	Coniferous	13	Onsite	Remove
11150	Coniferous	20	Onsite	Remove
11151	Coniferous	19	Onsite	Remove
11152	Coniferous	14	Onsite	Remove
11153	Coniferous	16	Onsite	Remove
11154	Coniferous	19	Onsite	Remove
11157	Coniferous	11, 20, 23	Onsite	Remove
11159	Coniferous	19	Onsite	Remove
11160	Coniferous	16	Onsite	Remove
11161	Coniferous	20	Onsite	Remove
11162	Coniferous	34	Onsite	Remove
11163	Coniferous	35	Onsite	Remove
11165	Coniferous	17	Onsite	Remove
11166	Coniferous	27, 34	Onsite	Remove
11169	Coniferous	26	Onsite	Remove
11172	Coniferous	44	Onsite	Remove
11173	Coniferous	18	Onsite	Remove
11176	Coniferous	6	Onsite	Remove
11177	Coniferous	6	Onsite	Remove
11180	Coniferous	8	Onsite	Remove
11182	Coniferous	11	Onsite	Remove
11187	Coniferous	9	Onsite	Remove
11195	Coniferous	30	Onsite	Remove
11203	Coniferous	36	Offsite	Preserve
11204	Coniferous	36	Offsite	Preserve
11205	Coniferous	9	Offsite	Preserve
11212	Coniferous	30	Offsite	Preserve
11213	Coniferous	17	Onsite	Remove
11214	Coniferous	15	Offsite	Preserve
11215	Coniferous	13	Onsite	Remove
11216	Coniferous	25	Onsite	Remove
11217	Coniferous	16	Onsite	Remove
11218	Coniferous	13	Onsite	Remove
11222	Coniferous	32	Onsite	Remove
11223	Coniferous	22	Onsite	Remove
11224	Coniferous	17	Onsite	Remove
11225	Coniferous	33	Onsite	Remove
11226	Coniferous	13	Onsite	Remove

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
11227	Coniferous	25	Onsite	Remove
11228	Coniferous	13	Onsite	Remove
11229	Coniferous	12	Onsite	Remove
11230	Coniferous	19	Onsite	Remove
11231	Coniferous	12	Onsite	Remove
11232	Coniferous	7	Onsite	Remove
11233	Coniferous	32	Onsite	Remove
11234	Coniferous	16	Onsite	Remove
11235	Coniferous	18	Onsite	Remove
11239	Coniferous	38	Onsite	Remove
11243	Coniferous	32	Onsite	Remove
11244	Coniferous	32	Onsite	Remove
11245	Coniferous	16	Onsite	Remove
11246	Coniferous	20	Onsite	Remove
11247	Coniferous	23	Onsite	Remove
11248	Coniferous	24	Onsite	Remove
11249	Coniferous	17	Onsite	Remove
11250	Coniferous	13, 20	Onsite	Remove
11251	Coniferous	10	Onsite	Remove
11254	Coniferous	11	Onsite	Remove
11255	Coniferous	8	Onsite	Remove
11257	Coniferous	8	Onsite	Remove
11258	Coniferous	24	Onsite	Remove
11259	Coniferous	15	Onsite	Remove
11260	Coniferous	35	Onsite	Remove
11261	Coniferous	14, 15	Onsite	Remove
11262	Coniferous	7, 9	Onsite	Remove
11263	Coniferous	21	Onsite	Remove
11264	Coniferous	9	Onsite	Remove
11265	Coniferous	21	Onsite	Remove
11266	Coniferous	10	Onsite	Remove
11267	Coniferous	12, 18	Onsite	Remove
11268	Coniferous	18	Onsite	Remove
11270	Coniferous	10	Onsite	Remove
11271	Coniferous	11	Onsite	Remove
11272	Coniferous	20	Onsite	Remove
11273	Coniferous	12	Onsite	Remove
11274	Coniferous	19	Onsite	Remove
11275	Coniferous	10	Onsite	Remove
11276	Coniferous	10	Onsite	Remove
11277	Coniferous	12	Onsite	Remove
11278	Coniferous	12	Onsite	Remove
11279	Coniferous	9	Onsite	Remove
11284	Coniferous	24	Onsite	Remove
11285	Coniferous	26	Onsite	Remove
11286	Coniferous	17	Onsite	Remove
11287	Coniferous	6	Onsite	Remove
11288	Coniferous	13	Onsite	Remove
11289	Coniferous	10	Onsite	Remove
11290	Coniferous	20	Onsite	Remove
11291	Coniferous	12	Onsite	Remove
11292	Coniferous	8	Onsite	Remove
11293	Coniferous	14	Onsite	Remove
11294	Coniferous	6	Onsite	Remove
11295	Coniferous	8	Onsite	Remove
11296	Coniferous	14	Onsite	Remove
11297	Coniferous	24	Onsite	Remove
11319	Coniferous	12	Onsite	Remove
11320	Coniferous	18	Onsite	Remove
11321	Coniferous	7	Onsite	Remove
11322	Coniferous	6	Onsite	Remove
11323	Coniferous	23	Onsite	Remove
11324	Coniferous	9	Onsite	Remove
11325	Coniferous	6	Onsite	Remove
11326	Coniferous	9	Onsite	Remove
11327	Coniferous	15	Onsite	Remove
11328	Coniferous	14	Onsite	Remove
11329	Coniferous	15	Onsite	Remove
11330	Coniferous	16	Onsite	Remove
11331	Coniferous	14	Onsite	Remove
11332	Coniferous	17	Onsite	Remove

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
11333	Coniferous	11	Onsite	Remove
11335	Coniferous	23	Onsite	Remove
11336	Coniferous	14	Onsite	Remove
11337	Coniferous	12	Onsite	Remove
11338	Coniferous	23	Onsite	Remove
11339	Coniferous	21	Onsite	Remove
11340	Coniferous	12	Onsite	Remove
11341	Coniferous	16	Onsite	Remove
11342	Coniferous	17	Onsite	Remove
11343	Coniferous	9	Onsite	Remove
11344	Coniferous	12	Onsite	Remove
11345	Coniferous	16	Onsite	Remove
11346	Coniferous	21	Onsite	Remove
11347	Coniferous	12	Onsite	Remove
11348	Coniferous	7	Onsite	Remove
11349	Coniferous	26	Onsite	Remove
11350	Coniferous	7	Onsite	Remove
11351	Coniferous	17	Onsite	Remove
11352	Coniferous	13	Onsite	Remove
11353	Coniferous	23	Onsite	Remove
11354	Coniferous	17	Onsite	Remove
11357	Coniferous	6	Onsite	Remove
11358	Coniferous	16	Onsite	Remove
11359	Coniferous	15	Onsite	Remove
11360	Coniferous	20	Onsite	Remove
11362	Coniferous	15	Onsite	Remove
11363	Coniferous	16	Onsite	Remove
11364	Coniferous	20	Onsite	Remove
11365	Coniferous	27	Onsite	Remove
11366	Coniferous	11	Onsite	Remove
11379	Coniferous	15	Onsite	Remove
11380	Coniferous	21	Onsite	Remove
11381	Coniferous	14	Onsite	Remove
11382	Coniferous	10	Onsite	Remove
11383	Coniferous	12	Onsite	Remove
11384	Coniferous	20	Onsite	Remove
11385	Coniferous	21	Onsite	Remove
11386	Coniferous	9	Onsite	Remove
11387	Coniferous	17	Onsite	Remove
11388	Coniferous	8	Onsite	Remove
11389	Coniferous	6, 7	Onsite	Remove
11390	Coniferous	18	Onsite	Remove
11391	Coniferous	21	Onsite	Remove
11392	Coniferous	8	Onsite	Remove
11393	Coniferous	21	Onsite	Remove
11394	Coniferous	16	Onsite	Remove
11395	Coniferous	12, 6	Onsite	Remove
11396	Coniferous	8	Onsite	Remove
11397	Coniferous	6, 18	Onsite	Remove
11398	Coniferous	12	Onsite	Remove
11399	Coniferous	17	Onsite	Remove
11400	Coniferous	11	Onsite	Remove
11401	Coniferous	17	Onsite	Remove
11402	Coniferous	19	Onsite	Remove
11403	Coniferous	13, 19	Onsite	Remove
11404	Coniferous	21	Onsite	Remove
11405	Coniferous	17	Offsite	Preserve
11406	Coniferous	14	Offsite	Preserve
11407	Coniferous	18	Offsite	Preserve
11408	Coniferous	22	Offsite	Preserve
11409	Coniferous	24	Onsite	Remove
11410	Coniferous	17	Onsite	Remove
11411	Coniferous	8	Onsite	Remove
11412	Coniferous	11	Offsite	Preserve
11413	Coniferous	14	Offsite	Preserve
11417	Coniferous	18	Offsite	Preserve
11418	Coniferous	16	Offsite	Preserve
11421	Coniferous	22	Offsite	Preserve
11422	Coniferous	24	Offsite	Preserve
11423	Coniferous	24	Offsite	Preserve
11424	Coniferous	12	Offsite	Preserve

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
11436	Coniferous	11	Offsite	Preserve
11437	Coniferous	20	Offsite	Preserve
11438	Coniferous	7	Offsite	Preserve
11439	Coniferous	9	Onsite	Remove
11440	Coniferous	17	Offsite	Preserve
11441	Coniferous	23	Offsite	Preserve
11448	Coniferous	7	Onsite	Remove
11449	Coniferous	9	Onsite	Remove
11450	Coniferous	15	Onsite	Remove
11451	Coniferous	15	Onsite	Remove
11453	Coniferous	20	Offsite	Preserve
11454	Coniferous	12	Offsite	Preserve
11456	Coniferous	15	Offsite	Preserve
11457	Coniferous	20	Offsite	Preserve
11458	Coniferous	28	Offsite	Preserve
11459	Coniferous	14	Offsite	Preserve
11460	Coniferous	12	Offsite	Preserve
11461	Coniferous	15	Onsite	Remove
11463	Coniferous	17	Onsite	Remove
11464	Coniferous	13	Onsite	Remove
11465	Coniferous	13	Onsite	Remove
11466	Coniferous	17	Onsite	Remove
11467	Coniferous	25	Onsite	Remove
11468	Coniferous	12	Onsite	Remove
11469	Coniferous	24	Onsite	Remove
11470	Coniferous	11	Onsite	Remove
11471	Coniferous	22	Onsite	Remove
11473	Coniferous	11	Onsite	Remove
11474	Coniferous	13	Onsite	Remove
11475	Coniferous	10	Onsite	Remove
11476	Coniferous	8, 16	Onsite	Remove
11477	Coniferous	19	Onsite	Remove
11478	Coniferous	13	Onsite	Remove
11479	Coniferous	12	Onsite	Remove
11480	Coniferous	17	Onsite	Remove
11481	Coniferous	19	Onsite	Remove
11483	Coniferous	15	Onsite	Remove
11491	Coniferous	9	Onsite	Remove
11492	Coniferous	30	Onsite	Remove
11493	Coniferous	16	Onsite	Remove
11496	Coniferous	20	Onsite	Remove
11497	Coniferous	17	Onsite	Remove
11498	Coniferous	19	Onsite	Remove
11499	Coniferous	17	Onsite	Remove
11500	Coniferous	19	Onsite	Remove
11501	Coniferous	16	Onsite	Remove
11503	Coniferous	22	Onsite	Remove
11515	Coniferous	17	Onsite	Remove
11516	Coniferous	13	Onsite	Remove
11517	Coniferous	15	Onsite	Remove
11518	Coniferous	15	Onsite	Remove
11520	Coniferous	16	Onsite	Remove
11521	Coniferous	13	Onsite	Remove
11522	Coniferous	15	Onsite	Remove
11523	Coniferous	15	Onsite	Remove
11524	Coniferous	11	Onsite	Remove
11525	Coniferous	16	Onsite	Remove
11526	Coniferous	11	Onsite	Remove
11527	Coniferous	12	Onsite	Remove
11528	Coniferous	14	Onsite	Remove
11529	Coniferous	7	Onsite	Remove
11530	Coniferous	13	Onsite	Remove
11531	Coniferous	11	Onsite	Remove
11532	Coniferous	9	Onsite	Remove
11533	Coniferous	13	Onsite	Remove
11534	Coniferous	11	Onsite	Remove
11535	Coniferous	9	Onsite	Remove
11536	Coniferous	18	Onsite	Remove
11537	Coniferous	20	Onsite	Remove
11538	Coniferous	25	Onsite	Remove
11539	Coniferous	17	Onsite	Remove

Preliminary Tree Inventory for the Cove at Lincoln City Phase III

AKS Job No. 7432 2/13/20

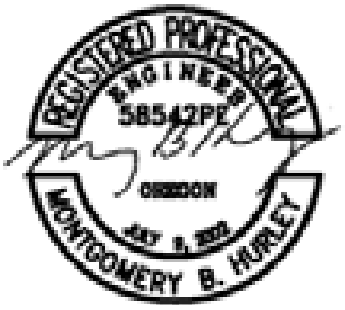
Tree #	Type	DBH (in.)	Onsite/Offsite	Remove/Preserve
11540	Coniferous	9	Onsite	Remove
11541	Coniferous	23	Onsite	Remove
11542	Coniferous	30	Offsite	Preserve
11544	Coniferous	13	Onsite	Remove
11545	Coniferous	6, 7	Onsite	Remove
11546	Coniferous	15	Offsite	Preserve
11547	Coniferous	6	Onsite	Remove
11548	Coniferous	20	Onsite	Remove
11550	Coniferous	15	Offsite	Preserve
11551	Coniferous	15	Offsite	Preserve
11552	Coniferous	19	Offsite	Preserve
11555	Coniferous	15	Offsite	Preserve
11556	Coniferous	8	Offsite	Preserve
11559	Coniferous	15	Offsite	Preserve
11560	Coniferous	20	Offsite	Preserve
11561	Coniferous	20	Onsite	Remove
11562	Coniferous	18	Onsite	Remove
11563	Coniferous	13	Onsite	Remove
11564	Coniferous	16	Onsite	Remove
11565	Coniferous	14	Onsite	Remove
11566	Coniferous	17	Onsite	Remove
11567	Coniferous	13	Onsite	Remove
11568	Coniferous	14	Onsite	Remove
11569	Coniferous	11	Offsite	Preserve
11570	Coniferous	11	Offsite	Preserve
11571	Coniferous	19	Offsite	Preserve
11572	Coniferous	24	Offsite	Preserve
11573	Coniferous	21	Offsite	Preserve
11574	Coniferous	12	Offsite	Preserve
11576	Coniferous	19	Offsite	Preserve
11578	Coniferous	11	Offsite	Preserve
11579	Coniferous	13	Onsite	Remove
11580	Coniferous	11	Onsite	Remove
11581	Coniferous	15	Onsite	Remove
11582	Coniferous	15	Onsite	Remove
11583	Coniferous	13	Onsite	Remove
11584	Coniferous	27	Onsite	Remove
11585	Coniferous	22	Onsite	Remove
11587	Coniferous	21	Onsite	Remove
11588	Coniferous	19	Onsite	Remove
11589	Coniferous	19	Onsite	Remove
11591	Coniferous	20	Offsite	Preserve
11592	Coniferous	20	Offsite	Preserve
11593	Coniferous	14	Offsite	Preserve
11594	Coniferous	25	Offsite	Preserve
11595	Coniferous	8	Onsite	Remove
11597	Coniferous	24	Onsite	Remove
11598	Coniferous	8	Onsite	Remove
11599	Coniferous	8	Onsite	Remove
11600	Coniferous	10	Onsite	Remove
11601	Coniferous	6	Onsite	Remove
11603	Coniferous	25, 6	Onsite	Remove
11604	Coniferous	25	Onsite	Remove
11605	Coniferous	9	Offsite	Preserve
11606	Coniferous	6	Offsite	Preserve
11607	Coniferous	10	Offsite	Preserve
11608	Coniferous	14	Offsite	Preserve
11609	Coniferous	8	Onsite	Remove
11620	Coniferous	12	Offsite	Remove
11621	Coniferous	8	Offsite	Remove
11622	Coniferous	9	Offsite	Remove
11623	Coniferous	8	Offsite	Remove
11624	Coniferous	7	Offsite	Remove
11625	Coniferous	6, 10	Offsite	Remove
11626	Coniferous	8	Offsite	Remove
11693	Coniferous	12	Onsite	Remove
11706	Coniferous	14	Offsite	Preserve

Exhibit G: Preliminary Stormwater Report



The Cove at Lincoln City Phase III
Lincoln City, Oregon
Preliminary Stormwater Report

Date:	February 2020
Client:	Silverado Funding, LLC
Engineering Contact:	Monty Hurley, PE, PLS
Prepared By:	Vu Nguyen, PE
Engineering Firm:	AKS Engineering & Forestry, LLC 12965 SW Herman Road Suite 100 Tualatin, OR 97062
AKS Job Number:	7432



RENEWAL DATE: 6/30/21

AKS ENGINEERING & FORESTRY

Contents

1.0 Purpose of Report 1
2.0 Project Location/Description 1
3.0 Regulatory Design Criteria 1
3.1 Stormwater Quality Management Criteria 1
3.2 Stormwater Detention Management Criteria 1
4.0 Design Methodology 1
5.0 Design Parameters 2
5.1 Design Storm 2
5.1.1 On-Site Inlet and Conduit Sizing 2
5.1.2 Upstream Basin 2
5.2 Predeveloped Site Topography and Land Use 2
5.2.1 Site Topography 2
5.2.2 Land Use 2
5.3 Soil Type 2
5.4 Post-developed Site Topography and Land Use 2
5.4.1 Site Topography 2
5.4.2 Land Use 2
5.4.3 Post-Developed Input Parameters 2
5.5 Description of Off-Site Contributory Basins 2
6.0 Calculation Methodology 2
6.1 Proposed Stormwater Conduit Sizing and Inlet Spacing 2
6.2 Proposed Stormwater Quality and Detention Design 2
6.3 Downstream Analysis 3

Appendices

Appendix A: Vicinity Map
Appendix B: Existing Conditions Map
Appendix C.1: Post-Developed Map
Appendix C.2: Stormwater Facilities Location Map
Appendix D: Stormwater Facilities Sizing Calculations
Appendix E: Soils Information from the NRCS Soil Survey of Lincoln County, Oregon
Appendix F: Relevant Information from the Lincoln City Public Works Department Design Standards and City of Lincoln City Stormwater Best Management Practices for Site Development

Preliminary Stormwater Report

THE COVE AT LINCOLN CITY PHASE III, LINCOLN CITY, OREGON

1.0 Purpose of Report

The purpose of this report is to analyze the effect development of this site will have on the downstream stormwater conveyance system, document the criteria the proposed stormwater system was designed to meet, identify the sources of information on which the analysis was based, detail the design methodology, and document the results of the analysis.

2.0 Project Location/Description

The development is located on a portion of Tax Lot 6800 of Lincoln County Assessor's Map 07 11 22 AA. The subject site is located south of SE Marine Avenue. This development is approximately ±3.39 acres and includes new low-impact development stormwater filtration facilities such as rain gardens and stormwater planters throughout the development. Currently, existing stormwater runoff from this site drains toward the existing drainage ditch in the middle of the site and then discharges to the north via an existing 60-inch diameter culvert under SE Marine Avenue.

3.0 Regulatory Design Criteria

3.1 Stormwater Quality Management Criteria

According to Chapter 3 of the *Lincoln City Public Works Department Design Standards*, "Water quality facilities are required for all commercial, planned unit developments, and subdivision projects. Facilities shall follow the Oregon Department of Environmental Quality requirements and regulations and shall be designed in accordance with the City's Stormwater Best Management Practices for Site Development design guidelines. Access for maintenance of each water quality facility shall be provided. A water quality facility shall be installed prior to any discharge from the project site/roadway to any existing water body within the City."

3.2 Stormwater Detention Management Criteria

According to Chapter 3 of the *Lincoln City Public Works Department Design Standards*, "Detention is required for all commercial, planned unit developments and subdivision projects. Detention shall provide run-off controls such that post-developed flow rates leaving the site are no greater than pre-development flow rates unless authorized by the City Engineer in writing. The Design Storm shall be used to measure the pre- and post-development flow rates for the purposes of calculation."

4.0 Design Methodology

The Santa Barbara Urban Hydrograph (SBUH) Method is utilized to design conveyance systems. This method uses the SCS Type 1A 24-hour storm, as defined by the King County, Washington, *Surface Water Design Manual*. HydroCAD computer software aided the analysis. Representative CN numbers were obtained from the Urban Hydrology for Small Watersheds Technical Release 55. The City of Lincoln City Stormwater Best Management Practices for Site Development has been utilized to design the filtration facilities such as rain gardens and stormwater planters throughout the development.

5.0 Design Parameters

5.1 Design Storm

5.1.1 On-Site Inlet and Conduit Sizing

Stormwater inlets for the site will be placed at locations that will adequately control stormwater runoff from private streets. The private on-site stormwater pipes will be sized with Manning's equation, based on peak flows for the 25-year, 24-hour storm event (6.5-inch rainfall).

5.1.2 Upstream Basin

Stormwater runoff from the off-site upstream basin along the southern and eastern property lines will continue flow to the existing drainage ditch.

5.2 Predeveloped Site Topography and Land Use

5.2.1 Site Topography

The site has a drainage ditch in the middle of the site that runs from south to north. The topography slopes toward the drainage ditch and north. The vegetative cover of the site consists of grass, trees, and brush.

5.2.2 Land Use

Currently, the property is vacant and covered with grass, trees, and brush.

5.3 Soil Type

The soils on the site are classified as Lint silt loam and Templeton-Fendall silt loams (hydrologic group "B") by the Natural Resources Conservation Service (NRCS) Soil Survey for Lincoln County. These soils have a very low infiltration rate. Information on these soil types is provided in Appendix E.

5.4 Post-developed Site Topography and Land Use

5.4.1 Site Topography

The post-developed site topography will be altered from the predeveloped site topography to allow for the construction of private streets, townhomes, and other associated infrastructure and features.

5.4.2 Land Use

The post-developed land use will consist of 40 lots for attached single-family homes and private streets.

5.4.3 Post-Developed Input Parameters

Appendix D provides the input parameters that were utilized for sizing the stormwater facilities.

5.5 Description of Off-Site Contributory Basins

There are no off-site stormwater runoff basins contributing to this site (other than the basins described in Section 5.1.2).

6.0 Calculation Methodology

6.1 Proposed Stormwater Conduit Sizing and Inlet Spacing

The private stormwater conduit pipes will be sized using Manning's equation for the peak flow of a 25-year storm event. Catch basins will be placed at locations to adequately convey stormwater runoff from the streets.

6.2 Proposed Stormwater Quality and Detention Design

All planned filtration stormwater facilities are sized per the City of Lincoln City Stormwater Best Management Practices for Site Development to provide stormwater quality treatment and flow control in compliance with City of Lincoln City stormwater quality and detention requirements. Filtration rain gardens will be sized to have a minimum surface area of 15 percent of the impervious surface that drains

to it. Filtration stormwater planters will be sized to have a minimum surface area of 10 percent of the impervious surface that drains to it.

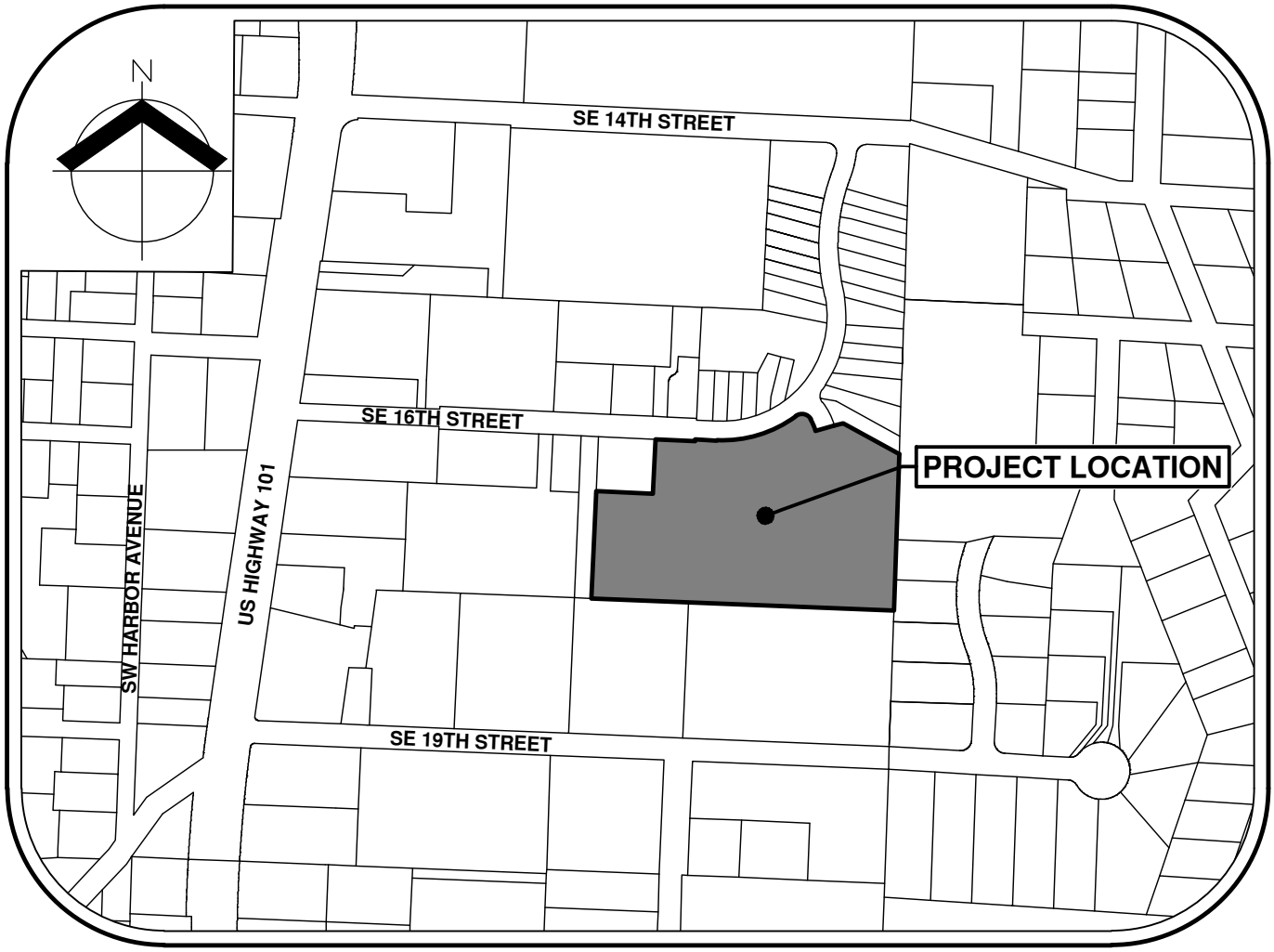
Stormwater runoff from roof areas of the attached single-family homes on lots will be treated and controlled by filtration stormwater planters or filtration rain gardens on the lots.

Stormwater runoff from pavement, parking, sidewalk, and ramp area of the private streets and future driveway areas of the lots will be treated and controlled by filtration stormwater planters behind the curb along the private roadway.

6.3 Downstream Analysis

After being treated and controlled in the planned stormwater facilities (post-developed condition), the stormwater will discharge into an existing drainage ditch that runs through the site, which then flows through an existing 60-inch culvert under SE Marine Avenue. This development will not negatively impact downstream capacity because all planned filtration stormwater facilities are sized per the City of Lincoln City Stormwater Best Management Practices for Site Development to provide stormwater quality treatment and flow control.

Appendix A: Vicinity Map



VICINITY MAP

NOT TO SCALE

Appendix B: Existing Conditions Map



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

PRE-DEVELOPED MAP
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	7432
DATE:	01/22/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

01

AKS DRAWING FILE: 7432 PREDWG | LAYOUT: PRE

Appendix C.1: Post-Developed Map

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCE
FORESTRY • PLANNING • LANDSCAPE ARCHITECTU

TAX LOT 1703
TAX MAP 7 11 22A

TAX LOT 1701
TAX MAP 7 11 22A

TAX LOT 6900
TAX MAP 7 11 22A

TAX LOT 7000
TAX MAP 7 11 22A

TAX LOT 7100
TAX MAP 7 11 22A

TAX LOT 7200
TAX MAP 7 11 22A

TAX LOT 7300
TAX MAP 7 11 22A

TAX LOT 6500
TAX MAP 7 11 22A

TAX LOT 6600
TAX MAP 7 11 22A

TAX LOT 6700
TAX MAP 7 11 22A

TAX LOT 2100
TAX MAP 7 11 22A

TAX LOT 6800
TAX MAP 7 11 22A
AREA: 3.39 ACRES

SE MARINE AVENUE

CONCRETE RETAINING WALL

ROCK RETAINING WALL

WOOD FENCE

GRAVEL

EX STM AD
RIM: 118.40
IE IN: 116.02 (12"S)
IE OUT: 115.99 (12"N)
SUMP: 114.31

EX STM AD
RIM: 120.19
IE OUT: 117.68 (12"N)
SUMP: 116.16

EX 12" CMP CULVERT
IE: 103.86

TRACT 7
STORAGE AREA

TRACT 8
PRIVATE STREET

TRACT 9
RECREATION AREA

TRACT 10
STORAGE AREA

TRACT 11
STORAGE AREA

TRACT 12
PRIVATE STREET

TAX LOT 7200
TAX MAP 7 11 23BB

TAX LOT 7300
TAX MAP 7 11 23BB

TAX LOT 3100

TAX LOT 3000

N

SCALE: 1" = 20 FEET
20 0 4 10 20
ORIGINAL PAGE SIZE: 22" x 34"

POST-DEVELOPED MAP
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	7432
DATE:	01/22/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

P1

AKS DRAWING FILE: 7432 PRE.DWG | LAYOUT: POST

Appendix C.2: Stormwater Facilities Location Map

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, SITE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

SE 16TH AVENUE

SE MARINE AVENUE

EX STM AD
RIM: 118.40
IE IN: 116.02 (12"S)
IE OUT: 115.99 (12"N)
SUMP: 114.31

EX STM AD
RIM: 118.40
IE IN: 116.01 (12"S)
IE OUT: 115.99 (12"N)
SUMP: 114.31

EX STM AD
RIM: 120.19
IE OUT: 117.68 (12"N)
SUMP: 116.16

TRACT 7
STORAGE AREA

APPROXIMATE SIZE AND LOCATION OF FILTRATION STORMWATER PLANTER/RAIN GARDEN FOR THE BUILDING (TYP)

EX 12" CPP CULVERT
IE: 101.91

EX 66" CMP CULVERT
IE: 101.36

EX 12" CPP CULVERT
IE: 103.86

STORMWATER CLEANOUT (TYP)

STORMWATER LATERAL (TYP)

STREET B

STREET A

APPROXIMATE SIZE AND LOCATION OF FILTRATION STORMWATER PLANTER (TYP)

EXISTING DRAINAGE CHANNEL

APPROXIMATE SIZE AND LOCATION OF FILTRATION STORMWATER PLANTER (TYP)

TRACT 12
PRIVATE STREET

TRACT 11
STORAGE AREA

TRACT 10
STORAGE AREA

TRACT 8
PRIVATE STREET

TRACT 9
RECREATION AREA

53 54 55 60 59 58 57 56 50 49 48 47 46 45 44 43 42 41 51 52 29 30 31 32 33 34 61 62 63 64 65 66 67 68 40 39 38 37 36 35

N

SCALE: 1" = 20 FEET
20 0 4 10 20
ORIGINAL PAGE SIZE: 22" x 34"

STORMWATER FACILITIES LOCATION
THE COVE AT LINCOLN CITY
PHASE III
LINCOLN CITY, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	7432
DATE:	01/22/2020
DESIGNED BY:	LTP
DRAWN BY:	APC
CHECKED BY:	VHN

AKS DRAWING FILE: 7432 STRM FACILITY.DWG | LAYOUT: LOCATION

Appendix D:
Stormwater Facilities Sizing Calculations

Project Name: The Cove at Lincoln City Phase 3
Job #: 7432
Date: February 2020

SUBJECT: Stormwater Facilities Sizing Per City of Lincoln City Stormwater Best Management Practices for Site Development

TRACT 8 (Private Road)		
Pavements, Parkings, Sidewalks, and Ramps Area =	9,700	ft^2
Driveway Area (Assume 250 square feet per lot) =	5,000	ft^2
Total Area =	14,700	ft^2
Required Area of Filtration Stormwater Planter =	**1,470**	ft^2
TRACT 12 (Private Road)		
Pavements, Parkings, Sidewalks, and Ramps Area =	12,700	ft^2
Driveway Area (Assume 250 square feet per lot) =	5,000	ft^2
Total Area =	17,700	ft^2
Required Area of Filtration Stormwater Planter =	**1,770**	ft^2
BUILDING (Attached Single-Family Home)		
Roof Area for Each Attached Single-Family Home (Assume) =	800	ft^2
Required Area of Filtration Stormwater Planter =	**80**	ft^2
OR Required Area of Filtration Rain Garden =	**120**	ft^2

Appendix E: Soils Information from the NRCS Soil Survey of Lincoln County, Oregon

United States Department of Agriculture

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Lincoln County Area, Oregon



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

Preface.....2
How Soil Surveys Are Made.....5
Soil Map.....8
Soil Map.....9
Legend.....10
Map Unit Legend.....11
Map Unit Descriptions.....11
Lincoln County Area, Oregon.....13
35E—Lint silt loam, 5 to 25 percent slopes.....13
55E—Templeton-Fendall silt loams, 5 to 35 percent slopes.....14
Soil Information for All Uses.....16
Soil Properties and Qualities.....16
Soil Qualities and Features.....16
Hydrologic Soil Group.....16
References.....21

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map



Map Scale: 1:888 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 10 20 40 60

Feet
0 40 80 160 240

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lincoln County Area, Oregon
Survey Area Data: Version 16, Sep 10, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Feb 12, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
35E	Lint silt loam, 5 to 25 percent slopes	2.9	84.7%
55E	Templeton-Fendall silt loams, 5 to 35 percent slopes	0.5	15.3%
Totals for Area of Interest		**3.4**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Lincoln County Area, Oregon

35E—Lint silt loam, 5 to 25 percent slopes

Map Unit Setting

National map unit symbol: 2595
Elevation: 50 to 450 feet
Mean annual precipitation: 60 to 90 inches
Mean annual air temperature: 48 to 54 degrees F
Frost-free period: 180 to 300 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Lint and similar soils: 80 percent
Minor components: 2 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lint

Setting

Landform: Marine terraces
Landform position (three-dimensional): Riser
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Silty alluvial and eolian deposits derived from mixed sources

Typical profile

Oi - 0 to 2 inches: slightly decomposed plant material
Oe - 2 to 5 inches: moderately decomposed plant material
H1 - 5 to 24 inches: silt loam
H2 - 24 to 65 inches: silt loam

Properties and qualities

Slope: 5 to 25 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Very high (about 22.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Forage suitability group: Well Drained >15% Slopes (G004AY013OR)
Hydric soil rating: No

Minor Components

Depoe

Percent of map unit: 2 percent
Landform: Marine terraces
Hydric soil rating: Yes

55E—Templeton-Fendall silt loams, 5 to 35 percent slopes

Map Unit Setting

National map unit symbol: 25c3
Elevation: 50 to 800 feet
Mean annual precipitation: 80 to 110 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 120 to 210 days
Farmland classification: Not prime farmland

Map Unit Composition

Templeton and similar soils: 55 percent
Fendall and similar soils: 30 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Templeton

Setting

Landform: Hillslopes
Landform position (two-dimensional): Toeslope, footslope, summit
Landform position (three-dimensional): Interfluve, base slope
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Parent material: Colluvium and residuum derived from sedimentary rock

Typical profile

Oi - 0 to 2 inches: slightly decomposed plant material
A - 2 to 15 inches: medial silt loam
Bw1 - 15 to 28 inches: silty clay loam
Bw2 - 28 to 43 inches: silty clay loam
Bw3 - 43 to 54 inches: silty clay loam
Bw4 - 54 to 59 inches: paragravelly silty clay loam
Cr - 59 to 69 inches: weathered bedrock

Properties and qualities

Slope: 5 to 35 percent
Depth to restrictive feature: 40 to 60 inches to paralithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Very high (about 14.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: B
Other vegetative classification: Sitka spruce/salmonberry-wet (903)

Hydric soil rating: No

Description of Fendall

Setting

Landform: Hillslopes
Landform position (two-dimensional): Shoulder, summit
Landform position (three-dimensional): Nose slope, interfluve, crest
Down-slope shape: Convex, linear
Across-slope shape: Linear, convex
Parent material: Colluvium and residuum derived from sedimentary rock

Typical profile

Ap - 0 to 8 inches: medial silt loam
A - 8 to 13 inches: silt loam
Bw1 - 13 to 17 inches: silty clay loam
Bw2 - 17 to 27 inches: paragravelly silty clay loam
BC - 27 to 34 inches: very paragravelly silty clay loam
2Cr - 34 to 44 inches: weathered bedrock

Properties and qualities

Slope: 5 to 35 percent
Depth to restrictive feature: 20 to 40 inches to paralithic bedrock
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Moderate (about 7.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: C
Other vegetative classification: Sitka spruce/salmonberry-wet (903)
Hydric soil rating: No

Soil Information for All Uses

Soil Properties and Qualities

The Soil Properties and Qualities section includes various soil properties and qualities displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each property or quality.

Soil Qualities and Features

Soil qualities are behavior and performance attributes that are not directly measured, but are inferred from observations of dynamic conditions and from soil properties. Example soil qualities include natural drainage, and frost action. Soil features are attributes that are not directly part of the soil. Example soil features include slope and depth to restrictive layer. These features can greatly impact the use and management of the soil.

Hydrologic Soil Group

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Custom Soil Resource Report
Map—Hydrologic Soil Group



Map Scale: 1:888 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 10 20 40 60

Feet
0 40 80 160 240

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

Soil Rating Polygons

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lincoln County Area, Oregon
Survey Area Data: Version 16, Sep 10, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Feb 12, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
35E	Lint silt loam, 5 to 25 percent slopes	B	2.9	84.7%
55E	Templeton-Fendall silt loams, 5 to 35 percent slopes	B	0.5	15.3%
Totals for Area of Interest			**3.4**	**100.0%**

Rating Options—Hydrologic Soil Group

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

References

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

National Research Council. 1995. Wetlands: Characteristics and boundaries.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577

Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580

Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.

United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.

United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374

United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Appendix F: Relevant Information from the Lincoln City Public Works Department Design Standards and City of Lincoln City Stormwater Best Management Practices for Site Development

LINCOLN CITY PUBLIC WORKS DEPARTMENT
DESIGN STANDARDS

801 SW Hwy 101 – PO Box 50, Lincoln City, OR 97367
Phone: (541) 996-2154 (City Hall General Information)
(541) 996-1013 (Public Works Administration and Inspection Requests)

Table of Contents

GENERAL PERMIT CONDITIONS 3
CHAPTER 1- WATER 5
General Requirements 5
Material and Construction Standards 7
Water Mains 7
Bell Restraint Harness 7
Water Valves 7
Air Release Valves 7
Valve Boxes 7
Fire Hydrants 8
Services 2-inches and smaller 8
Tracer Wire 9
Testing Requirements 9
CHAPTER 2- SANITARY SEWER 11
General Requirements 11
Material and Construction Standards 12
Sanitary Sewer Mains 12
Sanitary Sewer Lateral Taps and Saddles 13
Sanitary Sewer Manholes 13
Tracer Wire 13
Private Pump Systems 13
Testing Requirements 14
CHAPTER 3- STORMWATER SYSTEM 15
General Permit Requirements 15
Design Storm 16
Design Methodology 16
Detention 16
Outflow Control 17
Water Quality 17
Material and Construction Standards 17
Stormwater Drain Pipeline 17
Catch Basins and Inlets 18
Outfall(s)/Discharge(s) 19
Tracer Wire 19
Testing Requirements 19
CHAPTER 4 - LOW PRESSURE SANITARY PUMP SYSTEMS 20
General Requirements 20
Public System (Mainline) 20
Private System 20
Construction of Private System 21
CHAPTER 5 - STREETS 22
General Permit Requirements 22
Design Standards 23

Street Profile 23
Centerline Radius 23
Right of Way 23
Subgrade 24
Roadway Section 24
Asphalt Concrete Paving 24
Cross Slope 24
Street Cross Section 24
Curb Returns 25
Curb and Gutter 25
Side Slopes 25
Sight Distance 25
Pavement Markings 25
Accessible Ramps 26
Street Signs 26
Residential Driveways 26
Sidewalks 27

LIST OF DETAILS

Typical Trench Detail & AC Repair
Sanitary Sewer Lateral Connection
Air Release/Air Vacuum Assembly
Valve Box & Operator Extension Assembly
Fire Hydrant
Pipe Clearance Standard
Water Service Connection
Dead End Blow-Off Assembly
Low Point Blow-Off Assembly
Residential Drywell

LINCOLN CITY PUBLIC WORKS DEPARTMENT
DESIGN STANDARDS
801 SW Hwy 101 – PO Box 50, Lincoln City, OR 97367
Phone: (541) 996-2154 (City Hall General Information)
(541) 996-1013 (Public Works Administration and Inspection Requests)

CHAPTER 3- STORMWATER SYSTEM

General Permit Requirements

1. The Material and Construction Standards in this chapter shall govern local design and installation requirements for stormwater drainage construction. If not indicated in this information, the current versions of the Oregon Standard Specifications for Construction and Oregon Standard Drawings shall apply unless otherwise noted by LC PWD.
2. Upon request of LC PWD, owner or their agent shall furnish certification(s) for all materials incorporated into the construction. Certification must include specific material information that shall indicate conformance to LC PWD requirements, including but not limited to, catalog cuts, test reports, etc.
3. The owner or their agent shall call LC PWD for inspection of all stormwater drain pipe and structures within the public right-of-way and all detention structures and outflow control devices installed or modified as a result of their project. Provide a minimum of 48-hours notice to LC PWD prior to placement of backfill. LC PWD must be able to observe new stormwater system materials and general installation adequacy. LC PWD inspection extent and duration shall be determined at the time of construction. Pipeline inspection must pass before trench or pit is backfilled. Stormwater facilities not inspected/or found to be in noncompliance shall be uncovered and/or corrected at the owner's expense.
4. Pipe connections to City stormwater system, including mainline extensions or laterals, shall be coordinated in advance with LC PWD. The owner or their agent shall provide a minimum of 5-business days prior notice to LC PWD, and shall supply pertinent information on the desired system connection(s) location(s), tapping sleeve(s)/saddle arrangement(s) and size(s), existing manhole modification(s), new manhole installation(s) or other work proposed. LC PWD shall arrange for on-site review with the owner or their agent of the proposed connection(s) within the 5-business day notice period. Final system connection requirements shall be as directed by LC PWD. The owner or their agent shall provide a minimum of 48-hours notice to LC PWD prior to the actual connection work per location. LC PWD shall be present prior to starting construction to observe and inspect the connection work. Connections to City stormwater facilities not inspected/or found to be in noncompliance shall be uncovered and/or corrected at the owner's expense.
5. The owner or their agent shall provide "record drawings" to LC PWD of the new stormwater drainage system prior to final project acceptance.
6. Backfill of stormwater drainage pipeline trenches and pits shall conform to the Material and Construction Standards within this chapter.
7. New stormwater systems shall be tested following backfill placement and prior to final street paving or final surface restoration if outside street areas. Conform to testing requirements in the current version of the Oregon Standard Specifications for Construction unless otherwise noted by LC PWD. Testing shall include, but not be limited to, low-pressure air test, mandrel test, manhole leak test and inspection via remote camera per the 2018 Oregon Standard Specifications for Construction, Section 00445.74. This inspection recording shall be submitted

on CD in digital format to LC PWD. LC PWD shall determine the tests required and shall witness the testing; provide a minimum of 48-hours notice to LC PWD prior to the start of any and all tests.

8. Final stormwater drainage system inspection is required, provide a minimum of 48-hours prior notice to LC PWD.
9. Inspection Summary

    - Advance coordination required for pipe connections to City stormwater drainage system, provide a minimum of 5-business days prior notice to LC PWD
    - Provide a minimum of 48-hours notice to LC PWD prior to any pipe connection(s), pipeline instillation(s), testing, and inspection(s).
    - LC PWD shall make periodic general inspections of work in progress, notice of problems shall be provided to owner or their agent as necessary
    - Follow up problem correction(s) by the owner or their agent upon notice by LC PWD; failure to correct problems in timely manner may result in a violation

Design Storm

The stormwater system shall be designed using the 2-year, 24-hour event; 10-year, 24-hour event; and the 25-year, 24-hour event. Isopluvial precipitation maps for Lincoln City may be found on-line at www.wrcc.dri.edu/pcpnfreq.html. The values shown in the table below may also be used for convenience.

	2-year, 24 hr	**10-year, 24 hr**	**25-year, 24 hr**	**50-year, 24 hr**	**100-yr, 24 hr**
Rainfall (in)	4.2	5.7	6.5	7.0	7.5

Source- Western US Precipitation Frequency Maps, NOAA Atlas 2 published in 1973

Alternate values may be used if the source is consistent with the NRCS Type 1A 24-hour storm distribution methodology.

Design Methodology

The Santa Barbara Urban Hydrograph method shall be used to determine the runoff hydrograph(s) of the project site.

When determining impacts of the post-development runoff on the project site, the design engineer shall also include in their report a quantitative study of the impacts upstream of the project site and downstream for a distance of 400-yards or the nearest ocean/lake outfall, whichever is closer.

Detention

Detention is required for all commercial, planned unit developments and subdivision projects. Detention shall provide run-off controls such that post-development flow rates leaving the site are no

greater than pre-development flow rates unless authorized by the City Engineer in writing. The Design Storm shall be used to measure the pre- and post-development flow rates for purposes of calculation.

A level pool summary table shall be provided in the drainage report/calculations submitted with the design.

Outflow Control

Outflow control structures shall be located so that they are fully accessible by vehicle for maintenance purposes with the access way elevation a minimum of 12-inches above the designed high water elevation.

Where the outflow control structure is not within or immediately adjacent to a roadway, the designer shall provide a rock surface vehicular access road capable of supporting vehicles up to 90,000-lbs.

Water Quality

Water quality facilities are required for all commercial, planned unit developments, and subdivision projects. Facilities shall follow the Oregon Department of Environmental Quality requirements and regulations and shall be designed in accordance with the City's Stormwater Best Management Practices for Site Development design guidelines. Access for maintenance of each water quality facility shall be provided. A water quality facility shall be installed prior to any discharge from the project site/roadway to any existing water body within the City. The types of acceptable water quality facilities are as follows:

- **Biofiltration Swales**
- **Drywells**
- **Infiltration Trenches**
- **Rain Gardens**
- **Planters**
- **Porous Pavements**
- **Stormwater Wetlands**
- **Detention Ponds**
- **Detention Tanks**

For specific applicability, site constraints and design guidance for these water quality facilities refer to LC PWD's Stormwater Best Management Practices for Site Development design guidelines. Water quality facility designs must be approved via LC PWD prior to construction. Inspection by LC PWD to determine whether or not water quality facilities have been constructed in accordance with their approved designs must be passed prior to final acceptance by LC PWD.

Material and Construction Standards

Stormwater Drain Pipeline

1. All stormwater drain pipe installed shall be:
    - ♦ N-12 HDPE or

- PVC (ASTM D 3034) SDR 35 unless otherwise directed by LC PWD.

2. Pipe size shall be 12-inch diameter minimum within City right-of-way. Private drainage systems and culverts shall be sized for the 24-hour duration, 25-year storm event.
3. Pipe bedding shall be 6-inches compacted ¾-inch minus crushed rock regardless of soil type or condition of soils. Compaction shall be by vibratory plate (whacker) or jumping jack to 95% compaction.
4. Backfill in trench shall be ¾-inch minus crushed rock compacted in 12-inch maximum lifts within pipe zone to 95% compaction by vibratory plate, jumping jack, or hoe-pac. Between pipe zone and existing grade
5. Areas outside of public street pavement backfill may be rock to existing grade. Excavated native soil may be used outside of any public or private street or driveway. All material must be approved for use by LC PWD prior to placement.
6. For areas within public street pavement, the top 12-inches of backfill shall be CLSM. See standard trench detail.
7. Daylighted ends of pipe shall be bevel cut to match slope and protrude no more than 3-inches from grade.

Catch Basins and Inlets

8. Catch basins and inlets shall be pre-cast or cast in place concrete with 18-inch minimum sump.
9. Catch basins, inlets and area drains in streets or parking areas without sidewalk or curb shall be constructed in accordance with Oregon Standard Drawing RD374.
10. Catch basins in streets or parking areas with sidewalk, curb, and gutter shall be constructed in accordance with Oregon Standard Drawing RD364, RD366, RD371, RD372, RD373 or RD378.
11. Ditch inlets shall be constructed in accordance with Oregon Standard Drawing RD370.
12. Manhole catch basins shall be constructed in accordance with Oregon Standard Drawing RD340 with a manhole grate installed in accordance with Oregon Standard Drawing RD356.
13. Manholes located in traffic areas shall have a suburban manhole cover and frame for stormwater per Oregon Standard Drawing RD356. Manhole lids shall be marked with the word “STORM” for stormwater drainage system.
14. Manhole lids and rims shall be cast iron and traffic rated.
15. Pipe connection between structures shall be direct from structure to structure. Blind tees and wyes shall not be allowed without written approval from LC PWD.
16. All runoff from new street construction, developments, and parking areas shall pass through a LC PWD approved water quality control structure prior to discharge to the down stream receiving waters. Details and sizing calculations for the proposed water quality control structure(s) shall be included with submittal and/or as part of the engineer design drawings.

Outfall(s)/Discharge(s)

17. Shall be designed to provide energy dissipation and dispersal/spreading of the concentrated flows to eliminate the potential erosion of the existing soils, vegetation, existing channel bottom, etc. at the outfall/discharge point.
18. The design engineer shall include all detail(s) necessary for construction of the outfall(s)/discharge(s) within the construction drawings for review by LC PWD.

Tracer Wire

19. Tracer wire shall be single strand 12-gauge with green insulation.
20. Tracer wire shall be installed along crowns of all stormwater sewer pipes and stubs.
21. Install tracer wire per the 2018 Oregon Standard Specifications for Construction, Section 00445.48.
22. Daylight tracer wire in all stormwater sewer manholes to manhole lids, catch basins to catch basin lids clean-outs to clean-out lids, and at all stormwater sewer stub outs to a minimum of one foot above surface grade.

Testing Requirements

23. All testing shall be done in the presence of a designated LC PWD representative or the test shall be considered invalid.
24. The stormwater drain main and structures shall be clean of all sediment, construction debris, etc. prior to testing.
25. The stormwater drain main shall be mandrel tested per the 2018 Oregon Standard Specifications for Construction, Section 00445.73.
26. Once the stormwater drain main has been successfully mandrelled, the line shall be inspected via remote camera per the 2018 Oregon Standard Specifications for Construction, Section 00445.74. This inspection recording shall be submitted on CD in digital format to LC PWD.

CHAPTER 4 - LOW PRESSURE SANITARY PUMP SYSTEMS

General Requirements

1. The owner or their agent must submit to LC PWD (Lincoln City Public Works Department) an application requesting approval of a low pressure sanitary pump system to serve their property if their property is not already in an area that is designated for Low Pressure Sanitary Pump System. The City Engineer shall review the application and determine whether a low pressure sanitary pump system is appropriate for this property or if the property should be served by a gravity sewer system.

Public System (Mainline)

1. Each lot will connect directly from their lot to a publicly maintain sewer system adjacent to their lot. If there is no public sewer system, the owner will be responsible to construct a public sewer system from their lot to the nearest existing public sewer system.
2. If the City has approved a Low Pressure Sanitary System, a plan shall be submitted showing the alignment, force main size with flow calculations, and connection to the existing system. The plan shall be stamped by a registered professional engineer.
3. The low pressure shall be a minimum of 2-inches, HDPE, SDR 11 with a minimum of 42-inches of cover.
4. Flushing Connections shall be installed every 1,000 feet & at end of line terminations.
5. Air-Vac valves shall be placed at high points or at 2,000 feet minimum.

Private System

1. The owner shall submit a site plan showing the location of the existing septic tank, new pump, alarm panel, and the pressure line to the public system.
2. The owner will install the system to City's Standard and be responsible for maintenance of the system except for the pump. The City will maintain the pump.
3. The pump shall be an E-One Pump that is equal or larger to E-One WH231/WR231. Only E-Pumps are allowed.
4. The minimum pump capacity is 850 gal/day.
5. The minimum storage capacity is 237 gallons.
6. The pump station tank shall be made of a polyethylene or high density polyethylene material.
7. The owner shall install an Alarm Panel equal or more enhanced than the E-One Sentry Alarm Panel-Protect Package.
8. The owner will be required to enter into an agreement that grant to the City access to their property in order to maintain the pump. This agreement shall also outline the owner's responsibility to maintain the other components of their on-site pressure pump system and are responsibility for the electricity needed to run the pump.
9. The owner shall obtain a plumbing permit from Lincoln County for installation and inspection of the sewer system on private property.
10. The owner shall obtain an electrical permit from Lincoln County for installation and inspection of the pump and pump alarm panel.

11. The owner shall schedule inspections with the City for the inspection of the pump station and force main.
12. The owner shall submit to the City a Start Up Report with Certification of Proper Installation from the manufacturer's local representative.

Construction of Private System

1. The minimum force main from the pump to the public sewer system shall be 1 ¼-inch high density polyethylene SDR 11 solid weld pipe with approved fittings. The pipe bedding shall be a minimum of 4-inches of ¾"-0 or sand.
2. At the right-of-way line or prior to connecting to the public system, a shut off valve with a check valve shall be installed. An example is the Stainless Steel Lateral Kit #NA0330P02 from E-One.
3. The minimum cover of the force main is 3 feet.
4. If the connection to the public system is to a low pressure force main, the connection shall be made with either a HDPE Electrofusion Saddle or a Stainless Steel Saddle equal to the IPSCO Stainless Steel Saddles (Model SC-2).

Stormwater Best Management Practices for Site Development

Many BMPs may be used in Lincoln City, but to function properly they must be matched with the characteristics of the site. The following fact sheets present applicability considerations, site constraints, and design guidance for the following BMPs:

1. Biofiltration swale
2. Dry well
3. Infiltration trench
4. Rain garden
5. Planter
6. Porous pavement
7. Stormwater wetland
8. Detention pond
9. Detention tank

The LID-type measures (the first six BMPs listed) should be used wherever site conditions permit. These BMPs most closely mimic natural processes, allowing infiltration and treatment of the runoff as it passes through the soil. In addition, the LID measures may reduce the amount of runoff enough to lessen downstream infrastructure needs, thereby reducing costs.

Rain Garden



Residential rain garden in Seattle, Washington

Design guidance adapted from the Oregon Rain Garden Guide.

Applicability

Rain gardens (also called bioretention) are shallow, landscaped depressions used to collect and infiltrate stormwater runoff. In areas with good infiltration, they are suitable for treating for sediment, dissolved metals, and decreasing flows.

Site Constraints

- The site must be large enough to accommodate the rain garden and allow maintenance access.
- The site must have an infiltration rate of at least 1/2 inches per hour, or designed as a flow-through facility with an approved outlet point.

- Rain gardens are not appropriate where a seasonal groundwater table is within 3 feet of the bottom of the rain garden (4 to 5 feet below ground surface).

- Rain gardens must be located at least 5 feet away from property lines and at least 10 feet from building foundations.

- Rain gardens must be at least 50 feet from a septic system.

- Rain gardens must be at least 100 feet from the top of any slope exceeding 10 percent. Add an addition 5 feet of setback for each additional percent of slope, up to 30 percent.

- Rain gardens are not appropriate for sites that stay wet throughout the rainy season.

Design Guidance

- If the rain garden is to provide flow control and water quality treatment, it shall be sized to have a surface area of at least 15 percent of the impervious surface draining to it. A smaller facility may be proposed if calculations are provided demonstrating that the rain garden has adequate capacity for the 25-year, 24-hour design storm.

- Rain gardens shall have a ponding depth of between 6 and 24 inches. If the infiltration rate is less than 1 inch per hour, a minimum ponding depth of 12 inches shall be provided.

- Provide energy dissipation at the inflow and surface outflow in the form of rocks and gravel.

- Apply mulch or compost at a depth of 2 to 3 inches across the rain garden. Fine grade double-shredded conifer bark mulch (bark dust) is one option for mulch material, although alternative materials are acceptable.

- See the Oregon Rain Garden Guide for additional design, construction and maintenance guidance.

- A safe overflow route that does not drain onto neighbors' properties shall be provided in the event of overflow.

- When selecting vegetation, consider the rain garden's exposure to sunlight. Many grasses require full sunlight and should not be used in swales shaded by surrounding trees, shrubs, or buildings. Other species, such as ferns, prefer shade. Consult the stormwater planting list in Appendix D for vegetation recommendations.

- If drain rock is installed at the base of the facility, it shall be 1½ inch to ¾ inch washed pea gravel. Gravel shall be separated from growing medium by approved filter fabric.

- Growing medium shall be a sandy loam mixed with compost or a sand/soil/compost blend. It shall be approximately 1/3 compost derived from plant material. No animal waste is permitted.

Infiltration Testing

Adapted from: The Oregon Rain Garden Guide (Stormwater Solutions 2009).

Infiltration test shall be conducted when soils are not frozen and when groundwater levels are near their highest, such as in the spring.

- Dig a test hole at the proposed facility location. Dig a hole to the expected facility depth.
- Fill the hole with water to just below the rim. This should be the same depth of water expected if the facility is filled to its design depth. Record the exact time you stop filling the hole and calculate the time required to drain completely.
- Refill the hole again and repeat Step 2 two more times. The third test will give the best measure of how quickly your soil absorbs water when it is fully saturated, as it would be during a rainy period of the year or during a series of storms.
- Divide the distance that the water dropped by the amount of time it took for it to drop. For example if the water dropped 6 inches in 12 hours, then the infiltration rate is 6/12 = 1/2 inch per hour. If the slowest infiltration rate measured of the 3 trials is less than 1/2 inch per hour, then dig another 3 to 6 inches deeper and repeat the above steps. Repeat if necessary. **If infiltration rates are less than ½ inch per hour, a rain garden is not appropriate without design modification. Consult a licensed engineer or landscape professional.**

Geometry

The rain garden must conform to the following parameters:

- Minimum bottom width is 2 feet.
- Maximum side slopes of 3H:1V.
- 2-4 inches of freeboard (distance between highest water surface elevation and overtopping elevation) shall be provided above the ponding depth.
- Growing medium shall be 18 inches deep.
- Side slopes shall be 3 horizontal: 1 vertical maximum.

Planter



Planter box in Portland, Oregon

Applicability

Planters are similar to rain gardens in many respects, except the filtration media is confined within a planter and there is often an underdrain present. As a result, planters are generally better suited for highly urbanized properties than are rain gardens. Planters are often used to capture runoff from rooftops or sidewalks. Planters are suitable for treating for sediment, dissolved metals, and decreasing flows.

Site Constraints

- Infiltration planters must have a 10-foot setback from building foundations and a 5-foot setback from property lines. Flow-through planters do not have required setbacks. They can be located next to foundations or property lines.

- The site must have an infiltration rate of at least 1/2 inches per hour, or designed as a flow-through facility with an approved outlet point (see rain garden design guidelines for infiltration testing method).

- An infiltration planter is not appropriate where a seasonal groundwater table is within 3 feet of the bottom of the rain garden (4 to 5 feet below ground surface).

- Infiltration planters must be at least 50 feet from a septic system.

- Infiltration planters must be at least 100 feet from the top of any slope exceeding 10 percent. Add an additional 5 feet of setback for each additional percent of slope, up to 30 percent.

- The planter itself must be located on a flat area that does not slope more than 0.5 percent in any direction.

Design Guidance

- If the planter is to provide flow control and water quality treatment, it shall be sized to have a surface area of at least 10 percent of the impervious surface draining to it. A smaller facility may be proposed if calculations are provided demonstrating that the planter has adequate capacity for the 25-year, 24-hour design storm.

- Minimum infiltration planter width shall be 30 inches. The minimum flow-through planter width shall be 18 inches.

- Planter walls shall be made of concrete, stone, brick, or other durable material. Materials such as treated wood that leach out toxic chemicals shall not be used because they can contaminate stormwater.

- Flow-through planters require a waterproof liner of 30 mil PVC or equivalent.

- Planters shall have a ponding depth of between 6 and 24 inches. If the infiltration rate is less than 1 inch per hour, a minimum ponding depth of 12 inches shall be provided. (Serious consideration should be given to using a flow-through planter if infiltration rates are less than 1 inch/hour.)

- Provide energy dissipation at the inflow and surface outflow in the form of rocks and gravel, as shown in the photo.

- Washed pea gravel is recommended for covering the planting mix to a depth of 2-3 inches. Mulch has shown a tendency to wash away if flows are not completely dissipated.

- The filtration/growing media shall be at least 18 inches in depth, consisting of sandy loam mixed with 1/3 compost by volume. The compost shall be derived from plant materials and containing no animal waste.

- A safe overflow route that does not drain onto neighbors' properties shall be provided in the event of overflow for both infiltration and flow-through planters.

- When selecting vegetation, consider the planter's exposure to sunlight. Most grasses require full sunlight and should not be used in planters shaded by surrounding trees, shrubs, or buildings where most planters are located. Other species, such as ferns, prefer shade and may be more suitable. Consult the stormwater planting list in Appendix D for vegetation recommendations.

- If drain rock is installed at the base of the facility, it shall be 1½ inch to ¾ inch washed drain rock. Drain rock shall be separated from growing medium by approved filter fabric.

- Growing medium shall be a sandy loam mixed with compost or a sand/soil/compost blend. It shall be approximately 1/3 compost derived from plant material. No animal waste is permitted.

Infiltration Testing

Adapted from: The Oregon Rain Garden Guide (Stormwater Solutions 2009).

Infiltration test shall be conducted when soils are not frozen and when groundwater levels are near their highest, such as in the spring.

- Dig a test hole at the proposed facility location. Dig a hole to the expected facility depth.

- Fill the hole with water to just below the rim. This should be the same depth of water expected if the facility is filled to its design depth. Record the exact time you stop filling the hole and calculate the time required to drain completely.

- Refill the hole again and repeat Step 2 two more times. The third test will give the best measure of how quickly your soil absorbs water when it is fully saturated, as it would be during a rainy period of the year or during a series of storms.

- Divide the distance that the water dropped by the amount of time it took for it to drop. For example if the water dropped 6 inches in 12 hours, then the infiltration rate is 6/12 = 1/2 inch per hour. If the slowest infiltration rate measured of the 3 trials is less than 1/2 inch per hour, then dig another 3 to 6 inches deeper and repeat the above steps. Repeat if necessary. **If infiltration rates are less than ½ inch per hour, a rain garden is not appropriate without design modification. Consult a licensed engineer or landscape professional.**

Geometry

The stormwater planter must conform to the following parameters:

- Minimum bottom width is 30 inches for infiltration planter, 18 inches for flow-through.

- 2-4 inches of freeboard (distance between highest water surface elevation and overtopping elevation) shall be provided above the ponding depth.

- Growing medium shall be 18 inches deep.

Plant List

Successful planting is one of the keys to ensuring that stormwater BMPs work when they are first constructed and into the future. Plants are highly adapted to specific ecological conditions, such as temperature, the amount of sunlight, and the amount of soil moisture. Many species that thrive in Washington may wither in Oregon. Plants native to the Willamette Valley may not be suitable for the Oregon Coast. A list of plants adapted for stormwater facilities in the Lincoln City area was developed as part of this stormwater master plan and is included in this appendix.

Figure D-4 shows a cross-section of a rain garden or biofiltration swale, indicating the ecological planting zones, which are explained below. Figure D-5 shows a similar cross-section for a stormwater pond. These figures and explanations should be used in conjunction with the Lincoln City-specific planting lists at the end of this appendix to select appropriate species for stormwater facilities within the city.

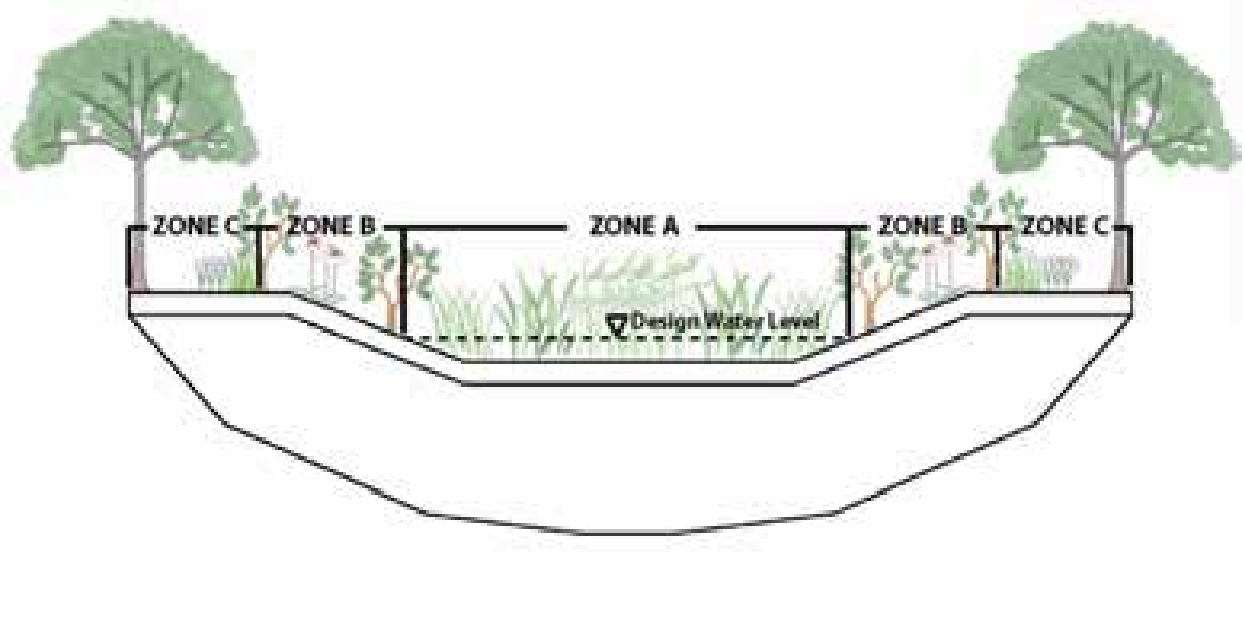


Figure D-4: Rain Garden or Biofiltration Swale Cross-Section

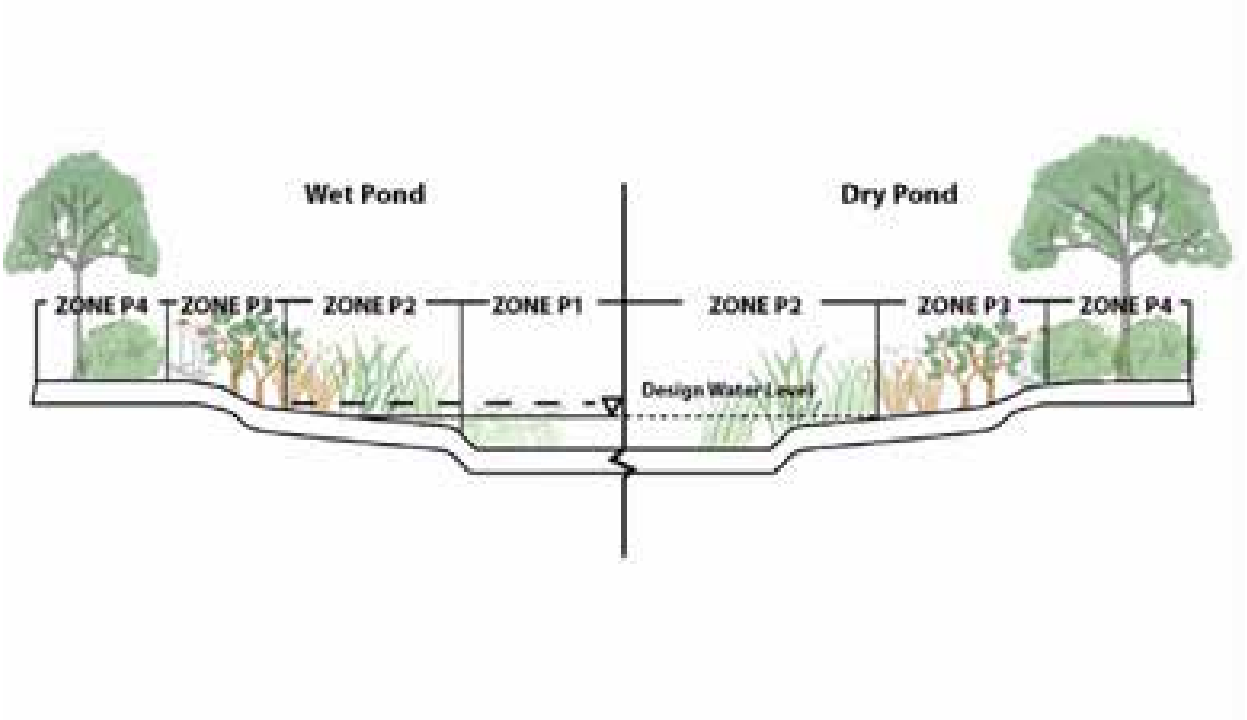


Figure D-5: Wet and Dry Pond Cross-Sections

Stormwater BMP Zones

Zone A

This is the basin of a stormwater facility, where soil remains wet or moist longest. These areas may be wet anywhere between 1 and 3 days after a storm event, but soils will dry out between storms. Plants in this area must be able to tolerate water levels to the designed water level.

Zone B

This is the area of the facility defined as the side slopes from the defined high water mark up to the top edge of the facility. The soils are typically drier, with more moist soils located further down the side slopes. Plants located in this area need to stabilize facility slopes and tolerate moist to dry conditions.

Zone C

This is the dry/upland area of the facility. Plants in this area need to tolerate dry conditions.

Pond Zones

Zone P1: This is the area of a pond where submerged vegetation grows in 2 to 6 feet of standing water. Submerged species may float free in the water column or may root in the pool bottom and have stems and leaves that generally stay under water.

Zone P2: This is the emergent to wet area of the pond, where plants grow in 0 to 18 inches of water. Emergent zones are often designed as benches within ponds to optimize the area plants can inhabit.

Zone P3: This area experiences water level fluctuations so that soil can be moist at times and seasonally dry at others. Plants that survive in this area must be tolerant of varying soil moisture conditions.

Zone P4: This zone is considered the dry/upland zone, where plants are seldom or never inundated.

Other Notes

O.C. Spacing: On Center Spacing describes the distance the center of one plant should be spaced from the center of the next plant.

Plant Name	Proposed Facility Type									Characteristics		
Latin Name/ Common Name	**Zone**	**Biofiltration Swale**	**Planter**	**Rain Garden**	**Filter Strip**	**Wet Pond**		**Dry Pond**		**Potential Height**	**Sun and Shade Preference**	**O.C. Spacing**
						Saturated Soils	**Emergent to Wet Soils**	**Moist to Dry Soils**	**Dry/ Upland Soils**			
Herbaceous Plants												
Alisma plantago-aquatica / Great water plantain	P3							X			Full sun	
Athyrium felix-femina/ Lady Fern	B/C	X		X	X					3’	Full to part sun	24”
Azolla mexicana/ Water fern	P1/P2					X	X				Part sun	
Blechnum spicant/ Deer fern	B/C	X		X						24”	Part sun to full shade	24”
Brasenia schreberi/ Watershield	P1/P2					X	X				Full to part sun	
Bromus carinatus/ California Brome	A			X						18”	Full sun	12”
Bromus sitchensis/ Alaska Grass	A			X						18”	Full sun	12”
Bromus vulgaris/ Columbia brome	A			X						18”	Full sun to full shade	12”
Camassia quamash/ Common camas	A/B/C P4	X	X	X					X	24”	Full to part sun	12”
Carex deweyana/ Dewey sedge	A	X	X	X						3’	Full to part sun	12”
Carex densa/ Dense sedge	A	X	X	X						24”	Full sun	12”
Carex obnupta/ Slough sedge	A	X	X	X						4’	Full to part sun	12”
Carex vesicaria/ Inflated sedge	A/ P2/ P3	X	X	X			X	X		3’	Full to part sun	12”
Ceratophyllum demersum/ Coontail	P1					X					Full to part sun	
Deschampsia cespitosa/ Tufted hair grass	A/B/C	X	X	X	X					3’	Full sun	12”
Dodecatheon jeffreyi/ Jeffrey’s shootingstar	P2/P3						X	X		12”	Full to part sun	6”
Eleocharis ovata/ Needle spike rush	A	X	X	X						30”	Full sun	12”

Plant list (continued)

Plant Name	Proposed Facility Type									Characteristics		
Latin Name/ Common Name	**Zone**	**Biofiltration Swale**	**Planter**	**Rain Garden**	**Filter Strip**	**Wet Pond**		**Dry Pond**		**Potential Height**	**Sun and Shade Preference**	**O.C. Spacing**
						Saturated Soils	**Emergent to Wet Soils**	**Moist to Dry Soils**	**Dry/ Upland Soils**			
Eleocharis palustis/ Creeping spike rush	A			X						30”	Full sun	12”
Elodea canadensis/ Elodea						X					Full sun	
Elymus glaucus/ Blue wild rye	B/C	X		X	X					24”	Full sun	12”
Festuca occidentalis/ Western fescue grass	A	X		X	X					24”	Full sun to full shade	12”
Festuca rubra/ Red fescue	B/C	X		X	X					24”	Full sun to full shade	12”
Fragaria chiloensis/ Coastal strawberry	B/C	X		X			X		X	6”	Full sun to full shade	12”
Iris douglasiana/ Douglas iris	B/C	X		X						18”	Part sun to full shade	12”
Iris texax/ Oregon iris	B/C	X		X						18”	Full to part sun	12”
Juncus effuses var. pacificus/ Soft rush	A	X	X	X						3’	Full sun	12”
Juncus ensifolius/ Dagger-leaf rush	A P2/P3	X	X	X						10”	Full sun	12”
Juncus tenuis/ Slender rush	A	X	X	X			X	X		3’	Full sun	12”
Lemna minor/ Duckweed	P1/P2										Full sun	
Lupinus micranthus/ Small flowered lupine	B/C	X		X	X					18”	Full sun	12”
Polystitchum munitum/ Sword fern	A/B/C	X		X	X			X		24”	Part to full shade	24”

Plant list (continued)

Plant Name		Proposed Facility Type								Characteristics		
Latin Name/ Common Name	**Zone**	**Biofiltration Swale**	**Planter**	**Rain Garden**	**Filter Strip**	**Wet Pond**		**Dry Pond**		**Potential Height**	**Sun and Shade Preference**	**O.C. Spacing**
						Saturated Soils	**Emergent to Wet Soils**	**Moist to Dry Soils**	**Dry/ Upland Soils**			
Sagittaria latifolia/ Wapato	P1/P2					X	X			24”	Full sun	12”
Scirpus americanus/ American bulrush	A/P2/ P3	X	X	X			X	X		30”	Full to part sun	12”
Scirpus microcarpus/ Small fruited bullrush	A			X			X			24”	Full to part sun	12”
Scirpus validus/ Soft-stem bullrush	P2/P3						X	X		24”	Full sun	24”
Sisyrinchium idahoense/ Blue-eyed grass							X			6”	Full to part sun	12”
Sparganium emersum/ Narrowleaf Bur-reed							X			24”	Full sun	12”
Typha latifolia/ Cattail	P2						X				Full to part sun	
Viola palustris/ Marsh violet							X	X		6”	Full to part sun	6”

Plant list (continued)

Plant Name	Proposed Facility Type									Characteristics		
Latin Name/ Common Name	**Zone**	**Biofiltration Swale**	**Planter**	**Rain Garden**	**Filter Strip**	**Wet Pond**		**Dry Pond**		**Potential Height**	**Sun and Shade Preference**	**O.C. Spacing**
						Saturated Soils	**Emergent to Wet Soils**	**Moist to Dry Soils**	**Dry/ Upland Soils**			
Large Shrubs and Small Trees												
Acer circinatum/ Vine maple	A/B/ C/P3	X	X	X	X			X		15’	Full sun to full shade	10’
Amelanchier alnifolia/ Western serviceberry	B/C/P4	X		X					X	20’	Full to part sun	10’
Ceanothus sanguineus/ Oregon redstem ceanothus	B/C	X		X	X					7’	Full to part sun	4’
Holodiscus discolor/ Oceanspray	B/C/P4	X		X	X				X	6’	Full sun to full shade	4’
Lonicera involucrata/ Black Twinberry	B/C/P4	X		X					X	5’	Full to part sun	4’
Oemleria cerasiformis/ Indian plum	B/C/P3/ P4	X		X	X			X	X	6’	Full sun to full shade	4’
Philadelphus lewisii/ Mock orange	B/C/P4	X		X	X				X	6’	Full sun to full shade	4’
Ribes sanguineum/ Red-flowering current	B/C	X		X						8’	Full to part sun	4’
Rubus parviflorus/ Thimbleberry	B/C	X		X						8’	Full sun to full shade	4’
Rubus spectabilis/ Salmonberry	A	X	X	X						10’	Part sun to full shade	4’
Salix lucida var. ‘Lasiandra’/ Pacific Willow	A	X	X	X						13’	Full sun	6’
Salix sitchensis/ Sitka Willow	A/P2/ P3	X	X	X			X	X		20’	Full to part sun	6’
Sambucus cerulea/ Blue elderberry	B/C	X		X						10’	Full to part sun	10’
Sambucus racemosa Red elderberry	B/C/P3	X		X				X		10’	Full sun to full shade	12”
Spiraea doublasii/ Douglas spiraea	A/B/ C/P3	X	X	X	X			X		4’	Full to part sun	12”
Viburnum edule/ Highbush cranberry	A/B/ C/P3	X	X	X	X			X		6’	Full sun to full shade	4’

Plant list (continued)

Plant Name	Proposed Facility Type									Characteristics		
Latin Name/ Common Name	**Zone**	**Biofiltration Swale**	**Planter**	**Rain Garden**	**Filter Strip**	**Wet Pond**		**Dry Pond**		**Potential Height**	**Sun and Shade Preference**	**O.C. Spacing**
						Saturated Soils	**Emergent to Wet Soils**	**Moist to Dry Soils**	**Dry/ Upland Soils**			
Shrubs												
Ceanothus velutinus/ Snowbrush	B/C/P4	X		X					X	4’	Full sun	3’
Cornus sericea/ Red-twig dogwood	A/P2/P3	X	X	X			X	X		6’	Full to part sun	4’
Gaultheria shallon/ Salal	B/C/P4	X		X					X	24”	Part sun to full shade	24”
Mahonia aquifolium/ Oregon grape	B/C/P4	X		X				X	X	5’	Full to part sun	3’
Mahonia nervosa/ Dull Oregon grape	B/C/P3/ P4	X		X				X		24”	Full sun to full shade	24”
Physocarpus capitatus/ Pacific ninebark	A/B/C/P3/ P4	X	X	X				X	X	6’	Full sun to full shade	3’
Rosa gymnocarpa/ Baldhip rose	B/C/P3	X		X				X		3’	Part sun to full shade	3’
Rosa nutkana/ Nootka rose	B/C/P3	X		X				X		8’	Full to part	3’
Rosa pisocarpa/ Swamp rose	A/B/ P2	X	X	X			X			8’	Full to part sun	3’
Symphoricarpos alba/ Common snowberry	B/C/P3	X		X				X		6’	Full sun to full shade	3’

Plant list (continued)

Plant Name	Proposed Facility Type									Characteristics		
Latin Name/ Common Name	**Zone**	**Biofiltration Swale**	**Planter**	**Rain Garden**	**Filter Strip**	**Wet Pond**		**Dry Pond**		**Potential Height**	**Sun and Shade Preference**	**O.C. Spacing**
						Saturated Soils	**Emergent to Wet Soils**	**Moist to Dry Soils**	**Dry/ Upland Soils**			
Trees												
Acer macrophyllum/ Big leaf maple	B/C/P3	X		X	X			X		30’	Full to part sun	
Alnus rubra/ Red alder	A/P2/P3	X		X			X	X		80’	Full to part sun	
Arbutus menziesii/ Madrone	B/C/P4			X					X	35’	Full sun	
Cornus nuttalii/ Western flowering dogwood	A/B/C/ P3/ P4				X			X	X	20’	Part to full shade	
Fraxinus latifolia/ Oregon ash	A/B/P2/ P3	X		X			X	X		30’	Full to part sun	
Malus fusca/ Pacific crabapple	A/P2/P3	X	X	X			X	X		30’	Full to part sun	10’
Populus tremuloides/ Quaking aspen	A/B/C/P2/P3			X	X		X	X		40’	Full sun	
Prunus emarginata/ Bitter cherry	A/B/C/ P2/ P3	X	X	X			X	X		50’	Full sun to part sun	
Prunus emarginata/ Bitter cherry	A/B/C/ P2/ P3	X	X	X			X	X		50’	Full sun to part sun	
Pseudotsuga menziesii/ Douglas fir	B/C/P3/ P4	X		X	X			X	X	100’	Full to part sun	
Rhamnus purshiana/ Cascara	A/B/ C/ P2/ P3	X	X	X			X	X		30’	Part sun to full shade	
Salix hookeriana/ Hooker’s willow	A/B/ P2/ P3	X	X	X	X		X	X		15’	Full to part sun	
Salix scouleriana/ Scouler’s willow	A/B/C/ P2/P3	X	X	X	X		X	X		15’	Full to part sun	
Thuja plicata/ Western red cedar	A/P2/P3			X			X	X		150’	Full to part sun	
Tsuga heterophylla/ Western hemlock	A/P2	X		X				X		125’	Full sun to full shade	

Staff Report
Planning Commission Hearing on July 7, 2020
Case File SUB 2020-01 and PUD 2020-01

Date: June 15, 2020

Case File: SUB 2020-01 and PUD 2020-01 The Cove at Lincoln City Phase 3

Applicant: Nandina & Co., LLC
10300 SW Greenburg Rd., Ste. 270
Portland, OR 97223

Applicant's Representative: Chris Goodell
AKS Engineering & Forestry, LLC
12965 SW Herman Rd., Ste. 100
Tualatin, OR 97062
chrisg@aks-eng.com
503.563.6151

Property Owner: The Cove at Lincoln City LLC
David Scott, Registered Agent
10300 SW Greenburg Rd., Ste. 270
Portland, OR 97223

Situs Address: None

Location: South of SE 16th Street approximately 630 feet east of the SE 16th Street/Highway 101 intersection

Tax Map and Lot: 07-11-22-AA-06800

Comprehensive Plan Designation: High-Density Residential District (R-M)

Zoning District: Multiple-Family Residential (R-M) Zone

Site Size: 3.39 acres

Proposal: Request for a 40-lot subdivision preliminary plat and preliminary and final master plan planned unit development

Surrounding Land Uses and Zones:
North: house, vacant lots; R-M
South: apartments; R-M
East: undeveloped site, house, vacant lot; R-1-7.5
West: house, undeveloped rectangular strip; R-M

Public Notice: The Planning and Community Development Department mailed notice to the owners of all properties within 250 feet of the site on April 28, 2020. The *News Guard* published the public hearing notice on May 6, 2020, and May 13, 2020. The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on June 1, 2020. The *News Guard* published the public hearing notice on June 24, 2020, and July 1, 2020.

Authority: Section 16.04.030 of the Lincoln City Municipal Code (LCMC) states: "Oregon cities and counties are required by law to control the subdivision of land within their jurisdiction by virtue of ORS 92.010 through 93.160.

LCMC 16.08.220 states: "…the tentative plan will be scheduled for planning commission review at a public hearing after the application is deemed complete and notice is provided."

LCMC 16.08.240 states: "The planning commission will review the plan and the reports of the agencies listed above and shall give tentative approval of the plan in its preliminary form, as submitted, or as it may be modified. If disapproved, the planning commission shall express its disapproval and its reasons therefor in writing."

LCMC 17.52.210.Q.1 states: "Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted to and approved by the planning commission."

Applicable Substantive Criteria: LCMC Title 16 Subdivisions
LCMC Chapter 17.20 Multiple-Family Residential (R-M) Zone
LCMC 17.52.210 Planned Unit Development (PUD)

BACKGROUND

The applicant is requesting preliminary plat approval for a 40-lot subdivision. Concurrent with preliminary plat approval, the applicant is also requesting both preliminary and final master plan planned unit development approval. The project consists of dividing the existing 3.39 acres into 40 lots for future construction of one attached single-unit dwelling on each lot.

The site, for the most part, is surrounded by developed properties. The area to the north is a platted subdivision for attached single-unit dwellings, with six lots containing dwellings. The area to the south is developed with housing, as is the area to the southeast. The area to the west is developed with either housing or businesses. The only undeveloped area is the parcel owned by the Siletz Tribe to the northeast of the subject site.

The site does not contain any significant wetlands or significant riparian areas. The site does contain wetlands, but they are not significant so there are no city requirements for these wetlands. The Oregon Department of State Lands has jurisdiction over non-significant wetlands, and that department has been notified and provided a response. The site does not contain any bluff erosion zones or flood hazard areas.

ANALYSIS

16.08.201 Inspection and processing fee.

Staff Comment: The required fees as established by City Council resolution were paid in full on March 19, 2020.

16.08.220 Tentative plan – Submission.

Staff Comment: The application was submitted on February 21, 2020, but the full fees were not paid until March 19, 2020. After the completeness review process, the public hearing was subsequently scheduled for May 19, 2020, and continued to June 2, 2020, so the applicant could submit items requested by staff to complete the application. Staff incorrectly noticed the May 19, 2020 public hearing with only a 250-foot radius (subdivisions require a 500-foot radius notification area), so a new hearing was scheduled for July 7, 2020 and notice with the required 500-foot radius was mailed on June 1, 2020.

16.08.230 Tentative plan – Preliminary review.

A. …agencies will be given at least 10 days to review the plan, suggest revisions and return the plans…

Finding: Planning and Community Development staff issued a request on March 20, 2020, to applicable agencies to provide written comments regarding the project no later than 5:00 p.m. March 30, 2020. Comments were received via email from North Lincoln Fire & Rescue District #1, Lincoln City Public Works, Lincoln County Survey Department, North Lincoln Sanitary, Oregon Department of Transportation (ODOT), and Oregon Department of State Lands (DSL). All agency comments are attached to this staff report and incorporated by reference herein.

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

1. Location in the adjoining streets or property of existing sewers and water mains, culverts and drain pipes, electrical conduits, or lines, proposed to be used on the property to be subdivided, and invert elevations of sewers at points of proposed connections and any other pertinent information;

Finding: There is an existing pressurized main water line in both SE 16th Street and SE Marine Avenue, with five service lines from the pressurized main line and a blow off valve in the northeastern area of the site. There is an existing fire hydrant in the public right-of-way, adjacent to the northeastern corner of the site. There is an existing sanitary sewer gravity main line in both SE 16th Street and SE Marine Avenue, with five services lines from the gravity main line. There is an existing sanitary sewer manhole in the northeastern portion of the site, as well as five manholes in the SE 16th Street and SE Marine Avenue rights-of-way. There are two unverified storm catch basins located in the stub street in the northeastern corner of the site, as well as a private culvert approximately 33 feet south of the midpoint of the northern property line.

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

Finding: The site is zoned Multiple-Family (R-M) Residential. Immediately adjacent to the north of the site is SE 16th Street; immediately north of SE 16th Street is the R-M zone. Immediately adjacent to the south of the site is the R-M zone. Immediately adjacent to the east of the site is the Single-Family Residential (R-1-7.5) zone. Immediately adjacent to the west of the site is the R-M zone.

3. Conformance to other applicable city ordinances.

Finding: This staff report discusses conformance to other applicable city ordinances throughout its entirety.

16.08.250 Tentative plan – Required data.

A. Preparation. The subdivider shall prepare a tentative plan, together with improvement plans and other supplementary material, as may be required, to indicate the general program and objectives of the project.

Finding: The subdivider submitted a tentative plan, along with a tree preservation and removal plan, demolition plan, grading and erosion and sediment control plan, composite utility plan, street plan and cross sections, street profiles, and an aerial photograph plan.

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

Finding: The submitted tentative plan is drawn to scale. Pertinent information is addressed below.

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

Finding: The applicant's narrative states and submitted tentative plan shows that the proposed project comprises the entire site.

D. Information Required. The tentative plan shall include the following information:
1. Detailed Map. The tentative plan shall be drawn at a scale of one inch equals 50 feet up to 10 acres;

Finding: The submitted tentative plan is drawn at a scale of one inch equals 30 feet.

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

Finding: The tentative plan shows the proposed name as "The Cove at Lincoln City Phase III." The date, north arrow, and scale are shown on the submitted plan. The drawing is identified as a preliminary subdivision plat with conceptual future building footprints. The cover sheet notes the legal description as "Tax lot 6800 Lincoln County Tax Map 07 11 22AA. Located in the northeast one-quarter of Section 22, Township 7 South, Range 11 West, Willamette Meridian, City of Lincoln City, Lincoln County, Oregon." The cover sheet also includes a vicinity map at a scale of one inch equals 400 feet that identifies adjacent property boundaries and land uses.

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

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

Finding: The submitted plan set includes an existing conditions plan, identified as Sheet P-02, which contains the required elements.

4. *Proposed Plan of Land Subdivision. The following information shall be included on the tentative plan:*
   a. *Proposed Streets – Location, Widths, Approximate Radii of Curves. The relationship of all streets to any projected streets, as shown on any development plan adopted by the planning commission or, if there is no complete plan, as suggested by the department of community development. Street names will be determined and assigned by the city;*
   b. *Easements. Location on the site or abutting property showing the width and purpose of all existing and proposed easements;*
   c. *Lots. Approximate dimensions of all lots, minimum lot size, proposed lot and block numbers;*
   d. *Proposed Land Uses. Sites, if any, allocated for:*
      i. *Multiple-family dwellings;*
      ii. *Shopping centers;*
      iii. *Churches;*
      iv. *Industry;*
      v. *Parks, schools, playgrounds;*
      vi. *Public or semipublic buildings;*
      vii. *Open space;*

Findings: The submitted preliminary subdivision plat shows the location, widths, and approximate radii of curves of the two proposed private streets. Public drainage easements, public utility easements, private storm drainage easements, and private pedestrian access easements are shown. The dimensions of the proposed lots are shown, along with proposed lot and block numbers and lot size. Lots will be used for attached single-unit dwellings. Tracts are shown for storage areas, private streets, and the recreation area.

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

Finding: Sheet P-03 of the submitted plan provides the following information pertaining to area coverage.
Total area = 147,668 square feet
Total anticipated future land coverage = 32,002 square feet

Total anticipated future land coverage = 22%
Streets = 27,509 square feet
Recreation area = 10,505 square feet
Storage area = 2,261 square feet

It is noted that the anticipated buildable area is based on conceptual future building setbacks.

6. *Explanatory Information. Any of the following information which may be required by the planning commission, and which may not be shown practicably on the tentative plan, may be submitted in separate statements accompanying the tentative plan:*
   a. *Proposed deed restrictions in outline form;*
   b. *Approximate existing centerline profiles showing the finished grades of all streets, as approved by the city engineer, included in the proposed subdivision;*
   c. *Typical cross sections of proposed streets, showing widths of roadways, curbs, location and width of sidewalks and the location and size of utility mains;*
   d. *Approximate plan and profiles of proposed sanitary sewers, storm drains and water distribution system, showing pipe sizes and the location of valves and fire hydrants, all to conform to city standards;*
   e. *A general description of property intended to be dedicated to the city or public, other than street rights-of-way, including proposed dedication restrictions.*

Finding: The submitted materials include a draft of the declaration of covenants, conditions, and restrictions for the development. Sheet P-08 of the submitted plan set is the preliminary street plan. Sheet P-09 of the submitted plan set is the preliminary street profile. Sheet P-07, which is the composite utility plan, shows the proposed sanitary sewer, storm drains, and water lines. The existing fire hydrant in the northeastern corner of the site will remain. Existing water services and sanitary sewer laterals will remain. Storm water filtration planters are proposed, along with storm water cleanouts, a 10-foot-wide private storm drainage easement, single water service and meters for each lot, and single sanitary sewer services for each lot. The plans do not show any property intended for dedication to the city or public, and no such dedications are required.

17.20.020 Permitted uses.

Finding: Pursuant to LCMC 17.20.020.I, attached single-unit dwellings are permitted uses when developed in accordance with the standards specified in LCMC 17.52.260. A discussion of compliance with LCMC 17.52.260 takes place later in this document.

17.20.050 Minimum lot area and density requirements.

The minimum lot area shall be 5,000 square feet for a single-family dwelling and a minimum of 8,000 square feet for a duplex or the first two units of a multifamily development. For each additional dwelling unit, the following standards shall apply:

A. *Low Density. Where the entire lot is in excess of 150 feet from a boundary of a commercial zone, the lot must have an additional area of 2,250 square feet for each additional dwelling.*

Finding: The entire lot is in excess of 150 feet from the boundary of a commercial zone. The submitted plans show the site at 147,668 square feet. Deducting 8,000 square feet from 147,668 square feet for the first two dwelling units leaves 139,668 square feet. This figure divided by 2,250 equals 62. 62, plus 2 for the first two units equals, a maximum density of 64 units. The applicant proposes a 40-lot subdivision for attached single-unit dwellings. The minimum lot area is not applicable as there are no minimum lot area standards for

individual lots in an attached single-family housing development, per LCMC 17.52.260.A. The density requirements are met.

17.20.060 Lot width, building coverage and yard requirements.

A. Lot Width. The minimum average lot width shall be at least 50 feet for single-family residences and duplexes; at least 60 feet for triplexes or greater number of dwelling units.

Staff Comment: The lots are for attached single-unit dwellings; therefore, the lot width requirement is not applicable.

B. Front Yard. The minimum front yard shall be 20 feet.

Staff Comment: Pursuant to LCMC 17.52.260.A, there are no minimum setback standards for individual lots in an attached single-unit housing development.

C. Side and Rear Yard. The minimum side and rear yard shall be at least five feet, except that the street side yard shall be a minimum of 15 feet. The side and rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

Staff Comment: Pursuant to LCMC 17.52.260.A, there are no minimum setback standards for individual lots in an attached single-family housing development. However, the street side, side, and rear yards around the perimeter of an attached single-family zone are those of the underlying zone. In this case, then, the perimeter side and rear yard setback is a minimum of 5 feet and the street side yard setback is a minimum of 15 feet. The side and rear yard setbacks are increased by one-half foot for each foot by which the building height exceeds 15 feet. The preliminary plat shows the required perimeter setbacks for an attached single-family housing development, stating that the side and rear yard perimeter setbacks increase by 0.5 feet for every foot that the building exceeds 15 feet in height. The setback requirements are met for this application and will be reviewed with the building permit for each lot to ensure compliance.

D. Building Coverage. The maximum building coverage by buildings and structures shall not exceed 45 percent of the total lot area.

Staff Comment: The total site area is listed as 147,668 square feet. This means no more than 66,451 square feet of the site can be covered with buildings and structures. The preliminary plat has a stated 32,002-square-foot number for anticipated future structures, which is within the requirement. The building coverage requirement is met.

E. Special yards and distances between buildings shall be provided as follows:

1. The distance between any principal building and any accessory building shall be a minimum of 10 feet.

Finding: The submitted plans do not show any accessory buildings.

2. An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width.

Staff Comment: The submitted plans do not show any double-row dwelling groups.

3. *Except for single-family dwellings on one lot, the distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 15 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.*

Staff Comment: The principal buildings are attached single-family dwellings on individual lots. The submitted plans do not show more than one principal building per lot.

4. *For special yard requirements, see Chapter 17.52 LCMC, Supplementary Regulations and Exceptions.*

Staff Comment: Special yard requirements will be reviewed for compliance as part of the building permit review process.

17.20.070 Maximum building height.
Maximum building height shall be 35 feet except as provided in LCMC 17.52.190 and 17.52.200.

Staff Comment: Height will be reviewed during the building permit review process. The applicant's narrative and submitted plans indicate the future buildings will not exceed the maximum requirement of 35 feet in height. The requirement is met for this application.

17.20.080 Signs.
Signs shall be permitted in accordance with the provisions of Chapter 17.72 LCMC.

Staff Comment: The submitted plans do not show any signs. The applicant's narrative states no signs are included in the application.

17.20.090 Parking.
Off-street parking shall be provided in accordance with Chapter 17.56 LCMC.

Staff Comment: Parking requirements and compliance thereof are addressed later in this document under Chapter 17.56 LCMC.

17.20.100 Other required conditions.
A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.

Staff Comment: Landscaping requirements and compliance thereof are discussed later in this document under LCMC 17.52.100.

B. Recreation Area. A multifamily development shall have a minimum of 250 square feet of recreation area for each living unit.

Staff Comment: As stated in LCMC 17.08.010, a multifamily dwelling means a building or portion thereof designed as three or more independent dwelling units, with each dwelling unit used as a dwelling unit for more than 30 days, but not including an attached single-family dwelling or a group of attached single-family dwellings. Per this definition, the proposed project is not a multifamily development. Accordingly, this requirement is not applicable to this development.

C. Reserved

D. Access Barrier. Each lot, with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining highway or street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Such a barrier shall be located at the edge of, or within, the front yard or in side yards abutting streets unless suitable curbs and gutters are provided within the highway or street right-of-way. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street or highway.

Staff Comment: The applicant's submitted plans show and narrative states the required curbing is included with the planned street improvements. This requirement is met.

E. Access Ways. Each lot shall have not more than two access ways to any one street or highway, which shall comply with the following requirements:

Staff Comment: As stated in LCMC 17.08.010, an access way is a pedestrian or bicycle connection between two rights-of-way. The proposed application does not include any access ways. Accordingly, this requirement is not applicable.

F. Restrictions. No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development, except as provided in LCMC 17.52.120(A).

Staff Comment: The City's GIS information shows the site has access to sewer and water.

G. Design Features. All single-family units (site-built, modular and manufactured homes) to be constructed or located in the multifamily residential zone shall utilize at least two of the following design features to provide visual relief along the front of the home

Staff Comment: As stated in LCMC 17.08.010, a single-family dwelling is a detached building designed and used as one dwelling unit. This is an application for attached single-family units; therefore, this requirement is not applicable.

17.52.260 Standards for attached single-family dwellings development.

A. There are no minimum lot area or setback standards for individual lots in an attached single-family housing development; provided, that the attached housing development as a whole meets the density, parking, height and landscaping requirements for the underlying zone.

Staff Comment: The density requirements are met as noted previously in this document. The parking requirements are met as noted later in this document. The preliminary plat states the anticipated building area is based on conceptual future building setbacks for a 35-tall building. 35 feet is the maximum allowed height. The landscaping requirements are met as discussed later in this document.

B. Perimeter Yard Requirements. The front, street side, side and rear yards around the perimeter of an attached single-family housing development are those of the underlying zone.

Staff Comment: The perimeter setbacks are front setback of 20 feet, side setback of 5 feet, street side setback of 15 feet, and rear yard setback of 5 feet. The perimeter side and rear setbacks increase by 0.5 feet for every foot that the building exceeds 15 feet in height. The preliminary plat visually depicts and also states the setback requirements. This requirement is met for this application and will be reviewed for continued compliance during the building permit process for the dwelling on each lot.

C. Land Coverage. The maximum land coverage by buildings and structures for an attached single-family housing development shall not exceed 45 percent of the total land area.

Staff Comment: The preliminary plat states the total site area is 147,668 square feet with anticipated future land coverage of 32,002 square feet, or 22 percent. This requirement is met.

D. Special yards and distances between buildings shall be provided as follows:

Staff Comment: Compliance with special yards and distances between buildings is reviewed as part of the building permit application process.

E. Maximum Building Height. Maximum building height shall be 35 feet except as provided in LCMC 17.52.200.

Staff Comment: The preliminary plat states the anticipated building height is 35 feet. This requirement is met for purposes of this application, and it will be verified at the time of building permit review for each individual dwelling.

F. Recreation Area. A minimum of 250 square feet of recreation area shall be provided for each living unit. The recreation area may be in one or more locations in the attached single-family housing development. Recreation buildings may be considered as part of these requirements.

Staff Comment: There are 40 living units which equals a minimum requirement of 10,000 square feet of recreation area. The preliminary plat shows Tract 9, comprising 10,505 square feet, as the recreation area. This requirement is met.

G. Storage Area. Storage space (for boats, campers, etc.) shall be provided at the rate of one 10-foot by 20-foot space in size for every four living units. Adequate maneuvering room shall be provided; storage space shall be fenced with a six-foot-high sight-obscuring fence, hedge or wall.

Staff Comment: With 40 living units, the required storage space for boats and campers and similar is 10 spaces. Each space must be 200 square feet for a total of 2,000 square feet of storage space. The preliminary plat shows Tract 7 at 661 square feet or 3 spaces, Tract 10 at 400 square feet or 2 spaces, and Tract 11 at 1,200 square feet or 6 spaces for a total of 11 spaces at 2,261 square feet. This requirement is met.

H. Restrictions. No development of attached single-family dwellings or attached single-family housing developments may occur unless all city services (sewer and water) are available to serve such development.

Staff Comment: As stated previously in this document, the site has access to city services. The submitted materials show sewer and water services to the development. This requirement is met.

I. Design Features. All attached single-family dwellings shall utilize at least two of the following design features to provide visual relief along the front of the dwelling:
1. *Dormers;*
2. *Gables;*
3. *Recessed entries;*
4. *Covered porch entries;*
5. *Cupolas;*
6. *Pillars or posts;*

7. *Bay or bow windows;*
8. *Eaves (minimum six inches projection);*
9. *Off-sets on building face or roof (minimum 16 inches).*

Staff Comment: The preliminary plat states that all future attached single-family dwellings shall utilize at least two of the design features listed in LCMC 17.52.260.I to be reviewed for compliance during the building permit review process. This requirement is met.

Chapter 17.56 Off-street parking and loading regulations

Staff Comment: Dwelling units over 1,000 square feet require two off-street parking spaces. The spaces must be located on the same lot with the dwelling. One space must be at least 9 feet wide by 20 feet long, and the second space can be reduced to 8 feet wide by 16 feet long. Loading spaces are not required for an attached single-family development, neither are parking lots or bicycle parking facilities. The submitted preliminary plat shows two off-street parking spaces on each lot, with one in the driveway and one in the garage. Spaces are 9 feet wide by 20 feet long. The parking requirements are met for the subdivision. Driveway width and surface material requirements will be reviewed for compliance during the building permit review process.

17.52.100 Landscaping

Staff Comment: Landscaping requirements apply to newly developed lots. In the case of attached single-family dwellings and duplexes, the landscape plan for the individual lot is submitted with the building permit. There are no specific landscaping requirements for a subdivision. An attached single-family dwelling development requires recreation area as previously discussed in this document. However, the landscaping code section does not give any standards for such recreation area. The applicant included a preliminary landscape plan with the subdivision application which shows undisturbed areas maintaining natural vegetation, stormwater facilities to be planted per LCMC 17.52.100, a 6-foot tall chain-link fence with privacy slats surrounding the storage areas, and all areas not containing impervious surfaces or structures to be landscaped. Individual landscape plans for each lot will be reviewed for compliance with lot landscaping requirements during the building permit process. The landscaping requirements for the subdivision application have been met.

17.52.220 Tree protection and removal
Staff Comment: The subject site is an undeveloped site. The application is for development of the undeveloped site. Accordingly, pursuant to subsection (F)(1)(b)(vi), a tree removal permit is required for land clearance and tree removal. Additionally, the permit approval for tree removal is processed as part of the subdivision and planned unit development review approval process. This application is for a subdivision and planned unit development. The applicant has submitted a tree protection plan as part of the subdivision and planned unit development application.

The actual permit for tree removal from individual building lots shall be issued in conjunction with, and not prior to, issuance of the building permit. The tree removal permit for installation of street, gutter, curb, sidewalk, sanitary sewer, storm sewer, and water system improvements may not be issued until the city engineer has given final approval to the design of the improvements and to the grading and erosion control plans, and, to the extent otherwise required by this section or this code, the owner has entered into a public infrastructure improvement agreement for the improvements and provided financial security therefore.

A Tree Protection and Replacement Plan is required pursuant to 17.52.220.I. The applicant included a Tree Protection Plan with the application, but nothing in the submittal indicates where tree replacement will occur.

This requirement is partially met and can be fully met with submittal of a Tree Replacement Plan meeting the standards of LCMC 17.52.220.

17.52.210 Planned unit development (PUD).

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

Finding: The Planning Commission will approve, approve with conditions, or disapprove the proposed planned unit development for a 40-lot attached single-family dwelling subdivision, subject to the provisions of LCMC 17.52.210.

17.52.210.C. Pre-Application Conference.

Staff Comment: The required pre-application conference was held in 2019, prior to submittal of the application. This requirement is met.

17.52.210.D. Allowable Density.

Staff Comment: The requested density of 40 lots does not exceed the maximum allowable density of 84 lots, so no residential density bonuses or affordable housing bonuses are requested or needed. The allowable density requirement is met.

17.52.210.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:

Staff Comment: The submitted plan set includes the required information.

17.52.210.I. Supplemental Preliminary Master Plan Information. The applicant 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…*

Staff Comment: The applicant submitted a draft of the proposed deed restrictions, conditions, and covenants.

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;*

Staff Comment: Sheets P-11 and P-12 comprise the applicant's submitted preliminary street plan, cross sections, and profiles.

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

Staff Comment: Sheet P-07 of the submitted plan set is the applicant's preliminary composite utility plan. Sheets P-08, 09, and 10 comprise the applicant's submitted preliminary storm, sanitary sewer, and water profiles, respectively.

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;*

Staff Comment: The applicant states that there will be no dedications to the city or to the public.

5. *A description of any residential density bonus…*

Staff Comment: No residential density bonuses are being sought, nor are any needed as the maximum allowable density is not being reached or exceeded.

6. *Proposed number of residential units;*

Staff Comment: The submitted materials show 40 lots in a subdivision for future construction of an attached single-family dwelling on each lot.

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

Staff Comment: The submitted materials show 40 lots in a subdivision for future construction of an attached single-family dwelling on each lot.

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;*

Staff Comment: The application materials include a narrative as well as a completeness response letter. The completeness response letter states the following: "Because the subject site is greater than two acres, this subdivision is being processed as a planned unit development. The application demonstrates compliance with the perimeter yard requirements, land coverage, recreation area, storage areas, and design features required for attached single-family dwellings. Therefore, the application satisfies the applicant standards for an attached single-family dwelling subdivision pursuant to Section 17.52.260."

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

Staff Comment: The applicant states that the property is currently owned by The Cove at Lincoln City, LLC, and that it is anticipated that ownership will remain unchanged until future homes are constructed and sold.

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

Staff Comment: A preliminary landscape plan is included in the submitted plan set, identified as Sheet P-15 Preliminary Landscape Plan. There is a note on Sheet P-15 that states: "All on-site areas outside of planned impervious areas, future building footprints, and stormwater facilities to be landscaped per LCMC 17.52.100." The preliminary landscape plan does not provide planting details, irrigation details, species or numbers of plants to be planted, existing vegetation to remain, trees to be planted, or trees to remain. The submitted preliminary landscape plan does not provide enough detail to determine if it meets the code requirements or not.

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;

Staff Comment: The applicant states the following in the completeness response letter: "A conceptual neighborhood circulation plan is included in the Preliminary Plans. This application involves the creation of a subdivision for the future construction of 40 attached single-family homes. 40 attached single-family units creates 22 pm peak hour trips based on ITC Category 220 (10th Edition Trip Generation Manual). This does not meet the requirements for a Traffic Impact Study as detailed in Section 17.52.300 of the Lincoln City Municipal Code. As shown on the chart in the 10th Edition Trip Generation Manual for ITC Category 220 (copy enclosed), the average rate of pm peak hours is 0.56. Therefore 40 attached single-family homes would be anticipated to generate 22 pm peak hour trips, well under the threshold requirements for a TIS pursuant to Section 17.52.300 of 50 pm peak hour trips. This is consistent with the direction provided by City engineering staff at the pre-application conference."

Staff confirms the proposed project does not meet any of the thresholds listed in LCMC 17.52.300 that require a traffic impact analysis. The required circulation plan is included with the applicant's submitted plans as Sheet P-14, showing the traffic flow entering and exiting the proposed development.

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.

Staff Comment: Regarding phasing, the applicant states the following: "This application includes concurrent processing of a Preliminary and Final Master Plan and is intended to be completed in one single stage. The Applicant intends to begin construction as soon as practicable and as the market allows."

The applicant does not provide a date by which the applicant anticipates that the development and related improvements will be substantially completed.

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
   b. In lieu of the map or survey, an applicant proposing to remove trees may provide aerial photographs with overalys, GIS documentation, or maps approved by the planning director, and clearly indicating the information required by this subsection.

Staff Comment: Sheet P-04 of the applicant's submitted plan set is labeled as the "Preliminary Tree Preservation and Removal Plan" showing the topography of the site, the existing trees to be preserved, the existing trees to be removed, and the tree protection method during construction.

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.

Staff Comment: A tree inventory table is included in the application package listing tree number, type, location, size, and whether the tree will be preserved or removed.

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.

Staff Comment: Sheet P-04 of the applicant's submitted plan set show tree protection/construction fencing around the tree protection areas containing the existing trees to be preserved. A detail of the protection/construction fencing is also shown, along with three notes pertaining to the tree protection device, installation of said tree protection, and maintenance of said fencing throughout construction.

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.

Staff Comment: Sheet P-04 states that arborist observation is required during tree removal behind tree protection fencing.

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.

Staff Comment: The applicant did not provide any information in the landscaping plan regarding tree plantings. As a condition of approval, a detailed final landscaping plan showing proposed tree plantings shall be submitted as part of the final engineering plans.

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.

Staff Comment: The applicant provided a draft copy of the proposed covenants, conditions, and restrictions.

h. Waiver of Documentation. The planning director may waive any 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.

Staff Comment: With the exception of a detailed landscape plan and a specific date for completion, all required information has been submitted. The requirement for the detailed final landscape plan (which includes tree planting details) and a date for substantial completion are not waived and shall be provided as a condition of approval.

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…

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.

Staff Comment: The Planning Commission shall make findings for each criterion listed below that the plan as submitted or with conditions meets each criterion OR shall make findings that the plan as submitted or with conditions does not meet each criterion.

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.*

Staff Comment: The lots to the north of the subject site are part of The Cove at Lincoln City, platted in 2009, and The Cove at Lincoln City, Phase II, platted in 2018, and zoned R-M. These two subdivisions total 28 lots that were developed for attached single-family dwellings. The infrastructure is installed, and six of the 28 lots have dwellings constructed on them leaving 22 lots ready for construction.

The properties to the south of the subject site are zoned R-M and are developed as apartments.
The properties to the east of the site are zoned R-1-7.5. The parcel to the northeast is owned by the Confederated Tribe of Siletz Indians and is undeveloped. Allowed uses in the R-1-7.5 zone include attached and detached single-family dwellings, duplexes, manufactured homes, cottage housing developments, and four-flat dwellings. The lots to the southeast are part of a developed subdivision (Pacific Ridge, 31 lots, platted in 1999) for detached single-family dwellings, and most of the lots have existing structures.

The properties to the west of the site are zoned R-M. The parcel to the northwest is zoned R-M and contains a dwelling. The parcel immediately adjacent to the western boundary of the site is zoned R-M and is an undeveloped narrow rectangular strip of land. Further west are three parcels, all of which are zoned PI. Two of the three have businesses, and the third is undeveloped.

The areas immediately adjacent to the site are zoned for residential uses. Most of the immediately-adjacent areas are platted subdivisions for either attached or detached single-family dwellings and either currently contain dwellings are ready for construction upon submittal and issuance of a structural permit. The exception is the undeveloped parcel to the northeast, but this parcel is a residential zone which allows for attached single-family dwellings should the property owner so desire. The proposed project is for 40 lots for future construction of attached single-family dwellings, with lot sizes similar to the lot sizes of the adjacent subdivisions to the north. This is compatible with the developments and allowed uses of the immediately-adjacent properties, since they are all residential in use (or zone if not yet developed).

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.*

Staff Comment: The applicant does not provide a date for completion, only states "as soon as practicable and as the market allows" and in one phase. The ordinance states 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 and may impose a condition requiring that a final master plan be submitted for commission review not sooner than one year after approval of the preliminary master plan. Development of the project in one phase over the next two years, with completion of infrastructure and final plat recording no later than two years from the date of preliminary master plan approval, meets this criterion.

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.*

Staff Comment: This criterion addresses the impacts to the surrounding area from the activities related to the installation and construction of the required infrastructure and the site's development. The municipal code prohibits open burning. The municipal code has prohibitions and limitation on construction track-out. The municipal code has a noise ordinance limiting noise between specified hours. Grading and filling can have adverse impact on properties in close proximity; however, this is a relatively small subdivision to be completed in one phase, and a grading and erosion control plan that meets city standards must be adhered to all times during the construction of the project to reduce potential negative impacts to adjacent properties.

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.*

Staff Comment: This criterion pertains to the impacts of the development itself once completed and in use, as opposed to the impacts experienced while the development is under construction. Once the development is completed and in use, those properties that will experience the greatest impact will be the immediately-adjacent lots and parcels, which are those in The Cove at Lincoln City, The Cove at Lincoln City Phase II, Pacific Ridge, Cedar Crest Townhomes, and the single-family dwelling to the northwest of the site. This project will necessitate the removal of the existing trees and vegetation for required infrastructure improvements, installation of sewer and water lines and services to the lots, and placement of houses and driveways, thus removing the existing natural vegetative cover between the project site and the adjacent properties. The preliminary landscaping plan does not specify the number, types, or locations of new or replacement plantings, but it does state that all on-site areas outside of planned impervious areas, future building footprints, and stormwater facilities will be landscaped per LCMC 17.52.100 as well as showing that undisturbed areas will maintain their natural vegetation. The city's landscape standards require landscaping on each individual lot as part of the construction process of the new dwelling.

The submitted circulation plan shows that residents of the dwellings will enter and exit the development in one of two ways. The site is accessed via SE 16th Street, which itself has access to Highway 101. Both are two-way, public streets. The site is also accessed from SE Marine Avenue via SE 14th Street. SE 14th Street intersects with Highway 101. Both SE Marine Avenue and SE 14th Street are two-way, public streets. SE 16th Street, SE 14th Street, and SE Marine Avenue will see an increase in traffic as a result of the 40 new attached single-family dwellings, once they are all constructed occupied. However, pursuant to LCMC 17.52.300, a traffic impact study is not required as this project does not involve an amendment to the comprehensive plan or zoning map; a new direct property approach road to Highway 101; generation of 50 or more p.m. peak-hour trips on Highway 101, or 100 or more p.m. peak-hour trips on the local transportation system according to the Institute of Transportation Engineers (ITE) Trip Generation Manual; use on any street or direct property approach road intersecting with Highway 101 increasing by 10 vehicles or more per day that exceed 20,000pounds gross vehicle weight; an existing or proposed access driveway that does not meet minimum spacing or sight distance requirements; or a change in internal traffic patterns.

The submitted street plans, profiles, and sections show construction of required street frontage improvements. The required improvements include paving, curb, gutter, and sidewalk along the site's SE 16th Street frontage and SE Marine Avenue frontage. City standards do not require street frontage improvements to portions of any street that do not front the subject site.

Comments were received from Gary Hunt regarding removal of the trees on the site and the impact of the traffic, specifically regarding the narrow width of Marine Avenue and the lack of traffic being able to flow if a car is parked on each side of the street across from each other. The city code has provisions for removal of trees for development. The city code has standards for public streets. The project does not meet the criteria for requiring a traffic impact study.

Comments were received from Laura Quillman. Ms. Quillman wondered about the number of lots and the type of structures proposed, as well as a question related to changes to allow safe egress and ingress from the development onto a street that currently allows parking along the curb on the north side. The number of proposed lots meets the density requirements for the Multiple-Family Residential (R-M) zone. Attached single-family dwellings are proposed, and they are a permitted use in the R-M zone. There are no design requirements for attached single-family dwellings other than providing two features as specified LCMC 17.52.260. The width of streets, the placement of approaches, and designated "no parking" zones are determined by city standards administered by the Public Works Department.

Comments were received from Tina French expressing concern with future residents being concerned with the noise from the nearby North Lincoln Sanitary Service business. Staff notes that North Lincoln Sanitary Service is a permitted use in the zone in which it is located, the Planned Industrial (PI) zone. The subject property is in the R-M zone, and the proposed use of attached single-family dwellings is a permitted use in the R-M zone.

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.

Staff Comment: Following is information regarding each of these items.

Streets – The code does not require a traffic impact study for the project. There is a developed public street system in place to access the site. The code has requirements for development to construct its proportionate share of any street frontage improvements. The proportionate share is that street frontage adjacent to the site. Larger projects that trigger a traffic impact study may have larger proportionate shares of street frontage improvements, but in this case, a traffic impact study is not required due to the small size of the development.

Water – The site is served by city water. The city's water system has capacity to accommodate an additional 40 houses without negative impact to the site, the surrounding area, or the city itself.

Sewer – The site is served by city sewer. The city's sewer system has capacity to accommodate an additional 40 houses without negative impact to the site, the surround area, or the city itself.

Drainage, Drainage Pre-treatment, and Storm Water Detention – The site has an unnamed creek that flows through wetlands along much of its length. These wetlands are on the city's Natural Resource Overlay Zone maps as significant wetlands. Staff is unaware of any problems with this drainage way.

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 submitted a drainage plan that will maintain pre-development water flow from the site, storing water during storms, then releasing it at a rate no greater than the pre-development rate. Staff has determined that because the applicant has shown the project has the capability, through the engineering of appropriate drainage facilities, to avoid adding flooding or overflow to the surrounding area, and is required to do so, that this part of this criterion is met.

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.

Staff Comment: Following is information regarding each of these items.

Streets – The proposed streets appear to be adequate with respect to capacity for the proposed project. City standards govern the design of the streets. The applicant submitted a preliminary street plan that has been reviewed by the Public Works Department, North Lincoln Fire and Rescue, North Lincoln Sanitary Service, and the Department of State Lands. Those departments or agencies have provided comments and recommended conditions of approval pertinent to the street plan.

Water, Sewer, Drainage, Drainage Pre-treatment, and Storm Water Detention – The applicant included preliminary utility plans showing utility services to each lot. City standards govern the design of the water, sewer, drainage, drainage pre-treatment, and storm water detention facilities. The plans have been reviewed by the Public Works Department, North Lincoln Fire and Rescue, North Lincoln Sanitary Service, and the Department of State Lands. Those departments or agencies have provided comments and recommended conditions of approval pertinent to the utility plan.

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.

Staff Comment: As noted in the staff report, the maximum allowable density for the site is 64 lots. The project proposes only 40 lots. The gross area of the site is 147,688 square feet and 15 percent of 147,688 is 22,153.2. The submitted preliminary plat states the total site area and the square footages for streets, recreation area, storage area, and anticipated future structures, but it does not list the percentage of area devoted to landscaping or protected resource areas.

2. *The planning commission, in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.*

Recommended conditions:

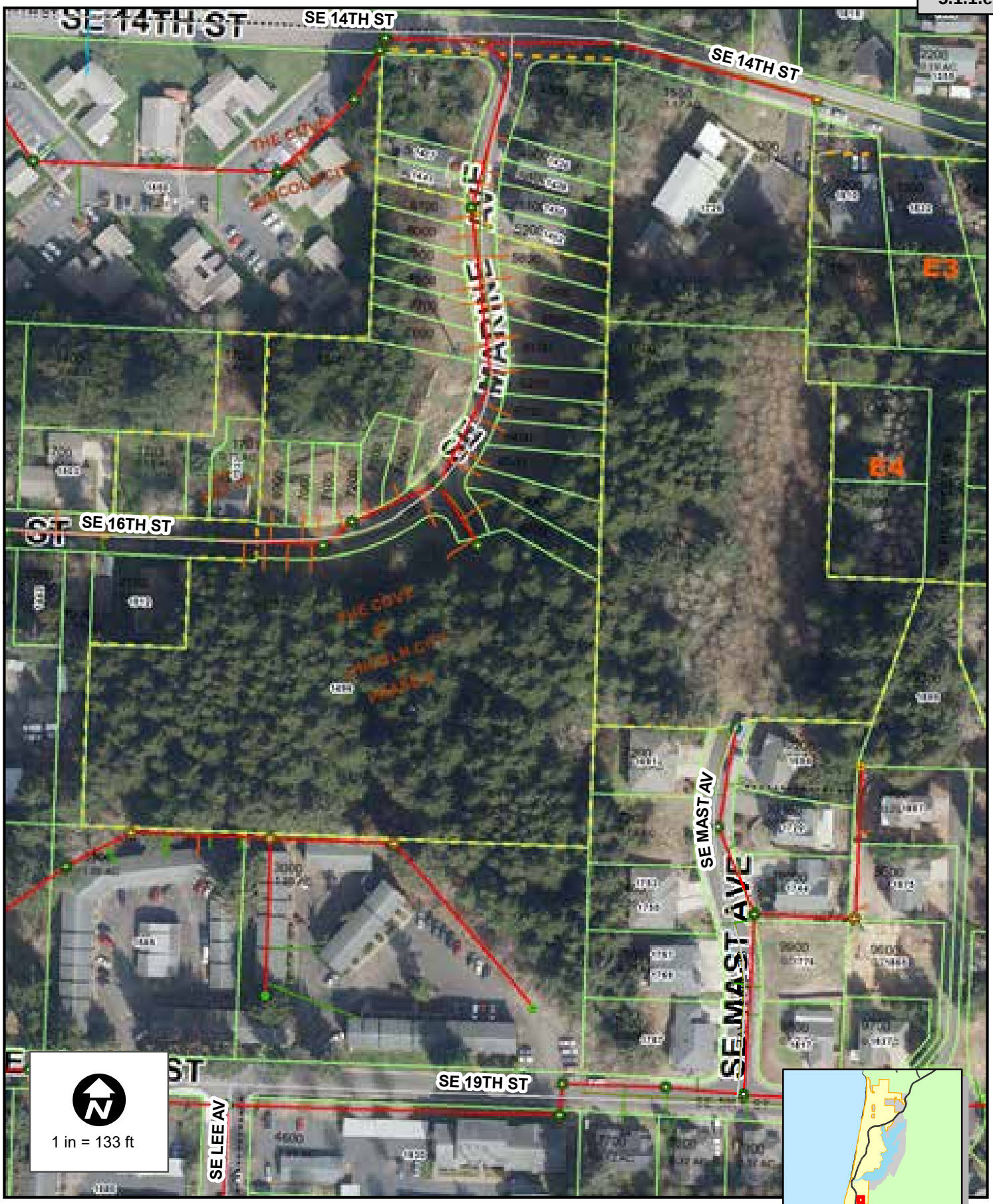
1. The project shall be developed in one phase, with completion of required infrastructure and final plat recording by July 7, 2022.
2. A detailed final landscaping plan that shows compliance with the landscaping requirements listed in city code shall be submitted to the Planning Department concurrent with the submittal of the final engineering plans to the Public Works Department. Specifically, the detailed final landscaping plan shall show at least 22,153.20 square feet of 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. 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.
5. With submittal of the final engineering plans, the applicant shall submit a waste disposal plan that has been 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.
6. The project plan set submitted with the request for review of the final engineering plans shall show compliance with 2019 Oregon Fire Code 503 and Appendix D for Fire Apparatus Access Roads, and 2019 Oregon Fire Code 507 and Appendix C for Fire Protection Water Supplies for one- and two-family dwellings.
7. 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 shallb e for assuring that the improvements shall be consistent with Lincoln City Public Works Standards and the provisions of this condition of approval.
8. Prior to issuance of any structural permits, any site work, any construction activity, or any demolition, clearing, grubbing, or excavating, a Combined Public Works Permit application shall be submitted. The Combined Public Works Permit application shall be submitted with each and every structural permit application. Al right-of-way work planned shall be noted on the approved plans and performed as shown.
9. 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.

10. **Within 30 days after construction**, field verified, engineer stamped as-builts for all public improvements, including relevant survey data, shall be proved to the Lincoln City Public Works Department in AutoCAD format. All discovered utilities and changes to the approved engineering plans shall be noted with callouts indicating location, depth, and material. **The record drawings shall be established in model space using the state plan coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.**
11. The applicant shall submit two copies of erosion control plans to the Lincoln City Public Works Department. The City Engineer will review all erosion control plans and approve if compliant with city standards. Approved soil erosion control measures must be in place and inspected by the Lincoln City Department of Public Works prior to any construction activities.
12. 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.
13. A net cut/fill calculation shall be completed an submitted with the application. If net cut exceeds 5,000 CY, the proposed permitted fill disposal site shall be identified by the applicant.
14. Compaction procedures, including proposed compaction method, implementation plan, and compaction testing plan shall be submitted with the engineered grading plan.
15. 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. Additional planting and slope stabilization measures for grades exceeding 1:2 shall be implemented by the applicant as needed.
16. New sidewalk, curb, and gutter, and necessary pavement repair shall be completed along the site's SE Marine Avenue street frontage in compliance with LCMC 17.52.230. All city right-of-way work planned shall be noted on the approved engineering plan set and performed as shown and approved. Work shall include:
    a. Construction of sidewalk improvements per LCPW standards along the full subdivision boundary of SE Marine Ave. This shall include ADA-accessible transitions at all sidewalk terminations, ADA compliant directional curb ramp installation on both sides of the intersection of Private Street "A" and SE Marine Ave, and sidewalk/driveway compliance with state and federal Public Right-of-Way Accessible Guidelines.
    b. Full roadway improvement per LCMC 17.52.230 shall be constructed on SE Marine Avenue and SE 16th Street for all right-of-way adjacent to the subject site's boundaries. This shall include construction of sidewalk, curb, gutter, and 20-foot-wide asphalt concrete paving (4" depth over 10" compacted aggregate base). Asphalt termination ramp shall be paved at the end of the walk heading west on SE 16th St.
17. The extents of SE Marine Ave being cut for multiple utility installations shall be repaired with a minimum 1 ½" overlay. Grinding shall be completed as needed to maintain curb exposure, drainage, and smooth transitions to the existing pavement. Trench cuts shall have a finished asphalt depth of 4 inches minimum.

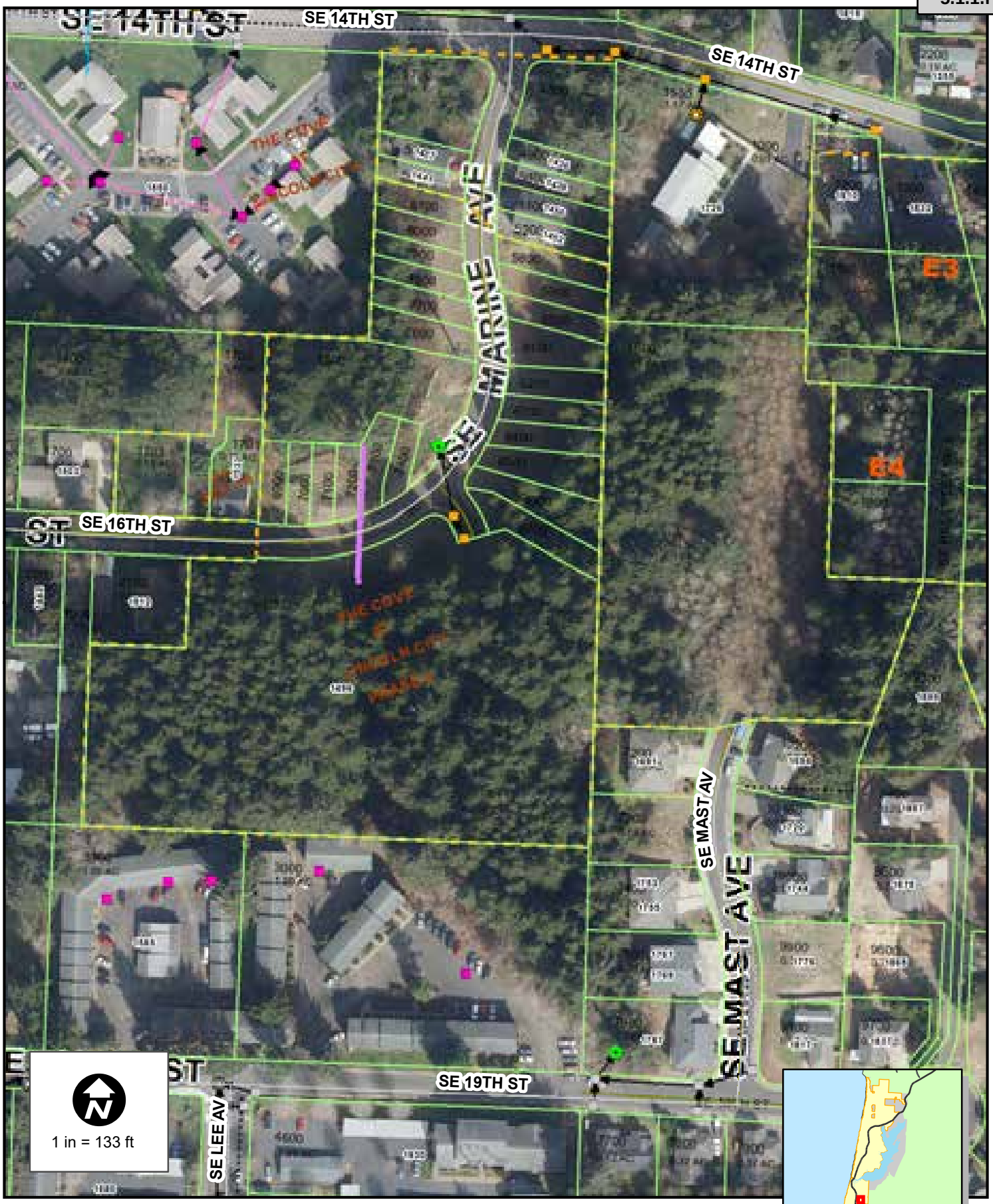
18. Required clear vision triangle areas shall be maintained in site plan layout and shall be shown on final engineering plans.
19. All materials shall adhere to LCPW standards including, but not limited to: asphalt paving depth, aggregate base, striping, pipe, fittings, and structures.
20. Required street signage shall be provided and installed by the property owner, including street name signs, stop signs, and no parking signs.
    a. "No Parking" signs shall be displayed on either side of each roadway for Private Street "A," "B," and SE Marine Ave adjacent to the subdivision boundary.
    b. "Stop" signs and thermoplastic stop bars shall be added on Private Street "A" and "B" at the proposed "tee" intersections.
    c. Street signs indicating the approved street names and SE Marine Ave shall be placed on treated, 4"x4" posts at back of walk.
21. Any and all street lighting shall be the responsibility of the developer and maintained by the HOA.
22. Private Street "A" and "B" maintenance responsibility shall be clearly delegated to the HOA formed for the planned unit development.
23. Private Street "B" 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.
24. Vehicle traffic generated from construction shall be restricted from utilizing SE 16th St as ingress and egress during subdivision development. If the use of SE 16th St is desired as regular ingress and egress, the developer shall notify Lincoln City Public Works and agree to maintenance and upkeep of the street throughout the course of construction.
25. 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.
26. 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.
27. 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.
28. Curb breaks and/or catch basins shall be noted in gutter line to identify roadway flow into the proposed stormwater planters.
29. Engineered Detail & Typ. Cross-section of proposed stormwater filtration planters shall be submitted with the final engineering plans. Detail shall be adequate for future construction and, at a minimum, shall address (1) proposed construction, material, media, & depth of planter (2) sizing & fulfillment of stormwater detention requirements, (3) adequate accommodation of slopes proposed around infiltration planters, and (4) proposed piping into & out of planters.
30. No blind tees or bends shall be installed in sewer systems. Manholes or cleanouts shall be placed at all bends. (See private street "A")

31. All Sanitary Sewer access points shall be pre-cast, 48” diameter manholes with standard frame and lid (two-hole) constructed per Oregon standard detail RD338. No cleanouts shall be allowed.
32. Cleanouts shall be installed at the property line as noted. End of pipe shall be marked with green painted 2”x4” set flush with finished grade.
33. 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 vacummed 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.
34. 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
35. Applicant is responsible for the verification of existing private infrastructure and any repairs required. Applicant shall be responsible for verification of existing utilities proposed for use.
36. 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.
37. Material submittals for all public water improvements shall be submitted to LCPW for review and approval in accordance with LCPW Water Distribution standards.
38. All water meters shall be placed at back of walk, outside of the sidewalk.
39. Owner shall be responsible for all chlorination, pressure testing, and coordination with LCPW water distribution staff according to LCPW Standards.
40. All serviced lots must have frontage on proposed public utilities. Long service laterals parallel to the roadway will not be allowed.
41. Water line shall be looped between Private Street “A” and “B” or an alternate as agreed to by the city engineer. Combination air vacuum/relief valves shall be placed as needed. Remaining dead end lines shall be sized appropriately for service and blow-offs designed at termination points according to LCPW water distribution standards.
42. Private roads shall note the required blanket utility and access easements on the final plat.
43. A Public Access/Stormwater/Utility easement shall be dedicated for any sidewalk/storm/sewer/water public infrastructure on private property. The easements shall be noted on the approved engineering plans as well as noted on the final plat.



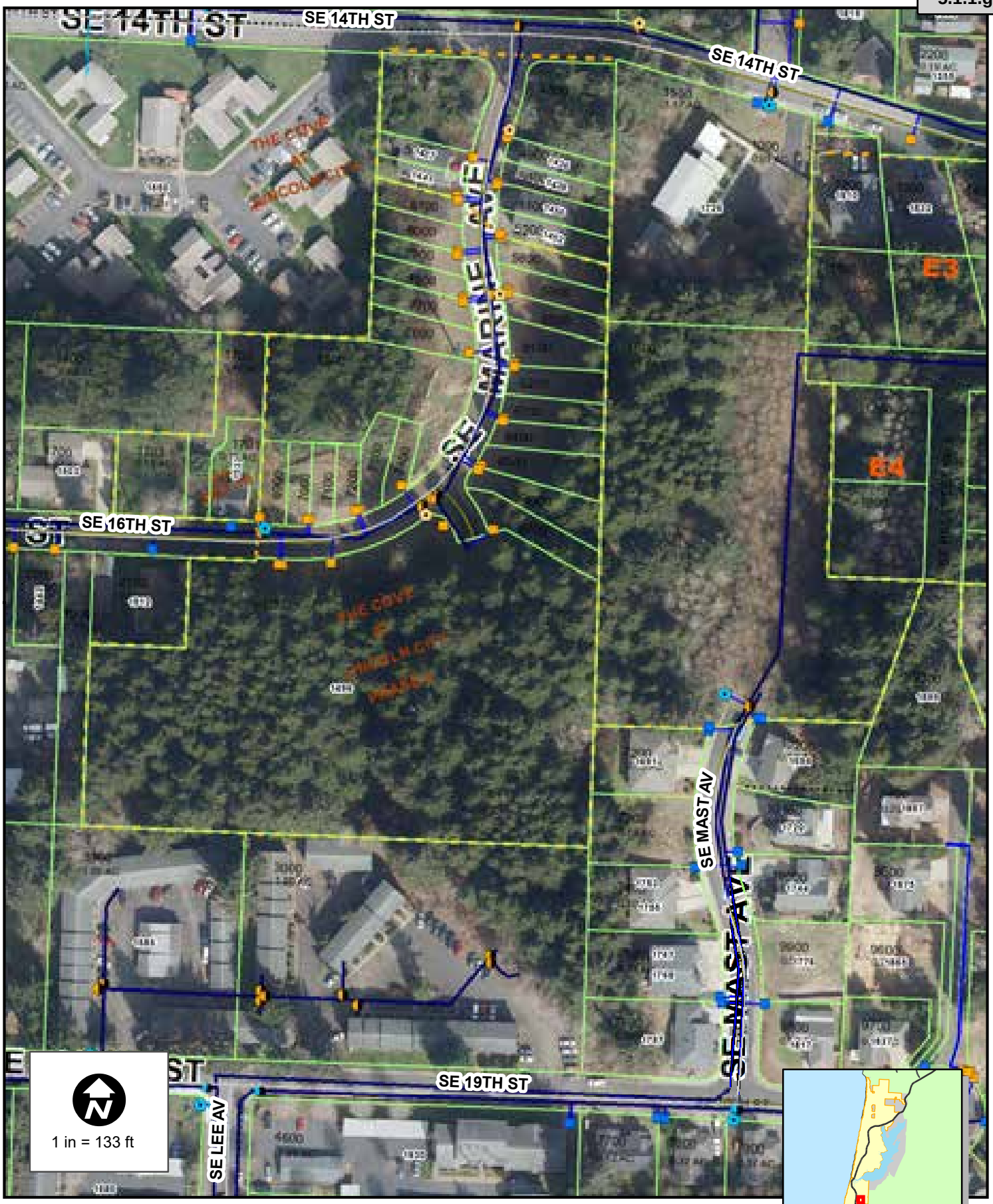
Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



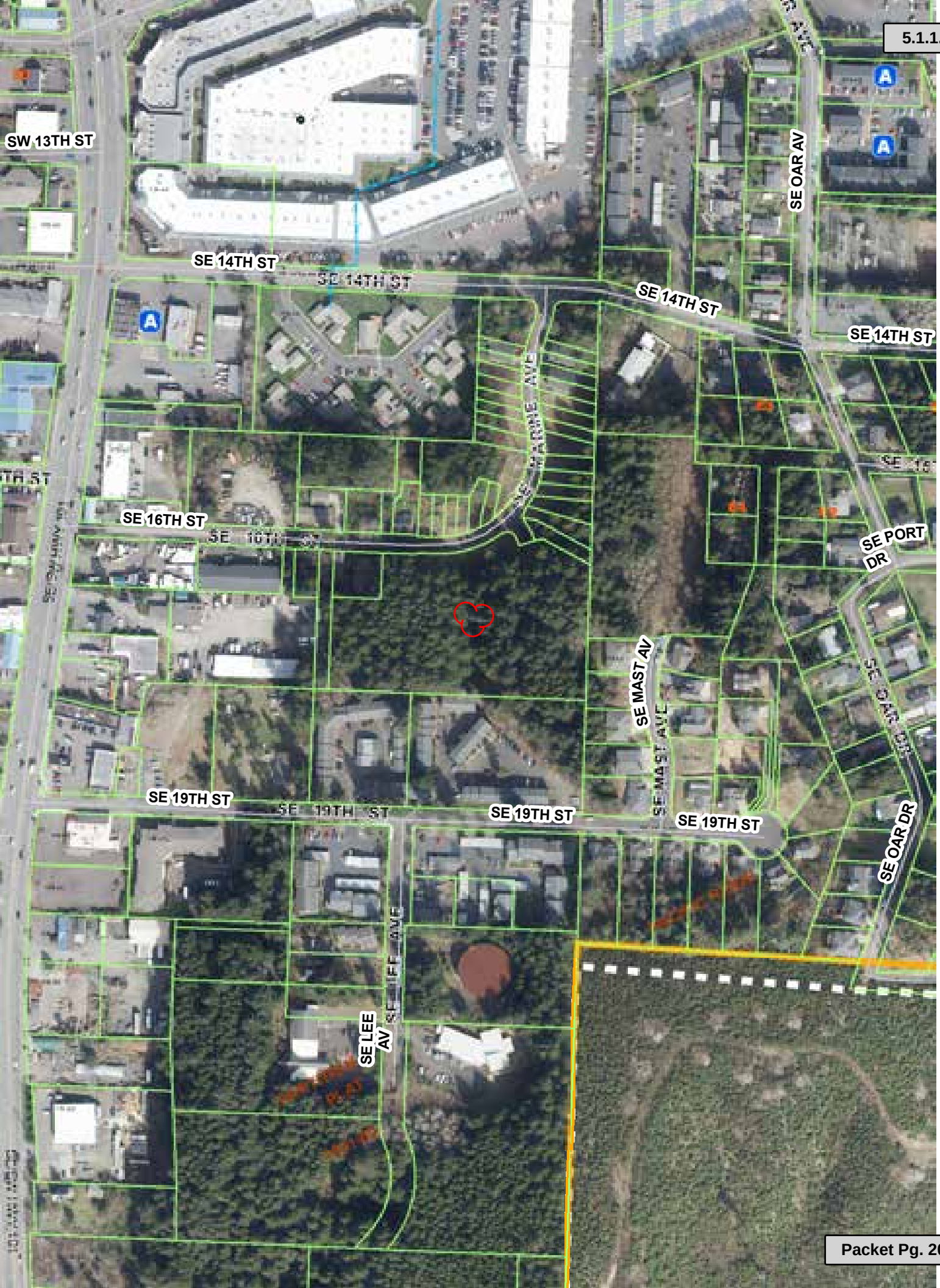
Vicinity Map

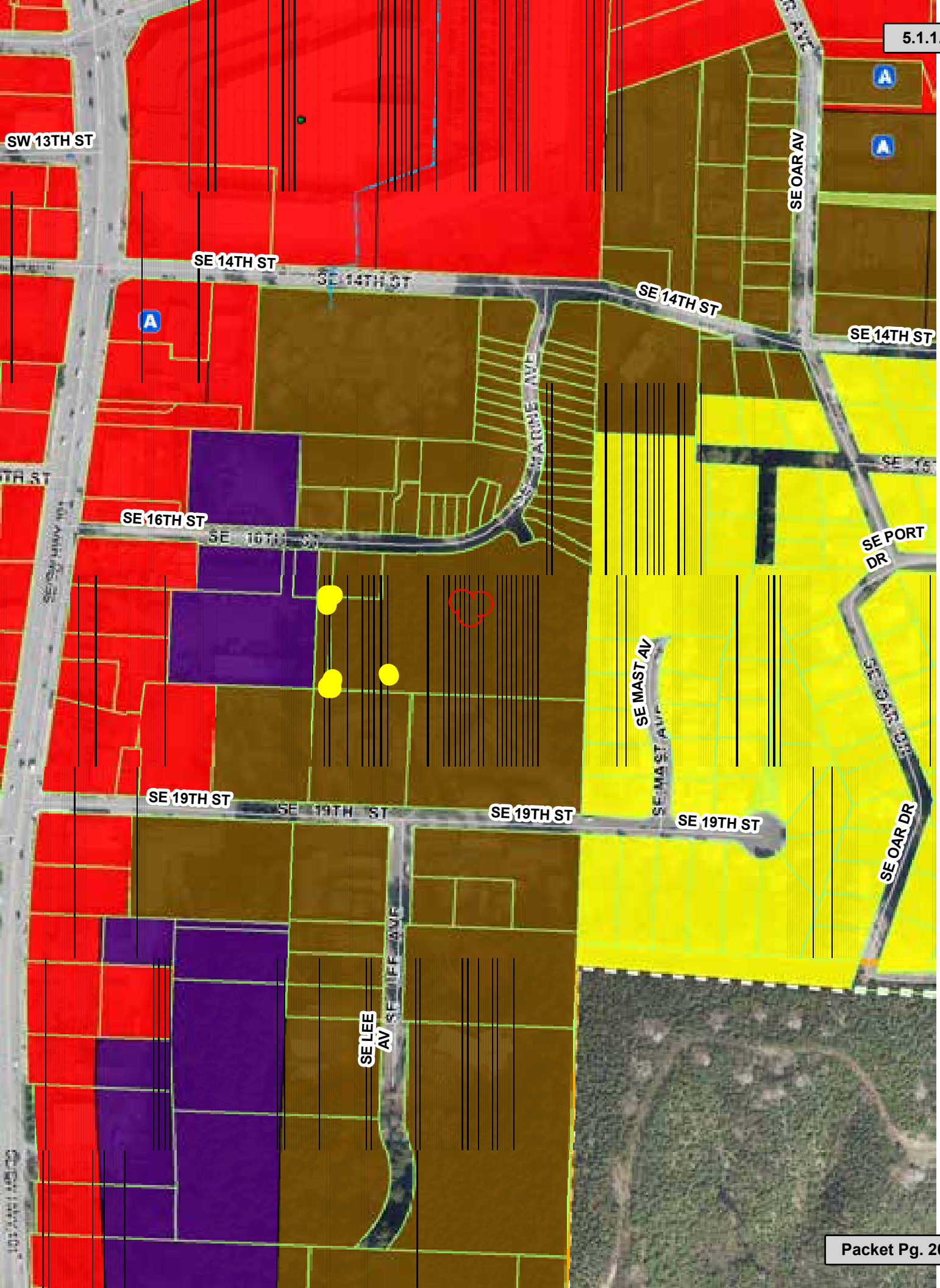
City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

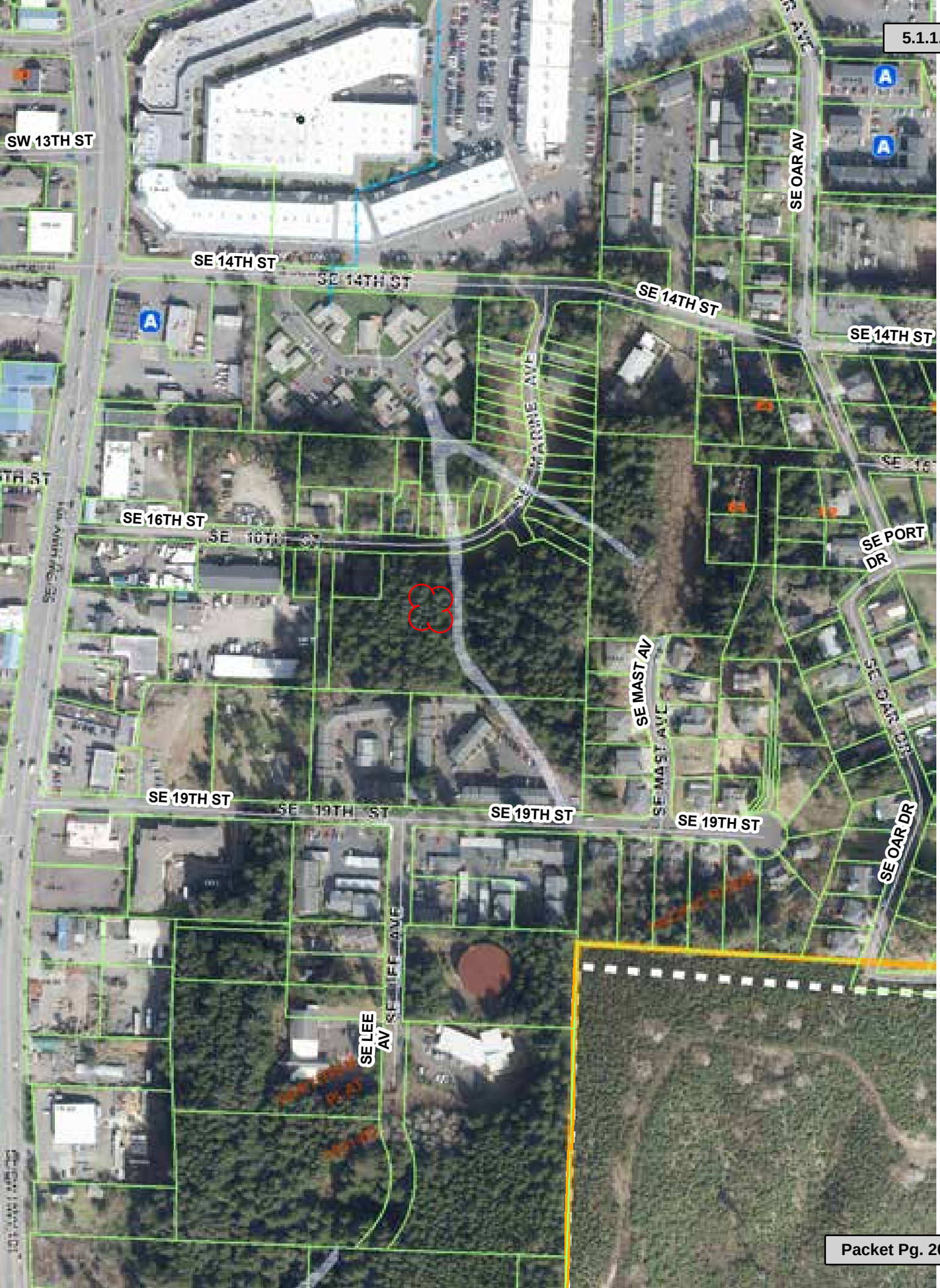


Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.


SW 13TH ST
SE 14TH ST
SE 14TH ST
SE 14TH ST
SE 14TH ST
SE OAR AV
SE 16TH ST
SE 16TH ST
SE PORT DR
SE MAST AV
SE MAST AVE
SE OAR DR
SE 19TH ST
SE 19TH ST
SE 19TH ST
SE 19TH ST
SE LEE AV
SE OAR DR


SW 13TH ST
SE 14TH ST
SE 14TH ST
SE 14TH ST
SE 14TH ST
SE OAR AV
SE 16TH ST
SE 16TH ST
SE PORT DR
SE MAST AV
SE 19TH ST
SE 19TH ST
SE 19TH ST
SE 19TH ST
SE OAR DR
SE LEE AV


SW 13TH ST
SE 14TH ST
SE 14TH ST
SE 14TH ST
SE 14TH ST
SE OAR AV
SE 16TH ST
SE 16TH ST
SE PORT DR
SE MAST AV
SE MAST AVE
SE OAR DR
SE 19TH ST
SE 19TH ST
SE 19TH ST
SE 19TH ST
SE LEE AV
SE OAR DR

PLANNING COMMISSION STAFF REPORT
MEETING DATE: July 7, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

ZOA 2020-01 Procedures

PROJECT INFORMATION

Applicant/Owner	City of Lincoln City Planning & Community Development 801 SW Hwy 101 Lincoln City, OR 97367
Map & Lot No.	City-wide
Comprehensive Plan & Zoning	City-wide
Surrounding Land Uses And Zoning	City-wide
Public Notice	Notice of the public hearings was sent to all property owners of record within city limits on February 26, 2020. Notice of the public hearings was published in *The News Guard* on March 4, 2020, and March 11, 2020.
Relevant Substantive Criteria	Oregon Revised Statutes City of Lincoln City Comprehensive Plan

BACKGROUND

The public hearing on July 7, 2020, is a continuation of the public hearing that was opened and held on June 16, 2020. Due to a technical difficulty, the correct version of the proposed language was not attached to the agenda packet, so the public hearing was continued so that the correct version could be reviewed by the Planning Commission.

AUTHORIZATION

Lincoln City Municipal Code 17.88.040 Action by the Planning Commission

ANALYSIS

See attached draft language

STAFF RECOMMENDATION

Hold and close the public hearing; close the record. Deliberate. Motion and second to recommend approval of ZOA 2020-01 to City Council with the language as proposed.
OR
Motion and second to recommend approval of ZOA 2020-01 to City Council with changes to the proposed language, and state the recommended changes.
OR
Motion and second to recommend denial of ZOA 2020-01 to City Council for the reasons stated (and state the reasons).

AMS edits June 22 2020 Procedures richard 547 june 16 blue changes 653 (DOCX)

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.76 (ADMINISTRATIVE PROVISIONS), REPLACING EXISTING PROCEDURES WITH A NEW A UNIFORM PROCEDURAL CHAPTER 17.76 (PROCEDURES), ADDING A NEW CHAPTER 17.77 (APPLICATIONS), MODIFYING, CONSOLIDATING, RELOCATING OR REMOVING PROCEDURES AND STANDARDS THE FOLLOWING CHAPTERS ----------,

Annotated to show deletions and additions to the code sections being modified. Deletions are ***bold ~~lined through~~*** *and additions are* ***bold underlined****.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

> 2.1 Powers of the City
> The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.
>
> 2.2 Construction of Charter
> In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,* 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

WHEREAS, the proposed amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

WHEREAS, on February 11, 2020, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) and on February 26, 2020; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

WHEREAS, the Planning Commission, on June 16, 2020, held a public hearing and considered the amendments contained within this ordinance. On July 7, 2020, the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be split between content-based corrections and other provisions to be incorporated into the design review process; and

WHEREAS, the City Council held a public hearing on June 22, 2020. On June 22, 2020 Council closed the record and deliberated on the proposed amendments. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance. After deliberation, Council provided direction and ordinances were returned for required readings on July 13, 2020.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.76 *(Administrative Provisions)* is hereby amended to replace the existing provisions with a new uniform procedural chapter, as follows:

Chapter 17.76 Procedures

17.76.010 Purpose
17.76.020 Summary of Procedure Types
17.76.030 Type I Procedure
17.76.040 Type II Procedure
17.76.050 Type III Procedure
17.76.070 Type IV (Legislative)
17.76.080 Initiation of an Application.
17.76.090 Pre-Application Conference.
17.76.100 reserved
17.76.110 Application Submittal and Completeness Review.
17.76.120 Conditions of Approval.
17.76.130 Effective Date of Decision.
17.76.140 Expiration of Decision.
17.76.150 Extension of Decision.
17.76.160 Public Hearings.
17.76.170 Public Hearings on Cases Remanded from LUBA.
17.76.180 Appeals.

17.76.010 Purpose

A. Purpose. The purpose of this chapter is to establish standard decision-making

procedures for review and processing land use applications and permits, for the following reasons:

1. **To make the review process clear and undertandable for applicants and property owners;**
2. **To enable the public to effectively particpate in the local decision-making process; and**
3. **To facilitate timely review of land use applications and permits by the city.**

17.76.020 Summary of Procedure Types

A. General. All land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application.

B. Description of Procedure Types. There are four types of decision-making procedures:

1. **Type I Procedure. Type I procedures apply to "ministerial" permits and applications. Decisions on ministerial permits and applications are made by the director, based on approval criteria that do not require exercise of policy or legal judgment.**

2. **Type II Procedure. Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective criteria that require only limited discretion in applying approval criteria. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing.**

3. **Type III Procedure. Type III procedures apply to "quasi-judicial" applications. Decisions on quasi-judicial applications are made by either the Planning Commission or the City Council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.**

4. **Type IV Procedure. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council, taking into consideration a recommendation from the Planning Commission, and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties. Type IV procedures require public notice and one or more public hearings.**

C. Determination of Proper Procedure Type. Unless already specified in Table 17.76.020-1, the director shall determine whether an application is processed as a Type I, II, III, or IV

procedure based on the descriptions in subsection B, above. Questions regarding the appropriate procedure shall be resolved in favor of the procedure type providing the widest notice and opportunity to participate.

D. Consolidated Reviews.

1. **Multiple Type II or III applications for a single proposal shall be consolidated and processed concurrently under the highest numbered procedure required for any part of the application. For example, a proposal requesting both Development Review (Type II) approval and Conditional Use Permit (Type III) approval is processed concurrently as a Type III procedure.**
2. **When consolidated, the following processes shall be applied:**
   a. **Separate responses to the applicable criteria shall be submitted for each application;**
   b. **The public notice shall identify each application to be decided; and**
   c. **Separate findings and decisions shall be made on each application.**
3. **If the consolidated proposal includes an application for a comprehensive plan map amendment, the final decision on the plan map amendment shall precede any decision on a proposed zone change and all other decisions on a proposed development. Similarly, the final decision on a zone change shall precede a decision on proposed development review or any other action.**

E. Summary Table. Table 17.76.020-1 summarizes land use applications and permits by procedure.

F. Application Elevation. Notwithstanding Table 17.76.020-1 or the director's determination, an applicant may request to elevate a Type I or II application to a higher numbered procedure type, and the request shall be granted if the director determines that the statutory timelines for reaching a final decision can be met.

G. Application of Days in Procedures. Timelines in this chapter are expressed in 24-hour calendar days, unless the deadline for an action falls on a weekend or legal holiday, in which case the deadline will be considered to be the (calendar) day after the weekend or legal holiday.

Table 17.76.020-1: Land Use Applications and Procedure Types

Application	Procedure Type	Review Authority
Adjustment	Type II	Director

Table 17.76.020-1: Land Use Applications and Procedure Types		
Application	**Procedure Type**	**Review Authority**
Annexation	**Type IV**	**Planning Commission recommends City Council decides**
Appeal	**Type III**	**Planning Commission**
Bed and Breakfast Accommodations	**Type I**	**Director**
Comprehensive Plan Map Amendment	**Type III or IV**	**Planning Commission recommends City Council decides Regardless of Type III or Type IV**
Conditional Use Permit Application	**Type III**	**Planning Commission**
Development Review Application	**Type II**	**Director**
Director's Interpretation	**Type II**	**Director**
Geologic Hazard Report and/or Beach Protective Structure Review	**Type II**	**Director**
Home Occupation Application	**Type I**	**Director**
Lot Line Adjustment	**Type II**	**Director**
Mobile Food Unit Application	**Type I**	**Director**
Modification of Approved applications, plans, or conditions of approval	**Type II or Type III, based upon the procedure type of the original application**	**Director if Type II Planning Commission if Type III**
Natural Resource Development Review	**Type II**	**Director**
Partition	**Type II**	**Director**
Nonconforming – Determining that nonconforming use, site, or structure is lawful	**Type II**	**Director**
Nonconforming – Restoration of a	**Type II – Single-unit dwelling or duplex**	**Director**

Table 17.76.020-1: Land Use Applications and Procedure Types		
Application	**Procedure Type**	**Review Authority**
Substantially Damaged Lawful, Nonconforming Structure or Use	Type III – Multi-unit dwelling, mixed use, or commercial	Planning Commission
Planned Unit Development Preliminary Master Plan Final Master Plan	 Type III Type I	 Planning Commission Director
Subdivision Preliminary Plat Final Plat	 Type III Type I	 Planning Commission Director
Text Amendment	Type IV	Planning Commission recommends City Council decides
Tree Permit	Type I	Director
Vacation Rental Dwelling	Type II	Director
Variance	Type III	Planning Commission
Zone Change	Type III or IV	Planning Commission recommends City Council decides Regardless of Type III or Type IV
Zoning Sign Permit	Type I	Director

17.76.030 Type I Procedure

A. General Description. Type I procedures apply to "ministerial" permits. Decisions are made by the director, based on clear and objective approval criteria, and do not require interpretation or the exercise of policy or legal judgment.

B. When Applicable. Table 17.76.020-1 identifies Type I applications. Applications not listed on Table 17.76.020-1 may be identified as Type I by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required for Type I applications.

D. Application Requirements. Type I applications shall:
   1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application form.
   2. Be accompanied by the required fee adopted by City Council resolution.
   3. Be subject to the completeness review procedures set forth in subsections 17.76.110.D and E.

E. Public Notice. Type I applications do not require public notice.

F. Review Authority. The review authority for Type I applications shall be the director. The director shall approve, approve with conditions, or deny a Type I application within 15 days of being deemed complete.

G. Notice of Decision. The notice of decision consists of the approved permit or application signed by the director or a copy of the permit or application marked "denied" and signed by the director.

H. Effective Date. A Type I decision is final on the date it is signed by the director.

17.76.040 Type II Procedure

A. General Description. Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.

B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed on Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.

D. Application Requirements. Type II applications shall:
   1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.
   2. Be accompanied by the required fee as adopted by City Council resolution.
   3. Be subject to the completeness review procedure set forth in subsections 17.76.110.D. and E.

E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.
   1. After a Type II application has been accepted as complete under subsection 17.76.110.E, the department shall mail a written public notice to the following:
      a. The applicant and applicant's representative;

b. The owners of record of the subject property;
c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most-recently provided property tax assessment roll of the Lincoln County Assessor's Office as provided to the City to determine property owners of record; and
d. Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.

2. The written public notice shall include the following:
   a. A brief description of the request;
   b. The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;
   c. The street address or other easily understood geographical reference to the subject property;
   d. Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);
   e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and
   f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
3. An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.
4. Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.

F. Review Authority. The review authority for Type II applications shall be the director.

G. Decision.
1. Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.
2. The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:
   a. The applicant and applicant's representative;
   b. The owners of record of the subject property;
   c. Any person, group, agency, association, or organization who submitted written comments during the comment period; and
   d. Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.

3. The notice of the decision shall include the following:
   a. A brief description of the request;
   b. A statement of the decision and the applicable approval criteria used in making the decision;
   c. The street address or other easily understood geographical reference to the subject property;
   d. A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;
   e. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;
   f. A statement that the complete file is available for review; and
   g. The name of a department staff member to contact and the telephone number where additional information may be obtained.

I. Appeal.
   1. The decision may be appealed by the applicant, property owner of the subject property, or any person who provided written comments during the public comment period, prior to its closure.
   2. The decision shall become final unless an appeal is filed.
   3. The review authority for an appeal of a Type II application is the Planning Commission.
   4. The appeal shall follow the requirements and procedures of subsection 17.76.180.
   5. The decision of the review authority on the appeal shall be the final decision of the city. Any further appeal shall be made to the Land Use Board of Appeals (LUBA).

17.76.050 Type III Procedure

A. General Description. Type III procedures apply to "quasi-judicial" permits and applications. Decisions on quasi-judicial permits and applications are made by either the Planning Commission or the City Council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.

B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.

C. Pre-Application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.

D. Application Requirements. Type III applications shall:
   1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the

application forms.

2. Be accompanied by the required fee as adopted by City Council resolution.
3. Be subject to the completeness review procedure set forth in subsections 17.76.110.D. and E.

E. Notice of Public Hearing.

1. After a Type III application has been accepted as complete under subsection 17.76.110.E, the department shall mail a written notice of public hearing to the following:
   a. The applicant and applicant's representative;
   b. Owner of record of the subject property;
   c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most-recently provided property tax assessment roll of the Lincoln County Assessor's Office as provided to the City to determine property owners of record;
   d. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site;
   e. At the discretion of the applicant, the department also shall provide notice to the Oregon Department of Land Conservation and Development.
2. The notice of public hearing provided shall include the following:
   a. A brief description of the request;
   b. A list of the applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;
   c. The street address or other easily understood geographical reference to the subject property;
   d. The date, time, and location of the hearing);
   e. A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
   f. The name of a department staff member to contact and the telephone number where additional information may be obtained;
   g. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
   h. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
   i. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
4. Public notices for Type III applications shall be mailed a minimum of 20 days prior to the first evidentiary public hearing.

G. Decision Authority. Table 17.76.020-1 identifies the decision authority for each Type III application.

H. Public Hearing Procedure. The public hearing shall be conducted in accordance with the procedures set forth in subsection 17.76.160.

I. Notice of the Decision.

1. Following a decision on the application, a written decision in the form of a Final Order shall be prepared by the department. The Final Order shall include the following information:

a. The decision to deny or to approve the application and if approved, any conditions of approval necessary to ensure compliance with applicable criteria;

b. A list of the applicable approval criteria by code section number;

c. A statement or summary of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy the applicable approval criteria; and to justify any conditions of approval. The decision authority may adopt or incorporate by reference a staff report or written findings prepared by any party to the proceeding into the Final Order to satisfy this requirement; and

d. A statement of conclusions based on the facts and findings.

2. A Notice of the Decision, including the full Final Order, shall be mailed to the applicant and to all parties of record within 7 days of the date of signing the final order. The decision is final for purposes of appeal on the date the notice of the decision is mailed. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith effort was made to mail the notice.

3. The Notice of the Decision shall include the following:

a. A summary of the decision and a list of any conditions of approval;

b. A description of the subject site reasonably sufficient to inform the reader of its location, including Assessor's Tax Map, Tax Lot number, and site address if available;

c. A statement that the decision is final unless appealed as provided in subsection 17.76.180;

d. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed; and

e. A statement noting that only those persons who made an appearance of record, either in person or by written comment, are entitled to appeal the decision.

4. Final Recommendation on Comprehensive Plan Map Amendments and Zone Changes. A Final Recommendation from the Planning Commission is issued to the City Council for Type III comprehensive plan map or zone changes. Notice of the public hearing for Type III comprehensive plan map or zone changes before City Council is done concurrently with the notice of public hearing before the Planning Commission.

J. Appeal.

1. The decision of the Planning Commission may be appealed to the City Council. Only the applicant, property owner, persons who made an appearance of record at

the public hearing before the review authority, or persons who submitted written comment for consideration of the review authority have standing to appeal.

2. The appeal shall follow the requirements and procedures of subsection 17.76.180.
3. The City Council decision shall be the final local decision. Any further appeal shall be made to LUBA.

17.76.070 Type IV (Legislative)

A. General Description. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.

B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.

C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.

D. Application Requirements.

1. Application forms. Legislative applications must be made on forms provided by the department.
2. Submittal Information. The application shall contain all of the following information:
   a. The information requested on the application form;

   b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and

   c. The required fee as adopted by City Council resolution, except when the City initiates request.

E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:

1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.

2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

   a. Each owner whose property would be directly affected by the proposal (e.g.,

rezoning or a change from one comprehensive plan land use designation to another), see ORS 227.186 for instructions;

b. Any affected governmental agency;

c. Any person who requests notice in writing; and

d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

3. For each mailing of notice, the department shall prepare an affidavit of mailing.

F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circuation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.

G. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on Type IV applications in accordance with the proecures set forth in subsection 17.76.160. In addition to the public hearing held by the Planning Commission, the City Council shall also conduct a public hearing on Type IV applications.

H. Recommendation Authority.

1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes. The Planning Commission's recommendation shall be issued as a Final Recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

J. Decision Authority. Upon receiving the Planning Commission's Final Recommendation, the City Council shall hold a public hearing on the Type IV application.

I. Notice of Decision.

1. Not more than seven days after the date the City Council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the Planning Commmission or the City Council.

2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.

3. The City Council's decision is final for purposes of appeal on the date the notice is mailed.

J. Appeal. The final decision of the City Council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable State law.

17.76.080 Initiation of an Application.

A. Applications may be initiated by either the property owner of record or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser. All applications shall be signed by all property owners of record as shown on the most-current recorded deed, as well as all contract purchasers if applicable, prior to submittal. Type IV applications may also be initiated by the city.

17.76.085 Withdrawal of an Application.

A. An application may be withdrawn by the applicant, applicant's representative, or property owner of record or contract purchaser at any time prior to adoption of a final city decision if the director determines that:

1. The applicant, applicant's representative, and property owners or contract purchasers have all consented in writing to withdraw the application; and

2. The application is not intended to correct an identified code violation on the subject property which would remain unresolved were the application withdrawn.

B. The city may withdraw a city-initiated application at any time.

C. Fees for withdrawn applications are not refundable.

17.76.090 Pre-Application Conference.

A. Purpose. The purposes of pre-application conferences are:

1. To acquaint property owners and applicants with the general requirements of the code, including applicable approval criteria; and

2. To advise the property owners and applicants of previous land use applications associated with the subject property.

B. Pre-application conferences are strongly advised for all applications, but are not required.

C. Pre-application conferences are intended to be advisory only, and are specifically not intended to be an exhaustive review of all potential issues. Participation in a pre-application conference does not absolve the property owners or applicants of any responsibility for legal or technical due diligence investigation.

D. Participation in a pre-application conference does not bind the City to provision of any level of service or approval, nor does it preclude the city from enforcing all applicable regulations or from applying regulations differently than may have been indicated at the pre-application conference.

E. Pre-Application Conference Guidelines.

1. Applicants should provide any available plans for the proposed development. Any plans provided to the City before, during, or after during the pre-application conference may be considered public information, unless specifically requested in writing by the property owners or applicants to remain confidential.

2. The director will coordinate attendance by City staff responsible for development review and infrastructure and building construction requirements as applicable.

3. Pre-application conferences are not open to the general public and are not public meetings. Pre-application conferences are not recorded.

4. The city may or may not provide a brief written summary of the pre-application conference. If provided, the purpose of the written summary is to provide a preliminary assessment of a proposal and shall not be construed as a recommendation by the City or by any other outside agency or service provider on the merits of the proposal.

17.76.110 Application Submittal and Completeness Review.

A. Application Forms and Checklists.

1. Forms for the submittal of all land use applications shall be available in the department. The department shall ensure that these forms comply with applicable standards in state law and city code.

2. Land use applications may include checklists or information sheets detailing specific information and plans to be contained in that application, including document formats.

B. Fees. A fee schedule for land use applications and other department services provided by the city shall be adopted by resolution of the City Council. Required fees shall be paid at the time of application submittal or at the time of request for a particular service.

C. Application Submittal. Land use applications or permits shall be submitted on the appropriate forms from the department.

D. Application Materials. All of the following items must be submitted to initiate the 30 day completeness review of the application, and all information supplied shall be complete and correct as to the applicable facts:

1. Completed application form, including the signature of all property owners shown on the most-current recorded deed, and, if applicable, the signature of all prospective purchases shown on the purchase contract;

2. Payment in full of the appropriate land use application or permit fee(s), based on the fee schedule in effect on the date of application submittal;

3. A written narrative listing the criteria and development standards applicable and relevant to the application and stating the evidence demonstrating the application's compliance with each criterion and standard. If compliance with a criterion or standard is stated to be demonstrated in a plan, drawing, or technical study in the application, the citation in the narrative to the demonstration must be sufficiently specific to allow convenient reference;

4. Required plans and drawings for the particular type of application as noted on the application checklist. Such plans generally include, but are not limited to, the following:

a. Existing conditions plan,

b. Site plan,

c. Building elevations,

d. Landscaping plan,

e. Exterior lighting plan,

f. Grading and erosion control plan, and

g. Public infrastructure and utilities plan.

5. Required technical reports, analyses, assessments, etc. for the particular type of application as noted on the application checklist (e.g., traffic impact analysis, floodplain or wetland delineation, significant natural resource report, geotechnical report, tree survey, noise study, etc.) and/or as required by city code.

6. Upon written request by the applicant prior to application submittal, the director may modify application requirements based on the nature of the proposed application, development, site, or other factors. Any such waiver must be specifically approved by the director in writing prior to submittal.

E. Determination of Completeness and Commencement of Review.

1. To be deemed complete, an application must include all materials, information, and fees listed in subsection 17.76.110.D.1 through 6, unless a specific waiver has been granted by the director under subsection 17.76.110.D.6.

2. The department shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 days after the department receives the submittal.

3. If the application is deemed complete, the completeness notice shall advise the applicant of the commencement of application review and the date of the public hearing if required by the particular application.

4. Determination that an application is complete indicates only that the application is ready for review on its merits, not that the city will make a favorable decision on the application.

5. If an application is deemed to be complete upon initial submittal, approval or denial of the application shall be based on the code standards and criteria that were in effect on the date of submittal. See subsection 17.76.110.F.4 for incomplete applications upon initial submittal.

6. Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 days from the date the application is determined to be or deemed complete unless the applicant agrees to extend the 120 day timeline or unless state law provides otherwise.

7. Pursuant to ORS 227.178, the 120-day timeline may be extended at the written request of the applicant. The total of all extensions may not exceed 245 days beyond the first 120 day extension, or 365 days from the date the application was deemed complete.

F. Determination of Incompleteness.

1. If an application is determined to be incomplete, that determination shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant approval criteria or development standards, or failure to supply the required signatures, information, documents listed on the application, application checklist, or in city code. A determination of incompleteness shall not be based on differences of opinion as to the quality or accuracy of the application.

2. If an application is deemed incomplete, the incompleteness notice shall list what information is missing and allow the applicant to submit the missing information. The incompleteness notice shall also include a statement to the applicant of the need to indicate to the director whether or not the applicant intends to amend or supplement the application.

3. If an application is deemed incomplete upon initial submittal, it shall be deemed complete for purposes of this section when the city receives the following:

a. All of the missing information listed in the completeness notice; or

b. Some of the missing information, together with written notice from the applicant that no other information will be provided; and a request to proceed with review of the application; or

c. Written notice from the applicant that none of the missing information will be provided, and a request to proceed with review of the application.

4. If the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based on the code standards and criteria that were in effect at the time the application was first submitted.

5. The application will be deemed void if it has been on file with the city for 181 days or more and the applicant has not submitted, pursuant to paragraph 3 above, some or all of the required additional information and/or a request to proceed with application review.

17.76.120 Conditions of Approval.

A. Imposition of Conditions. Conditions may be imposed on any Type I, II or III approval, in accordance with relevant city code, to ensure that the proposal complies with the applicable approval criteria and code standards and requirements.

B . Nexus and Proportionality of Conditions. All conditions imposed must have a clear nexus with the development's impacts. Certain conditions must also be proportional to the development's impacts if the conditions affect interests in real property.

C. Challenge to Condition(s). If an applicant asserts that he/she cannot legally be required, as a condition of land use approval, to provide improvements or real property interests at the level required by the code, the applicant shall provide a "development impact analysis" report, prepared by a qualified civil or traffic engineer, as appropriate, showing:

1. The estimated extent to which the improvements will be used by persons served by the building or development, whether the use is for safety or for convenience;

2. The estimated level of improvements needed to meet the estimated extent of use by persons served by the building or development;

3. The estimated impact of the building or development on the public infrastructure system of which the improvements will be a part; and

4. The estimated level of improvements needed to mitigate the estimated impact on the public infrastructure system.

E. Development Impact Analysis Consideration. The development impact analysis shall be considered by the review authority in making a determination whether the condition(s) and required improvements are reasonably related and roughly proportional to the impacts of the proposed development.

G. Modification of Conditions. Modification of conditions of approval may be sought by any of the following methods:

1. Upon appeal of the original application, pursuant to subsection 17.76.180.E; or

2. As a new development application.

H. Violation of Conditions of Approval. Failure to fulfill any conditions of approval within any time limits provided shall constitute a violation of the code and the subject approval will be subject to code enforcement proceedings. Enforcement proceedings may include revocation of the approval.

17.76.130 Effective Date of Decision.

A. Land use action and permit decision on Type I procedures are effective on the date of the director's decision approving or denying the application or permit, as signified by the dated signature of the director. Land use action and permit decisions on Type II and III procedures shall become effective the day after the appeal period expires if no appeal is filed. Type IV legislative actions shall become effective 30 days after the date of adoption, unless specified otherwise in the adopting ordinance.

B. If an appeal is filed on a land use action or permit decision on a Type I, II or III procedure, the decision shall become final and effective upon the date of the written decision of the final local appeal body.

C. Each land use action or permit for a Type II or III procedure shall specify the approval granted or development authorized and shall be subject to the standards and conditions set forth in this code, together with any conditions imposed by the review authority, excepting only those variances or adjustments authorized by the review authority.

17.76.140 Expiration of Decision.

A. Unless a different period of time is established within the decision, or under subsection D below, a land use action or permit granted pursuant to this subchapter expires and becomes void automatically as provided under Table 17.76.140-1 unless one of the following circumstances has occurred:

1. Substantial construction, which includes required infrastructure construction, has begun and is actively in progress in compliance with the land use action or permit approval; or

2. The approved land use has commenced and is in active operation in compliance with any applicable conditions of approval; or

3. An extension application has been filed pursuant to LCMC 17.76.150; or4

4. A copy of the recorded final plat has been submitted to the department within one year of approval of a partition or subdivision or a copy of the recorded survey map has been submitted to the department within one year of approval of the lot line adjustment.

B. If multiple applications are processed concurrently, the review authority shall specify in the Notice of Decision a uniform expiration period for the concurrent applications.

C. If a final local decision is on appeal, the effective date of the decision and corresponding valid period before expiration shall begin when the final decision is issued on the appeal.

D. A comprehensive plan amendment, map amendment, or zone change processed under LCMC 17.77.160 is not subject to expiration or extension.

Table 17.76.140-1 Decision Expirations and Extensions

	Decision Expiration	Extensions Allowed	Review Authority
Type I	1 year	None	Not applicable

Type II	2 years	One extension for 2 years	Director
Type III	2 years	One extension for 2 years	Planning Commission
Type IV	None	Not applicable	Not applicable

17.76.150 Extension of Decision.

A. Written Request for Extension Required. A request for an extension of the expiration date of a decision must be submitted to the department, on the appropriate form provided by the department, prior to the expiration date of the decision.

B. Extension. One extension request may be granted for the applicable period of time as specified in Table 17.76.140-1. If granted, an extension is vested against any code changes adopted since the original decision. The extension is subject to the following approval criteria:

1. The extension is necessary because it is not practicable to begin development within the allowed time for reasons beyond the applicant's reasonable control; and

2. The previous land use decision will not be modified in design, use, or conditions of approval.

17.76.160 Public Hearings.

A. Purposes. The purposes of this section are:

1. To describe rules of conduct, order of proceedings, and action required for legislative and quasi-judicial hearings; and

2. To provide clear and consistent rules to ensure the legal rights of individual property owners and the general public are protected.

B. Applicability. The provisions of this section shall apply to all proceedings on land use applications requiring public hearings under the procedures of this subchapter.

C. Responsibilities of the Director for Public Hearings. For all land use applications requiring public hearings, the Director shall:

1. Schedule the land use application for review and public hearing before the appropriate review authority as required by Table 17.76.020-1;

2. Provide public notice of the public hearing or appeal hearing as required by this code;

3. Prepare and make available to the public a staff report summarizing the proposal, the relevant criteria and issues, and any comments received prior to the public hearing;

4. Mail notice of the decision to those entitled to such notice as specified for the particular application procedure type;

5. Maintain a record of the proceedings; and

6. Prepare minutes of the proceedings, including the decision on the matter heard.

D. Provision of Public Notice. Notice of public hearings shall be provided for applications or appeals as specified in the applicable section of this chapter, based on the procedure type.

E. Compliance with Notice Requirements. Mailed notice shall be deemed to have been provided upon the date the notice is deposited in the mail. Failure of the addressee to receive such notice shall not invalidate the proceedings if it can be demonstrated by affidavit that such notice was given.

F. Rules of Procedure. Public hearings shall be conducted in accordance with the rules of procedure adopted by the applicable review authority, if any, and with applicable state law.

G. Procedural Rights. Subject to the specific standards and limitations set forth in this code, the following procedural rights shall be provided at the public hearing:

1. A reasonable opportunity for those persons participating in the decision to present and rebut evidence; and

2. An impartial review authority.

H. Review Authority Disclosures. Prior to the beginning of a public hearing, the Review Authority members shall disclose any ex parte contacts, biases or conflicts of interest.

1. Review Authority members shall disclose the substance of any significant pre-hearing ex-parte contacts regarding the application as early as reasonably possible during the public hearing on the application, so that persons wishing to participate in the hearing have an opportunity to respond. The member shall state whether the contact has impaired his/her impartiality or ability to vote on the matter and shall participate or abstain accordingly.

2. A member of the Review Authority shall not participate in any proceeding or action in which member has an actual conflict of interest as defined in state law. Any actual or potential conflicts of interest shall be disclosed at the meeting of the Review Authority where the action is being taken.

3. A review authority member may be disqualified due to actual conflicts of interest or actual bias based on a motion if a majority of the review authority members present and voting approve such a motion. The member who is the subject of the motion may not vote.

I. Presentations.

1. The Review Authority may set reasonable time limits for oral presentations. The Review Authority may choose not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral testimony.

2. No testimony shall be accepted after the close of the public hearing unless the Review Authority sets a deadline for receipt of such testimony and provides an opportunity for review and rebuttal prior to making a decision.

3. Counsel for the Review Authority may be consulted on legal or procedural issues without reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard at the discretion of the Review Authority.

4. Staff may confer with the Review Authority after the close of the record on technical review or procedural matters, but may not engage in argument or present additional evidence.

5. The presiding officer shall preserve order at all public hearings and shall decide questions of order subject to a majority vote of the Review Authority. Persons who become disruptive or abusive may be removed from the hearing.

J. Continuance of Public Hearing. Public hearings may be continued in accordance with the rules of procedure adopted by the applicable Review Authority, if any, and with applicable state law.

K. Evidence and Argument. Evidence and argument shall be received and reviewed in accordance with the rules of procedure adopted by the applicable Review Authority and with applicable state law.

L. Burden of Proof. The applicant shall bear the burden of proof that the proposal complies with all applicable approval criteria and development standards.

M. Action by Review Authority Following Public Hearing.

1. An action of the Review Authority on a land use application or appeal may be to:

a. Approve the application as submitted or uphold the appeal;

b. Approve the application with conditions or uphold the appeal with conditions;

c. Approve the application with modified conditions or approve the appeal with modified conditions; or

d. Deny the application or the appeal.

2. Findings in support of any decision shall be made in accordance with the Review Authority's adopted rules of procedure and with applicable state law.

N. Record.

1. Absent mechanical failure or inadvertent error, a verbatim written or mechanical record of the hearing shall be made. In addition, written minutes accurately citing the statements of the participants shall be taken. Such minutes may substitute for a verbatim record in the event of mechanical failure or inadvertent error.

2. An interested party may request a verbatim transcript of the recorded proceedings before the review authority on the matter. Requests for transcripts shall be accompanied by a deposit separate from the appeal fee, as specified in the adopted fee schedule. The City shall maintain an accurate record of the costs of the transcript preparation, and any unexpended portion of the deposit or additional amount due shall be refunded to or payable by the interested party.

17.76.170 Public Hearings on Cases Remanded from LUBA.

A. The procedures in this section shall be used for hearings involving cases either voluntarily or involuntarily remanded from the Land Use Board of Appeals (LUBA).

B. Upon receipt of the remand opinion, the director shall present the opinion directly to the City Council. The director shall inform the City Council of the nature of the remand, and the City Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:

1. Send the matter to a lower review authority; or

2. Set a date to decide the matter without re-opening the public hearing on the case; or

3. Set a hearing date and re-open the public hearing for consideration.

C. When considering a remand, the Review Authority may consider the case in whole or in part.

D. Procedures for public notice and order of proceedings for remands shall comply with LCMC 17.76.160. In cases where a public hearing is held, required notices shall be mailed a minimum of 20 days in advance of any public hearing on the remand.

17.76.180 Appeals.

A. In General. Appeals of director decisions are heard by the Planning Commission. Appeals of Planning Commission decisions are heard by City Council. There is no local appeal of City Council decisions. The City Council decision is the final local decision.

B. Notice of Appeal. Where the appeal authority is the city, Notices of Appeal shall be filed with the department within 12 days of the mailing date of the written notice of the decision. Appeals must be received in the department no later than 5:00 p.m. of the 12th day of the mailing date of the written notice of the decision. At a minimum, the Notice of Appeal shall include the following items:

1. Identification of the decision being appealed, including the case file number, the Review Authority which made the decision, and the date of the Decision;

2. Documentation that the appellant was a party to the initial proceedings;

3. A detailed statement on the basis of the appeal, including which approval criteria, development standards, or conditions of approval were allegedly improperly evaluated or applied to the decision; and

4. Payment of the appropriate fee, as adopted by City Council resolution.

C. Failure to File Notice of Appeal. Failure to file a notice of appeal that fully complies with subsection B above, by 5:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

D. Request for Transcript. Pursuant to Subsection 17.76.160.N.2, the appellant or any interested party may request a verbatim transcript of the recorded proceedings before review authority on the matter.

E. General Procedures Applicable to All Appeals.

1. Public Hearing Required for Appeals. Appeal hearings before the appropriate review body as specified in subsection 17.76.180.A shall be conducted in accordance with the public hearing provisions in applicable state law and in LCMC 17.76.160.

2. Notice of Public Hearing on Appeal. Notices of appeal hearings shall be sent in accordance with the notification requirements in subsection 17.76.050.E.

3. Staff Report. At least 7 days before the date of the appeal hearing, the director shall prepare and make available to the public a copy of the staff report regarding the appeal. A copy of the staff report and recommendation shall be provided to the appeal body, the applicant, and to the appellant.

Copies of the staff report shall also be provided at reasonable cost to the public upon request to the department.

4. Action of Appeal Body. At the conclusion of the hearing on the appeal, the appeal body shall take one of the following actions:

a. Reverse or affirm the decision under appeal at the conclusion of the initial appeal hearing, with or without conditions or changes; or

b. Continue the appeal hearing to a date, time, and location certain, which shall be announced by the presiding officer. Notice of the date, time, and location certain of the continued hearing is not required to be mailed or published;

c. Continue the appeal hearing without announcing a date, time and location certain, in which case notice of the continued hearing shall be provided as was the notice for the initial hearing;

d. Provisions for continuing an appeal hearing or holding the record open as set forth in Subsection 17.76.160.J shall apply under this Code in a manner consistent with state law.

5. Written Decision of Appeal Body. After the public record on the appeal closes, a written decision regarding the appeal shall be prepared. The written decision shall contain the following:

a. A statement of the facts relied upon by the appeal body, which demonstrate the reasons why the decision under appeal is reversed or affirmed based on the applicable criteria and/or standards;

b. A statement of conclusions based on the findings; and

c. An explanation of the basis for any changes in the earlier decision:

i. Denial reversed to approval; with or without conditions;

ii. Approval changed to denial; or

iii. Additions, deletions or revisions to conditions of approval.

6. Mailing Notice of the Decision. Following the adoption of a decision by the appeal authority, the department shall mail the signed and dated decision to the appellant, the applicant, and any other persons who appeared orally or in writing in the record of the appeal.

F. Withdrawal of an Appeal.

1. At any time before the close of an appeal hearing held by any Review Authority, any appellant may withdraw the appeal. Withdrawal of the appeal is subject to the following:

a. If requested before the hearing, the withdrawal must be submitted in writing;

b. Any unexpended portion of the appeal fee will be refunded only if the withdrawal is received before the public notice of the hearing has been sent; and

c. Where multiple people or parties sign and file a single Notice of Appeal, all the parties must consent to the withdrawal of the appeal.

2. A withdrawn appeal cannot be re-filed by any party.

3. If all appeals in a matter are withdrawn, no decision by the Review Authority is necessary.

4. If all appeals are withdrawn, the department shall issue a Notice of Appeal Withdrawal to the applicant, the appellant, and the parties listed in Subsection 17.76.050.F. The Notice of Appeal Withdrawal shall specify the new effective date of the original decision to be the date of the withdrawal of the appeal(s).

SECTION 2. Chapter 17.77 *(Applications)* is hereby added to the Title, as follows:

Chapter 17.77 Applications

17.77.010 Adjustment.
17.77.020 Annexation.
17.77.030 Appeal.
17.77.040 Bed and Breakfast Accommodations Application.
17.77.050 Comprehensive Plan Map Amendment.
17.77.060 Conditional Use Permit.
17.77.070 Development Review.
17.77.080 Director's Interpretation.
17.77.090 Geologic Hazard Report and/or Beach Protective Structure Review; Natural Resources Development Review
17.77.100 Home Occupation Application.
17.77.110 Modification of Approved applications, plans, or conditions of approval.
17.77.120 Planned Development.
17.77.130 Text Amendment.
17.77.140 Variance.
17.77.150 Zone Change.

17.77.010 Adjustment.

A. Procedure.

1. Requests for adjustments are only applicable to adjustments from the standards of Chapter 17.74 LCMC and must be concurrent with the development review application submittal. Adjustments may not be

requested for any other portion of the code other than the items noted in Chapter 17.74 LCMC as being eligible for adjustment.

2. Adjustment requests are processed concurrently with the development review application using the same procedure type as the development review application.

B. Submittal Requirements. In addition to the submittal requirements of the primary application, requests for adjustments shall include a narrative clearly identifying each applicable standard from which an adjustment is requested, citing the reasons for the request, and addressing compliance with the approval criteria in subsection C below.

C. Approval Criteria. To approve an adjustment, the review authority shall make additional findings of fact, based on evidence provided by the applicant, that all of the following criteria are satisfied:

1. The character types and guiding principles, as contained in Section 17.74.050, and the intent statement(s) under the standard to be adjusted can be better met through the proposed alternative design solution; or

2. Necessary characteristics of the allowed use present practical difficulties in meeting a standard. In such cases, the design must provide alternative features to meet the intent of the standard, along with an explanation of how the alternative features meet the intent of the standard being adjusted.

D. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of the primary application to ensure compliance with the adjustment approval criteria.

E. Appeal of a Decision. Refer to LCMC 17.76.180 for the primary application.

F. Expiration of a Decision. Refer to LCMC 17.76.140 for the primary application.

G. Extension of a Decision. Refer to LCMC 17.76.150 for the primary application.

17.77.020 Annexation.

A. Purpose. The annexation application process is intended to facilitate efficient urban and economic development opportunities by transferring jurisdiction over properties within the Urban Growth Boundary from Lincoln County to the City of Lincoln City. The process is intended to comply with the requirements of ORS 222 and ORS 268.

B. Procedure. An annexation application is subject to a Type IV procedure.

C. Submittal Requirements.

1. An annexation application on the application form prescribed by the department must be completed and submitted and must contain the signatures of every current property owner of record.

D. Zone Change Process Concurrent with Annexation Application. A request for zone change from the county zone to an applicable city zone must be submitted with the annexation application on the zone change form prescribed by the department.

E. Approval Criteria. The City may or may not approve an annexation application at its discretion based upon the following:

1. The subject site must be contiguous to city limits.

2. The subject site must be within the urban growth boundary.

3. The city must be willing and able to provide services to the newly annexed area.

4. The deficit of income against expense to the city must not be unreasonable.

5. The advantages of annexing the subject site, both to the city and the subject site, must outweigh the disadvantages of annexation.

F. Conditions of Approval. Approval of an annexation application cannot be conditioned by the city.

G. Appeal of a Decision. The final decision on an annexation application may be appealed to the Land Use Board of Appeals.

H. Expiration of a Decision. The final decision on an annexation application is not subject to expiration.

I. Extension of a Decision. The final decision on an annexation is not subject to extension.

17.77.030 Appeal.

A. Procedure. Appeals are subject to the Type III procedure, as described in LCMC 17.76.050.

B. Submittal Requirements.

1. Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

17.77.040 Bed and Breakfast Accommodations Application.

A. Purpose. The purpose of a bed and breakfast accommodations application is to allow owners of dwellings to use their dwelling as a bed and breakfast accommodation, while establishing criteria and standards to ensure that bed and

breakfast accommodations are subordinate to the residential use, and are in appearance and operation neither detrimental nor disruptive to neighboring properties and residents.

B. Procedure. Bed and breakfast accommodation applications are subject to the Type I procedure as described in LCMC 17.76.030.

C. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

D. Approval Criteria. To approve a bed and breakfast accommodation application, the review authority shall review the submitted materials to ensure that the following criteria are satisfied:

1. The zoning of the subject property lists a bed and breakfast accommodation as an allowed use;

2. The proposal complies with the standards for bed and breakfast accommodations in LCMC 17.80.060.

E. Conditions of Approval. The review authority may impose conditions on approval of a bed and breakfast accommodation application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Invalidation of a Decision. Approval of a bed and breakfast accommodation application is site-specific to the property and the original applicant. If an applicant moves, the bed and breakfast accommodation application approval becomes invalid unless a new bed and breakfast accommodation application is approved for the subsequent occupant of the property.

17.77.050 Comprehensive Plan Map Amendment.

A. Purpose. A Comprehensive Plan Map Amendment application provides a process to consider a proposed amendment to the Comprehensive Plan Map.

B. Procedure. A Comprehensive Plan Map Amendment application is reviewed using either the Type III or Type IV procedure.

C. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050. Type IV application submittal requirements are set forth in LCMC 17.76.060

D. Approval Criteria. To approve a Comprehensive Plan Map Amendment, the Review Authority shall make findings of fact, based on evidence provided, that the request is consistent with the comprehensive plan and with the statewide planning goals.

E. Conditions of Approval. Approval of a Comprehensive Plan Map Amendment application cannot be conditioned by the city.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. An approved Comprehensive Plan Map Amendment does not expire.

H. Extension of a Decision. An approved Comprehensive Plan Map Amendment is not subject to extension.

17.77.060 Conditional Use Permit.

A. Purpose. In all zones, conditional uses listed in that zone may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.

B. Procedure. Conditional use permit requests are subject to the Type III procedure, as described in LCMC 17.76.050.

C. Submittal Requirements.

1. Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

2. At a minimum, an application for a conditional use shall include the following:

a. An application form signed by the applicant and every current property owner of record as shown on the most-current recorded deed;

b. Full payment of the application fee, based on the fee schedule in effect on the date of submittal;

c. Existing Conditions Plan;

d. Site Plan;

e. Landscape Plan;

f. Building Elevations (for new construction);

g. Phasing Plan (if phasing is proposed)

h. Traffic Impact Study pursuant to LCMC 17.52.???

i. Narrative addressing compliance with each approval criterion and applicable standard.

D. Approval Criteria. In order to grant any conditional use, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The proposal is in compliance with the comprehensive plan;

2. The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title;

3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;

4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;

5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.

E. Conditions of Approval. Pursuant to LCMC 17.76.120, the Planning Commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding properties or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

1. Increasing required lot size, setbacks, common open spaces, or screening and buffering areas;

2. Requiring fences, screening walls, landscaping, or screening/buffering where necessary to reduce noise and glare from the use, and maintain the property in a character in keeping with the surrounding area;

3. Requiring landscaping and maintenance thereof;

4. Increasing street widths and/or controlling the location and number of vehicular access points to the property for ingress/egress;

5. Requiring means of pedestrian/bicycle pathways to serve the property;

6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking area;

7. Limiting size, location, and number of signs;

8. Limiting the location, coverage, or height of buildings because of obstruction to view and reduction of light and air to adjacent properties;

9. Limiting or prohibiting openings in sides of buildings or structures;

10. Enclosure of outdoor storage areas and limitation of outside displays and/or storage of merchandise;

11. Requiring maintenance of grounds;

12. Regulation of noise, vibration, odors, etc.;

13. Regulation of time for certain activities;

14. Establishing a time period within which the proposed use shall be developed;

15. The requirement of a bond for removal of such use within a specified period of time;

16. Increase the size, type, or capacity of any or all utility services, facilities, or appurtenances;

17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the review authority and new conditions imposed;

18. Requirements for providing the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers, or other necessary and essential public improvements to city standards; and/or

19. Any such other conditions that will make possible the development of the city in an orderly and efficient manner and inconformity with the intent and purposes set forth in this title and the comprehensive plan.

F. Appeal of a Conditional Use Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Use permit to run with the land. A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

17.77.070 Development Review.

A. The purpose of development review is to establish a coordinated process to ensure that new development is in compliance with the requirements of this title prior to the submittal of structural permit applications, or in instances where structural permit applications are not necessary prior to the commencement of any development. The development review application shall demonstrate that the proposed development will comply with all of the applicable requirements of this title, and that the arrangement of all buildings, structures, access points, parking and loading facilities, landscaping, exterior lighting, stormwater facilities will avoid traffic congestion and will provide for pedestrian and vehicular safety and welfare.

1. Development review does not replace, or excuse applicants, property owners, or developers from obtaining, any other permits or approvals required by this title, by the Lincoln City Municipal Code, or by any other local, state, or

federal law or authority applicable to the proposed development, including but not limited to sign, tree removal, structural, demolition, grading and erosion control, conditional use, planned development, and/or land division permits.

B. Applicability. Except as exempted below in subsection (C) of this section, development review approval is required before any structural permit is issued authorizing development and before any outdoor storage area or parking lot development commences in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NPD, and OPD zones, and before any nonresidential structural permit is issued authorizing development and before any nonresidential outdoor storage area or parking lot development commences in any other zone.

C. Exemptions. The activities, development and construction projects listed below are exempt from development review:

1. Detached single-unit dwellings, attached single-unit dwellings, manufactured homes, and duplexes;

2. Routine repairs and maintenance;

3. Interior remodeling of an existing building or structure (also called tenant improvements) or building alterations required to meet ADA or Oregon Residential Specialty Code or Oregon Structural Specialty Code requirements as applicable;

4. Temporary structures associated with temporary uses;

5. Accessory structures that don't require a structural permit;

6. Construction, alteration, or maintenance of public infrastructure including streets, traffic control devices, drainage ways, sanitary and storm sewers, stormwater quality facilities, water lines, electrical power or gas distribution lines, or telephone or television cable systems;

7. Type I applications;

8. Exterior remodeling of a structure where no portion of the remodeled area is visible to public right-of-way; or

9. Development meeting all of the following criteria:

a. The development proposes no new structures that require a structural permit; and

b. The development involves either no expansion of an existing structure or expansion of an existing structure by 800 square feet or less; and 800 square feet or less in total; and

c. The development does not change existing on-site traffic circulation patterns; and

d. The development adds less than three additional parking spaces.

E. Procedure. Development review applications are subject to the Type II procedure as described in LCMC 17.76.040, unless any of the following circumstances apply:

1. The applicant chooses to submit as a Type III procedure; or

2. A Type III application is necessary to approve one or more of the uses proposed in the development, in which case the development review application shall be processed concurrently with the Type III application as a Type III procedure.

F. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

G. Concurrent Applications for Adjustments. Requests for adjustments to standards required in Chapter 17.74 LCMC shall be processed concurrently with the development review application.

H. Approval Criteria. To approve an application for development review, the review authority must find that the development, as described in the submitted application, either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to conditions that shall ensure compliance with all of the requirements of this title.

I. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a development review application to ensure compliance with the requirements of this title.

J. Appeal of a Decision. Refer to LCMC 17.76.180.

K. Expiration of a Decision. Refer to LCMC 17.76.140.

L. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.080 Director's Interpretation.

A. Purpose. The purpose of the director's interpretation application is to provide a process to clarify terms or phrases within this title which may require further interpretation. The director's interpretation application also provides a means to assign new or noncategorized uses to permitted, accessory, or conditional uses in a zone. Interpretations of code terms, intent, or meaning are different from other land use applications in that they are an interpretation of language and policy, as opposed to an evaluation of a use or development. A DI application may be submitted in advance of, or concurrent with, an application, permit, or other action.

B. Director's Authority to Initiate an Interpretation. The director may initiate a director's interpretation on behalf of the city, either specific or not specific to a particular property or circumstance. The director may also initiate an interpretation when there is a reasonable dispute or lack of clarity regarding permitted uses on a property. If initiated by the director, the director's

interpretation shall be processed as either a Type I or Type II application under the requirements of this section, and shall include the materials specified in subsection E with the exceptions of an application form and payment.

C. Director's Authority to Decline an Application.

1. The director has the authority to consider the request for an interpretation, and shall respond within 30 days following the date of the request, as to whether or not a requested interpretation will be issued.

2. The director may issue or decline to issue a requested interpretation. The director's decision to decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation. The decision to decline to issue an interpretation is not subject to local appeal.

D. Procedures. A director's interpretation not specific to a particular property or circumstance, is subject to the Type I procedure, as described under LCMC 17.76.030. A director's interpretation for a particular property is subject to the Type II procedure, as described in LCMC 17.76.040.

E. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030. Type II application submittal requirements are set forth in LCMC 17.76.040. More specific submittal requirements are provided on application forms and checklists as authorized in Section 17.76.110.

F. Standards for Assignment of a Use. The assignment of a use to a particular zone, either as permitted or conditional, by the director shall be based on findings that the proposed use:

1. Shares common characteristics with other permitted or conditional uses in the zone;

2. Has intensity, density and off-site impacts similar to other permitted or conditional uses in the zone; and

3. Has impacts on public facilities, including streets; sewer, water and stormwater systems; schools; and police and fire services similar to other permitted or conditional uses in the zone.

G. Standards for Interpretation. An interpretation of terms, intent, or meaning shall be as consistent as possible with the standards listed below. Not all of the standards need to be met for an interpretation to be issued.

1. The proposed interpretation is consistent with the common meaning of the words or phrases at issue.

2. The proposed interpretation is consistent with relevant policy direction from official city documents such as the Comprehensive Plan and its supporting documents.

3. The proposed interpretation is consistent with the interpretation of other portions of this title.

4. The proposed interpretation is consistent with regional, state, and federal laws and court rulings that affect the words or phrases at issue.

H. Limitations on Director's Interpretation.

1. The director may interpret provisions of this title, but shall not issue any legal opinion or interpretation of case law.

2. A director's interpretation does not establish precedent, and does not bind any review authority in current or future decisions regarding the subject property or application or similar properties or applications.

3. A director's interpretation does not run with the land unless the development is substantially consistent with the description in the director's interpretation.

I. Expiration of a Decision. A director's interpretation does not expire unless superseded by a subsequent director's interpretation, comprehensive plan amendment, or ordinance amendment.

J. Appeal of a Decision. Refer to LCMC 17.76.180.

17.77.090 Geologic Hazard Report and/or Beach Protective Structure Review; Natural Resources Development Review

A. Procedure. Geologic hazard report, beach protective structure review, and natural resources development review are subject to the Type II procedure as described in LCMC 17.76.040.

B. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110, as well as Chapter 17.46 and Chapter 17.47 LCMC.

C. Approval Criteria.

1. See Chapter 17.47 LCMC for approval criteria for geologic hazard report and beach protective structure review.

2. See LCMC 17.46.050 for approval criteria for natural resources development review.

D. Conditions of Approval. The review authority may impose conditions of approval to ensure compliance with the approval criteria.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Refer to LCMC 17.76.140.

G. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.100 Home Occupation Application.

A. Purpose. The purpose of a home occupation application is to allow residents an opportunity to use their dwelling unit to conduct small-scale business activities, while establishing criteria and standards to ensure that home occupations are subordinate to the residential use of the dwelling unit, and are in appearance and operation neither detrimental nor disruptive to neighboring properties and residents.

B. Procedure. Home occupation applications are subject to the Type I procedure as described in LCMC 17.76.030.

C. Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110. At a minimum, a home occupation application shall include the following:

1. An application form signed by every current property owner as listed on the most-current recorded deed;

2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal; and

3. A floor plan of the dwelling unit to be used for the home occupation with the areas to be used for the home occupation clearly indicated.

D. Approval Criteria. To approve a home occupation application, the review authority shall review the submitted materials to ensure that the following criteria are satisfied:

1. The zoning of the subject property lists a home occupation as an allowed use;

2. The proposal complies with the standards for home occupations in LCMC 17.52.010.E and the definition for home occupations in LCMC 17.08.010.

E. Conditions of Approval. The review authority may impose conditions on approval of a home occupation application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Refer to LCMC 17.76.140.

H. Extension of a Decision. Refer to LCMC 17.76.150.

I. Invalidation of a Decision. Approval of a home occupation application is site-specific to the property and the original applicant. If an applicant moves, the home occupation application approval becomes invalid unless a new home occupation application is approved for the subsequent occupant of the property.

17.77.110 Modification of Approved applications, plans, or conditions of approval.

A. Purposes. The modification process allows approved applications, plans, or conditions of approval to be modified under an appropriate review process without initiating repetition of the original application.

B. Applicability. The following applications, approved through the provisions of this code, may be modified pursuant to this section:

1. Development Review;

2. Conditional Use;

3. Planned Development.

E. Procedure for Modifications. Modification applications are subject to the Type II procedure as described in LCMC 17.76.040 or the Type III procedure as described in LCMC 17.76.050, based upon the procedure type of the original application.

F. Submittal Requirements. Type II and Type III application submittal requirements are set forth in LCMC 17.76.040 and 17.76.050, respectively.

G. Scope of Review. The scope of review for a modification shall be limited to the modification request.

H. Approval Criteria. To approve modification application, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. The location, size, and functional characteristics of the modified development can be made reasonably compatible with, and would have a minimal impact on, properties surrounding the subject site; and

2. New elements are provided that functionally compensate for any negative effects caused by the requested modification(s). New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed.

3. The criteria in paragraphs 1 and 2 above shall be applied only to the area and/or lots within the development that are affected by the proposed modification.

4. The proposed modification shall demonstrate compliance with the approval criteria of the original application.

I. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a modification application to ensure compliance with the original approval criteria.

J. Appeal of a Decision. Refer to LCMC 17.76.180.

K. Expiration of a Decision. Refer to LCMC 17.76.140.

L. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.120 Nonconforming – Determination That Nonconforming Use, Site, or Structure is Lawful.

A. Procedure for Determination that a nonconforming situation is lawful. Determination that a nonconforming use, site, or structure is lawful is subject to the Type II procedure as described in LCMC 17.76.040.

B. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040.

C. Approval Criteria. To determine that a nonconforming use, site, or structure is lawful, the review authority shall make findings of fact, based on evidence provided, showing that:

1. The nonconforming situation was permitted by the standards and regulations in existence at the time established; and

2. The nonconforming situation continued without discontinuance or abandonment as provided under Chapter 17.64 LCMC.

D. Conditions of Approval. Determinations of nonconforming situations are not conditioned.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of the Decision. The decision for determination of a nonconforming situation does not expire.

G. Extension of a Decision. The decision for determination of a nonconforming situation is not subject to extension.

17.77.120 Planned Development.

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 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 development approach may allow certain commercial uses subject to the specific limitations of this section.

B. Allowable Density. The allowable residential density in a planned development that meets only the minimum planned development 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.

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."

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."

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

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.

E. Residential Density Bonuses.

1. Density in excess of the maximum base residential density for the underlying zone may be considered for projects that comply with the density bonus standards. The amount of density bonus shall be determined by the type of density bonus standards incorporated in the development proposal.

2. Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, and in the R-1-10 zone is 4.36 units per acre

3. If an applicant requests one or more density bonuses the review authority shall determine, based on evidence supplied by the applicant, any other person, or staff, whether the applicant has complied with the bonus density standards. If the review authority determines that the applicant has complied with one or more bonus density standards it shall assign the applicable density bonus points and multiply the maximum base residential density by the applicable density bonus points. The result is the total number of additional residential units allowed for the project above the maximum base residential density.

4. Density Bonus Standards. If an applicant desires to be allowed to develop a number of residential units above the maximum base residential density the applicant shall comply with one or more of the following bonus density standards. The density bonus points for each density bonus standard are in parentheses at the end of each standard.

a. Floodplain.

i. Requirement. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, the portions in the floodplain must be developed according to the National Flood Insurance Program requirements.

ii. Density Bonus Standard. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, develop only on portions of the site that are not in the 100-year floodplain or on portions that have been previously developed. (0.01 point.)

b. Steep Slopes.

i. Requirement. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed, do not disturb slopes greater than 40 percent and do not disturb portions of the project site within 50 feet of the top of such slopes, and 75 feet from the toe of such slopes.

ii. Density Bonus Standard. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed sites, limit development to no more than 40 percent of slopes between 25 percent and 40 percent, and to no more than 60 percent of slopes between 15 percent and 25 percent, and locate development such that the percentage of the development footprint that is on pre-project slopes less than 15 percent is greater than the project's total percentage of buildable land that has pre-project slopes less than 15 percent. (0.01 point.)

c. Protected Species Habitat.

i. Requirement. If designated critical habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on or adjacent to the project site, do not disturb that critical habitat or portions of the site within an appropriate buffer around the critical habitat.

ii. Density Bonus Standard. If habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on the project site, do not disturb that habitat or portions of the site within an appropriate buffer around the habitat, with habitat connections or corridors (including connections to habitat on adjacent parcels) in mind. The geographic extent of the habitat and the appropriate buffer shall be identified by a qualified biologist (as determined by the planning and community development director) or the appropriate federal or state agency. Protect the habitat and its identified buffers from development in perpetuity by donating or selling the land or a conservation easement on the land to an accredited land trust or relevant public agency. (0.02 points.)

d. Public Transit.

i. Requirement. Design streets so that pullouts and public transit shelters may be added in the future without the need to acquire additional rights-of-way or relocate any sidewalks or utility lines.

ii. Density Bonus Standard. Provide covered and at least partially enclosed public transit shelters, adequate to buffer wind and rain, at appropriate locations within the project boundaries. If public transit does not serve the area of the project, provide pullouts at appropriate locations within the project boundaries so that public transit shelters may be added in the future. (0.01 point.)

e. Accessible Design.

i. Requirement. Design and build all buildings to comply with the minimum requirements of the Americans with Disabilities Act.

ii. Density Bonus Standard. For each residential unit type developed, design 20 percent (and not less than one) of each type to comply with the accessible design provisions of the Fair Housing Amendments Act (FHAA) and Section 504 of the Rehabilitation Act (Rehabilitation Act), as applicable. Separate residential unit types include: single-family, duplex, triplex, multi-unit row or townhouses, and mixed use buildings that include residential units. All paths of travel between residential units and other buildings within the project shall comply with the accessible design provisions of the FHAA and Rehabilitation Act, as applicable; and facilities and rights-of-way shall comply with the accessible design provisions of the FHAA, the Rehabilitation Act, or the Americans with Disabilities Act, as applicable. (0.01 point.)

f. Energy Efficiency.

i. Requirement. None.

ii. Density Bonus Standard. (0.02 point).

(A) For new residential structures of three stories or fewer, build and equip the structures to qualify as an Energy Star Home by either a performance path (through a HERS Index rating) or a prescriptive path (Building Option Package or BOP); and

(B) For nonresidential structures and residential structures of more than three stories, demonstrate a minimum 10 percent improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2007 (without addenda) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Appendix G requires that this energy analysis include all of the energy costs within and associated with the building project. The proposed design must comply with the mandatory provisions (Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) in Standard 90.1-2007 (without addenda), must include all the energy costs within and associated with the building project, and must be compared against a baseline building that complies with Appendix G to Standard 90.1-2007 (without addenda).

The default process energy cost is 25 percent of the total energy cost for the baseline building. For buildings where the process energy cost is less than 25 percent of the baseline building energy cost, the applicant must provide supporting documentation substantiating that process energy inputs are appropriate. For the purposes of this analysis, process energy is considered to include, but is not limited to, office and general miscellaneous equipment, computers, elevators and escalators, kitchen cooking and refrigeration, laundry washing and drying, lighting exempt from the lighting power allowance (e.g., lighting integral to medical equipment) and other (e.g., waterfall pumps). Regulated (nonprocess) energy includes lighting (such as for the interior, parking garage, surface parking, facade, or building grounds, except as noted above), HVAC (such as for space heating, space cooling, fans, pumps, toilet exhaust, parking garage ventilation, kitchen hood exhaust, etc.) and service water heating for domestic or space heating purposes.

g. Outdoor Water Conservation.

i. Requirement. For irrigation, design and install all irrigation systems in the project so that they do not spray onto or otherwise directly place irrigation water onto impervious surfaces such as roads, driveways, parking lots, and sidewalks.

ii. Density Bonus Standard. For irrigation, design and install all irrigation systems in the project that use only captured rainwater, recycled wastewater, recycled graywater, or install landscaping that does not require permanent irrigation systems. Temporary irrigation systems used for plant establishment are allowed only if removed within one year of installation. (0.01 point.)

h. Indoor Water Conservation.

i. Requirement. None.

ii. Density Bonus Standard. Design and construct at least 90 percent of all buildings in the project such that they meet one of the following requirements according to the appropriate category (0.01 point):

(A) For nonresidential buildings and residential buildings over three stories, employ strategies that in aggregate use 30 percent less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Calculations are based on estimated occupant usage and shall include only the following fixtures (as applicable to the building): water closets, urinals, lavatory faucets, showers, and kitchen faucets.

(B) For residential buildings three stories or fewer, install fixtures that comply with all of the following requirements:

(1) The average flow rate for all lavatory faucets must be no more than 2.0 gpm.

(2) The average flow rate for all shower heads must be no more than 2.0 gpm.

(3) The average flow rate for all toilets, including dual-flush toilets, must be no more than 1.3 gpf.

i. Tree Preservation.

i. Requirement. Comply with the requirements of LCMC 17.52.220.

ii. Density Bonus Standard. For each two percent of canopy cover provided by trees that are preserved and incorporated into a development plan, a 0.01 point density bonus may be granted. The bonus is not applicable to trees preserved in areas that would otherwise be precluded from development, including floodplains, slopes greater than 25 percent, drainage ways, or wetlands. No more than a 0.10 point density bonus may be granted for any one development.

F. Affordable Housing Bonus. An additional density bonus of 10 percent above the maximum base residential density shall be available for projects incorporating an affordable housing element. For the purposes of this section an affordable housing element must include the following components:

1. At least five percent of the total number of dwelling units in the project must be affordable units.

2. The affordable units must be incorporated into the overall project and not be clustered into a separate area of the project. This provision is not intended to prohibit "cottage clusters" of affordable units; provided, that such clusters are themselves incorporated into the overall project and not clustered into a separate area of the project.

To be considered "affordable" a unit must meet affordability standards as adopted by the city. Alternatively the developer may transfer title to individual lots dedicated to affordable housing to the Lincoln County Land Trust or other organization approved by the planning and community development director for development by that entity as affordable housing.

G. Large-Scale, Mixed Use Planned Developments. This subsection sets forth special provisions for large-scale, mixed use planned developments 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 planned development that is 100 acres or larger, has direct access to an arterial street, and designates at least 35 percent of the gross planned development site area as open space.

2. Limited Recreational Commercial Uses Permitted.

a. Uses Allowed. In addition to residential uses, the following recreational commercial uses may be permitted in large-scale, mixed use planned developments located in residential or commercial zones, subject to the limitations in subsection (G)(2)(b) of this section:

i. Motels, hotels, and resorts;

ii. Cabins and yurts used for overnight accommodations;

iii. Eating or drinking establishments without drive-up service facilities;

iv. Retail sales, exclusive of drive-up service facilities;

v. Day spas;

vi. Child day care facilities;

vii. Religious institutions and houses of worship;

viii. Convention centers and meeting facilities;

ix. Time-share units;

x. Bed and breakfast accommodations;

xi. Public use or public utility;

xii. Utility substation;

xiii. Outdoor commercial amusement establishments;

xiv. Essential emergency communications and warning facilities;

xv. Emergency shelters;

xvi. Mixed use incorporating one or more of the uses listed here.

b. Limitations. In addition to such conditions and restrictions as the planning commission may deem appropriate, the following limitations apply to commercial uses in large-scale, mixed use planned developments located in residential or commercial zones:

i. The combined area of commercial uses, including associated parking areas, may not exceed 15 percent of the gross site area;

ii. Commercial uses must be located a minimum of 100 feet from existing off-site residential buildings;

iii. No commercial or mixed use buildings may exceed 45 feet in height (unless approved by a vote of the people pursuant to the provisions of LCMC 17.52.190); and

iv. Recreational commercial uses are subject to the design standards of Chapter 17.74 LCMC.

3. Applications for large-scale, mixed use planned developments shall meet the requirements of OAR 660-012-0060, and be subject to the following:

a. A transportation impact analysis (TIA) shall be required at the time of application to determine if the proposed change would significantly affect an existing or planned transportation facility. The TIA shall demonstrate that the development does not significantly impact the transportation system as defined by OAR 660-012-0060(1); or the development shall be made consistent with the transportation system as allowed in OAR 660-012-0060(2). The TIA, findings of significant effect/no significant effect, and proposed mitigation measures shall be sent to the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation for acknowledgment (concurrence).

b. To be consistent with OAR 660-012-0060, the analysis as indicated in subsection (G)(3)(a) of this section shall include a review process that includes adequate public notice and a public hearing, with the right to appeal.

c. Where access to US-101 is proposed as part of a large-scale, mixed use PUD, a valid ODOT highway approach road permit must be provided to Lincoln City before development permits may be issued.

H. Preliminary Master Plan Application. The preliminary master plan, which must include a drawing showing the layout of the proposed planned development, must contain the following information:

1. Proposed name of the planned development;

2. Date, north point and scale of drawing;

3. Appropriate identification clearly stating that the drawing is a preliminary planned development master plan;

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

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

6. The following:

a. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development;

b. Contour lines having the following minimum intervals:

i. Two-foot contour intervals for ground slopes less than 10 percent; and

ii. Five-foot contour intervals for ground slopes 10 percent or greater. Contours shall be based on contour maps provided by the city or other data approved by the city engineer;

c. Location of at least one temporary benchmark within the planned unit development boundaries or the source of the contour line data shown. (Source and accuracy subject to city engineer's approval);

d. Location and direction of all water courses and natural features such as rock outcroppings, marshes and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately 25 inches in circumference) or more, measured at a point 54 inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed;

e. Proposed streets, including location, widths and approximate radii or curves;

f. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement;

g. The types of housing proposed within the planned development, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location;

h. Sites, if any, allocated for:

i. Places of worship;

ii. Public or private Parks, schools, and playgrounds;
iii. Public buildings;
iv. Open space;
v. Commercial uses, specifying the type of each.
i. Area coverage of existing and proposed structures, lots, streets or other development.
I. Supplemental Preliminary Master Plan Information. The applicant 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;
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;
3. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pretreatment facilities and the water distribution system;
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;
5. A description of any residential density bonus the applicant is requesting, including evidence demonstrating compliance with applicable density bonus standards;
6. Proposed number of residential units;
7. An approximate tabulation of all dwelling units by type;
8. A narrative description of the planned development and the manner in which it meets the purpose set out in subsection (A) of this section;
9. A statement describing the present and proposed ownership;
10. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be relandscaped;
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;
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.
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 six 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; 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 director, and clearly indicating the information required by this subsection.
d. Tree Protection. Unless specifically exempted by the director, a statement describing how trees intended to remain will be protected during tree removal and construction and how remaining trees will be maintained.
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 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.
L. Consideration of Preliminary Master Plan. Preliminary master plans shall be processed as a Type III procedure as set forth in LCMC 17.76.050. The planning commission's consideration of the preliminary master plan shall be subject to the following:
1. The planning 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 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 following criteria.
a. The proposed planned 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 development.
b. Construction of the planned 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 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.
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 review authority 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.
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.
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.
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.
2. The planning commission, in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.
M. Procedure Following Expiration of Preliminary Master Plan. If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as-yet unbuilt portions of the development, then a complete new application must be submitted prior to development of the undeveloped portions. This complete new application shall be treated as an original application for the undeveloped portions of the site and shall be subject to all of the procedures and requirements in place at the time of submittal.
N. Submission of Tentative Subdivision Plan. If an approved preliminary planned development master plan provides for the subdivision of land within the planned development, then within such period or periods of time as required by the preliminary planned development master plan approval, an applicant shall file a tentative subdivision plan for the planned development or for phases of the development, if phasing is permitted. The submittal requirements, procedures and approval requirements for the tentative subdivision plan shall be as set out in LCMC Title 16.
O. Consideration of Final Master Plan.
1. Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted

following the Type I procedure as set forth in LCMC 17.76.030. The final master plan may be submitted in development phases; provided, that:

a. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the planned development is located; or

b. Prior to the development of any phase that will not exist as such a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county deed records, such as conditions, covenants and restrictions. The restrictions shall be applicable to other areas of the planned development not yet proposed for development, and shall be sufficient to assure that:

i. The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards;

ii. The phase has met any applicable reevaluation requirement imposed during the preliminary master plan approval process; and

iii. The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.

2. The final master plan must be in sufficient detail to allow the review authority to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan. In addition, the final master plan shall include:

a. Detailed landscaping plans showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation;

b. Detailed water, sewer, drainage and drainage pretreatment, storm water detention and street system plans, including:

i. Central line profiles showing finished grades of all streets;

ii. Cross sections of proposed streets showing widths of roadways, curbs, locations and widths of sidewalks and locations and sizes of utility mains;

iii. Profiles of sanitary sewer, street drainage, drainage pretreatment, storm water detention and water distribution systems, showing pipe size and location of valves and fire hydrants, all to conform to city standards;

iv. The estimated cost of street, sewer, drainage and drainage pretreatment, storm water detention, water, and other public infrastructure improvements within the planned development.

3. The review authority shall approve the final master plan if the final master plan meets all of the following criteria:

a. The plan is consistent with the preliminary master plan and all conditions applicable to it; and

b. All utility systems conform to city standards or are otherwise approved by the city engineer and landscaping conforms to city standards.

R. Requirements Following Final Master Plan Approval.

1. A certified print of the approved final planned development master plan shall be provided by the applicant without charge to the office of the city recorder.
2. Proposals to make changes in the final master plan after it has been approved shall be considered the same as a new planned development application.
3. Proposals to make minor changes in the final master plan after it has been approved may be approved by the city manager or the city manager's designated representative. Minor changes consist only of changes that will not have public visibility and that:
a. Do not increase densities;
b. Do not change boundaries;
c. Do not change any use, specific or general, described in the final master plan; and
d. Do not change the location or amount of land devoted to specific land uses.
4. A final planned development plat shall be filed with and approved by the city in accordance with the final platting requirements of LCMC Title 16 (Subdivisions) and recorded with Lincoln County, within one year of the approval of a final master plan. One extension of time for no more than one year may be granted, for good cause, through a Type III procedure. No additional extensions may be granted. If a final planned development plat is not filed, approved, and recorded as required by this section, then the planned development approval shall become void as of the date the filing requirement no longer can be met.
5. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in LCMC 17.52.240(L) and shall obtain any required permits.

17.77.130 Text Amendment.

A. Purpose. The text amendment process shall be used for legislative amendments to this title, Title 16, or the comprehensive plan. Such amendments are necessary to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.

B. Procedure. Text amendments are subject to the Type IV procedure, as described in LCMC 17.76.060. However, the director is authorized to make typographical, grammatical and cross-referencing corrections as needed without initiating the text amendment process.

C. Submittal Requirements. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and

2. The text amendment is consistent with relevant provisions of the Statewide Planning Goals, the Oregon Administrative Rules, and State statutes.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Text amendments are not subject to expiration.

G. Extension of a Decision. Text amendments are not subject to extension.

17.77.140 Variance.

A. Procedure. Variance applications are subject to the Type III procedure, as described in LCMC 17.76.050.

B. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

C. Approval Criteria. To approve a variance, the planning commission shall make findings of fact, based on evidence provided, that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the property owner has no control;
2. The variance is necessary for the preservation of a property right of the property owner which is substantially the same as owners of other property in the same zone or vicinity possess;
3. The variance should not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city planning policy;
4. The variance requested is the minimum variance which would alleviate the hardship.

D. Appeal of a Decision. Refer to LCMC 17.76.180.

E. Expiration of a Decision. Refer to LCMC 17.76.140.

F. Extension of a Decision. Refer to LCMC 17.76.150.

17.77.150 Zone Change.

A. Purpose. Zone change applications provide a process for consideration of quasi-judicial or legislative amendments to the zoning map to implement property designations on the comprehensive plan map or to apply new zones reflecting changing community conditions, needs, and desires.

B. Procedure. Zone change applications are reviewed through the Type III or Type IV procedure.

C. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. To approve a zone change, the City Council shall make findings of fact, based on evidence provided, that the request is consistent with the comprehensive plan and statewide planning goals.

E. Conditions of approval. Approval of a zone change application cannot be conditioned by the city.

F. Appeal of a Decision. Refer to LCMC 17.76.180.

G. Expiration of a Decision. Zone changes are not subject to expiration.

H. Extension of a Decision. Zone changes are not subject to extension.

SECTION 3. Chapter 17.12 *(Zoning Districts Established), Section 17.12.010 (Classification of Zones), Paragraph A., is hereby amended to read as follows:*

17.12.010 Classification of zones.

A. For the purpose of this title, the following zones are hereby established in the city.

Zone Description	Abbreviated Description
Residential, Single-family	R-1
Residential, Roads End	R-1-RE
Vacation Rental	VR
Recreation-Residential	R-R
Residential, ~~**Multifamily**~~ **Multiple unit dwelling**	R-M
Professional Campus	PC
Recreation Commercial	RC
General Commercial	GC
Nelscott Plan District	NP
Oceanlake Plan District	OP
Taft Village Core	TVC
Planned Industrial	PI
Marine-Waterway	M-W
Natural Resource Overlay	NR
Park	P
Open Space	OS

SECTION 4. Chapter 17.12 *(Zoning Districts Established), Section 17.12.030 (Boundaries of Zones) is hereby amended to read as follows:*

17.12.030 Boundaries of zones.

If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot **lies**~~**.; provided, that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.**~~

SECTION 5. Chapter 17.12 *(Zoning Districts Established), Section 17.12.050 (Zoning of annexed areas) is hereby amended to read as follows:*

17.12.050 Zoning of annexed areas.

When requesting annexation of an area, a request for a city zoning designation shall be made and shall be processed concurrently with the annexation application. ~~Areas annexed to the city will be classified with the underlying county zoning designation until rezoned by the city.~~

SECTION 6. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.010 (Accessory uses – General Provisions.), Paragraph C, is hereby amended to read as follows:*

17.52.010 Accessory uses – General provisions.

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this title, and shall comply with the following limitations:

C. A guest house may be maintained accessory to a dwelling, provided there are no **portable, temporary, or permanent** cooking facilities in the guest house.

SECTION 7. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.020 (Authorization of similar uses), is hereby deleted to read as follows:*

~~17.52.020 Authorization of similar uses.~~

~~In response to an application in relation to a specific lot, the planning commission may rule by resolution that a use not specifically named in the allowed uses of a zoning district and not specified in any other zoning district shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. Such ruling by resolution of the planning commission shall thereafter be presented to the city council for legislative enactment to amend this title to include such use. In addition, the ruling shall be entered in a registry available to the public that sets out the street address or other easily understood geographic reference to the lot, the date of the ruling, and a description of the ruling.~~

SECTION 8. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.050 (Storage in Front yard), is hereby amended to read as follows:*

17.52.050 Storage in front setback area. ~~yard~~.

Boats**, RVs, ~~and~~** trailers and house trailers shall not be stored in a required front **setback area ~~yard~~**.

SECTION 9. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.080 (Maintenance of minimum requirements), is hereby amended to read as follows:*

17.52.080 Maintenance of minimum requirements.

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

SECTION 10. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.090 (Dual use of required open space), is hereby deleted to read as follows:*

~~17.52.090 Dual use of required open space.~~
~~No lot area, yard or other open space or off-street parking or loading area which is required by this title for one use shall be utilized to satisfy requirements for lot area, yard or other open space or off-street parking or loading area for another use, except as provided in Chapter 17.56 LCMC~~

SECTION 11. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.120 (Utilities), is hereby amended to read as follows:*

17.52.120 Utilities.

A. In the single-family residential (R-1) zone, and the multiple-**unit ~~family~~** residential (R-M) zone, when city services are not available or when only partial services are available, the minimum parcel size shall be five acres; except however, any existing lots of record less than five acres in area which do not front on a public sewer line but which will be connected to a public water line may be developed with a single-family dwelling utilizing an approved subsurface sewerage disposal system, provided a deferred improvement agreement is executed and recorded by the owner of record consenting to the establishment of a local improvement district to participate in future public sewer system extensions and connections.

SECTION 12. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.160 (Required yards), is hereby amended to read as follows:*

17.52.160 Required setbacks ~~yards~~ – Exceptions.

A. Architectural Features. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, **awnings**, and bay windows not more than four feet wide or high may project up to 18 inches into a required **setback area. ~~yard~~**.

B. Accessory **structures. ~~Buildings~~**. A required side or rear **setback ~~yard~~** may be reduced to three feet for an accessory **structure ~~building~~**, provided the **structure ~~building~~** is detached from other **structures ~~buildings~~** by five feet or more and does not exceed a height of one story nor an area of 200 square feet.

C. Fences. Fences, which may be located within required **setback areas** ~~**yards**~~ up to the property line, may not exceed three and one-half feet from the grade of the street centerline in the **required** front **setback area,** ~~**yard**~~, and shall not exceed six feet in other **setback areas** ~~**yards**~~ nor conflict with requirements of a clear vision area as provided in LCMC 17.52.060 or the clear vision areas of adjacent private driveways.

D. Retaining Walls. Retaining walls may be constructed in required **setback areas,** ~~**yards**~~, subject to the following limitations:

1. One or more retaining walls, none of which individually exceeds four feet in height, may be used, provided each successive wall is set back or stepped from the next lowest wall at least one foot for each one foot of height for that wall;

2. Within side and rear building setbacks that are not adjacent to a street or right-of-way, the height of a retaining wall exposed toward the interior of the property may be allowed that is up to eight feet in height. Those exposed toward the exterior of the property shall be limited as in subsection (D)(1) of this section;

E. ~~**Handicapped**~~ **Disabled** Access Facilities. ~~**Handicapped**~~ **Disabled** access facilities may be constructed in required **setback areas** ~~**yards**~~ as additions to existing buildings if exclusive of railings they do not exceed the height of the building's ground floor and do not conflict with the clear vision requirements of LCMC 17.52.060. For purposes of this section ~~**handicapped**~~ **disabled** access facilities include ramps, sidewalks, curbing and entrances constructed for the purpose of making a building accessible to a ~~**physically handicapped**~~ **disabled** person. ~~**Handicapped**~~ **Disabled** access facilities must be constructed in accordance with any applicable requirements of the building code in effect at the time of their construction. ~~**Handicapped**~~ **Disabled** access facilities constructed as additions to a nonconforming structure shall not be considered an alteration or extension of the nonconforming structure.

F. Bridges. Unenclosed and uncovered pedestrian or vehicular bridges for access to a dwelling may be constructed in a required **setback area.** ~~**yard**~~. Such bridges may not have a slope up from the adjacent roadway exceeding the maximum allowed for driveways.

G. Porches, Decks, and Stairs. Unenclosed and uncovered porches, decks, and stairs may be constructed in a required **setback area,** ~~**yard**~~, provided no part of the porch, deck, or stairs is more than 30 inches above the ground or otherwise requires a building permit.

~~**H. Administrative Adjustment.**~~

~~**1. The planning and community development director is authorized to make a minor adjustment to the dimensional standards of the required yard for any zone, including the dimensional standards of this section, and including any county zoning standards applied in the city.**~~

~~**2. An administrative adjustment permits a minor encroachment into a required yard, not to exceed six inches or seven and one-half percent of the requirement, whichever is less, in addition to any other relief granted by the applicable code.**~~

~~**3. A property owner may not initiate a request for an administrative adjustment, and the planning and community development director may not grant an administrative adjustment, in advance of the initiation of construction of the building for which it is sought; instead, an administrative adjustment may be sought or approved only after the discovery of an unintentional situation such as a surveyor's error after the start of construction.**~~

~~**4. An administrative adjustment is a discretionary decision that the planning and community development director may make as a director's decision, subject to appeal under LCMC 17.76.040(A). The director shall not grant such relief unless the applicant demonstrates that: (a) the relief is minor in nature; (b) the relief will correct or avoid a noncompliance; (c) all reasonable efforts to rectify the situation have been exhausted and (d) the relief will not be materially detrimental to the purposes of the zone.**~~

~~**5. A property owner may initiate a request for an adjustment by filing an application with the planning department with the required application fee.**~~

~~**6. Denial of an administrative adjustment does not preclude an application for a variance under Chapter 17.68 LCMC.**~~

~~**7. The director may elect to refer a request for an adjustment to the planning commission for a public hearing.**~~

SECTION 13. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.190 (Building height limitations), is hereby amended to read as follows:*

17.52.190 Building height limitations.

A. No structure used for human habitation that exceeds 45 feet in height shall be permitted in any zone unless consent is first approved by the voters of the city at a regular or special election. For the purpose of this section, "height" means the average vertical distance from the grade at the center of all walls of the building to the highest point of the roof, excluding those excepted in LCMC 17.52.200.

B. No structure that exceeds 35 feet in height shall be permitted in a residential zone within 500 feet of any shoreline without prior approval **as a Type III procedure.** ~~**of the planning commission at a public hearing.**~~

C. No structure used for human occupancy shall be permitted to exceed the building height limitations of the zones in which they are located. To ensure that this standard is met the following rules apply:

1. Building permit applications must include elevations of all exterior walls of the proposed structure showing:

a. The line of the approved grade in the plane of the wall; and

b. The highest part of the structure.

2. The grade may not rely on retaining walls, riprap, other artificial restraints, or berming to increase elevation at the point of height measurement.

3. For the purposes of this subsection, "approved grade" means:

a. The existing grade, meaning one of the following:

i. The ground level before any human disturbance as shown by survey or other reliable evidence; or

ii. The ground level shown on the city's 2009 LIDAR data (which is available from the planning and community development department); or

iii. If the proposed building site has existing structures or other disturbances to the land that existed lawfully prior to October 1, 2010, the ground level established when the structure or disturbance was created (which may be determined by any of the above means); or

iv. If there has been grading on the proposed building site, without a grading permit, the planning and community development director, in consultation with the city engineer, will determine the existing grade.

b. The grade shown on a grading plan approved as a part of one of the following:

i. A final master plan for a planned unit development under LCMC **17.77.120** ~~**17.52.210**~~; or

ii. A partition or subdivision under Chapter 16.08 LCMC; or

iii. A ~~**site plan**~~ **development review** under LCMC **17.77.070** ~~**17.52.240**~~; or

iv. A conditional use permit under **LCMC 17.77.060** ~~**Chapter 17.60 LCMC**~~; or

v. A grading plan under Chapter 12.08 LCMC; or

vi. A building permit for a structure not subject to any of approvals in subsections (C)(3)(b)(i) through (v) of this section.

~~4. If a lawfully established single-family or duplex dwelling that does not conform to the requirements of this section is destroyed by calamity to an extent exceeding 50 percent of the appraised value as determined by the records of the county assessor for the year preceding destruction it may be rebuilt within the same footprint and to the same height, subject to compliance with the flood damage prevention requirements of Chapter 15.16 LCMC. To the extent any such rebuilt residence is expanded, including a vertical expansion, the area of expansion must conform to this section.~~

SECTION 14. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.230 (Public Infrastructure improvement requirements), is hereby amended to read as follows:*

17.52.230 Public infrastructure improvement requirements.

A. Infrastructure Easement and Improvement Requirements. The issuance of a **structural ~~building~~** permit for the addition, alteration, or repair, within any 12-month period, exceeding 50 percent of the assessed value **~~or market value, whichever is greater~~**, of an existing building or structure, or for a new building or structure in connection with any permitted or conditional use within any zone as described in this title, or of a **~~site plan~~** development review approval for development for which **~~site plan~~** development review is required under LCMC **17.77.070** **~~17.52.240~~**, shall be subject to the following requirements:

1. The applicant shall submit, as part of a **structural ~~building~~** permit application, a site plan drawn to scale showing the nature, size, and location of:

a. Proposed buildings and improvements,
b. Proposed access and off-street parking,
c. Proposed private and public utility lines, facilities, and easements,
d. Proposed curbs, gutters, pavement, and sidewalks, and related easements,
e. Proposed stormwater detention, treatment, and drainage features, facilities, and easements,
f. Existing private and public utility lines, facilities, and easements,
g. Existing stormwater detention, treatment, and drainage features, facilities, and easements,
h. Existing lot lines; and

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

a. Install curbs and gutters along adjacent streets not having curbs and gutters, and also pave the roadways from the curbs to 12 feet beyond centerline of unpaved or partially unpaved streets contiguous to the property proposed for development, in accordance with applicable standards of this title, street design standards in the city's transportation system plan, public works/engineering standards, and LCMC Title 16 (Subdivisions). If existing rights-of-way for streets contiguous to the property are not adequate in width to meet the standards of this title and LCMC Title 16 (Subdivisions), the applicant shall dedicate right-of-way to the city sufficient to allow streets that are adequate in width; and
b. Dedicate to the city utility easements five feet in width along rear lot lines, or along front lot lines, as required by the city; and
c. Dedicate easements for drainage purposes, and provide storm water detention, treatment, and drainage features and facilities, as approved by the city engineer, in order to accommodate expected runoffs as determined by a registered professional engineer licensed in Oregon, according to generally accepted drainage accommodation principles; and
d. Install sidewalks in accordance with street design standards in the city's transportation system plan and public works/engineering standards along boundaries contiguous with streets, within existing right-of-way if adequate in width; and, if existing easements are not adequate in width, to deed easements to the city sufficient to allow sidewalks of required width;
Exceptions: In lieu of the sidewalks required by subsection (A)(2)(d) of this section, the applicant shall agree as follows:

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

and
e. Install and connect to the city systems water and sewer lines and appurtenances that conform to adopted city standards; and
f. Place underground all existing electrical, telephone, and cable television utility service installations or connections between any building or structure and the utility distribution system, in accord with city standards, in addition to meeting the requirements of LCMC 17.52.120; and

g. Develop the site and construct all buildings and improvements in strict conformity to the tendered site plan; and
h. Provide any of the following transit-related improvements, if development includes or is adjacent to existing or planned transit stops shown in the city transportation system plan or an adopted plan prepared by a transit provider, as determined by the city engineer or community development director:

i. Reasonably direct pedestrian connections between the transit stop and building entrances of the site. For the purpose of this section "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users;
ii. An easement or dedication for a passenger shelter or bench, if such an improvement is in an adopted plan; and

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

In lieu of a required improvement, the city manager or a designated representative may accept a deferred improvement agreement, fee-in-lieu agreement, or other cost-allocation agreement, in a form approved by the city manager or designate, for installation of curbs, gutters, sidewalks, street paving, water and sewer lines and appurtenances, and storm water detention, treatment, and drainage features and facilities, if the city manager or designate determines that a delay is appropriate prior to the commencement of construction of these improvements. The cost to the developer shall equal the cost of installation, including engineering and design, as determined by the city engineer, based on the applicable city standards in effect at the time of application. The applicant shall pay the fee or sign an alternative agreement prior to approval of the final plat or issuance of a building or development permit. Property owners who pay a "fee in lieu" of constructing a required specific improvement shall not be responsible for any future additional costs associated with that same improvement. The city shall use all such fees for construction, repair, or maintenance of the public infrastructure improvements of the type identified above and located within the city which provide a benefit to the subject property; and
3. The city manager or a designated representative finds that the building site is not subject to natural hazards such as flooding, falling rock, landslides, or mass movement, and that the building site is capable of accommodating the proposed structure without danger to users of the site or to the citizens of the city; and
4. If no street is contiguous to the property from which safe and convenient access and egress can be obtained for pedestrians and vehicular traffic, the applicant shall agree, if required by the city manager or a designated representative, to dedicate a street right-of-way and to construct improvements to adopted city standards as provided in subsection (A)(2)(a) of this section.

5. As to applications for ~~**site plan**~~ **development review** approval, if the site consists of more than one lot and any lot does not conform to the minimum access or lot requirements for the zone in which the lot is located, the owner shall agree that, prior to issuance of a **structural** ~~**building**~~ permit, or commencement of development if a ~~**building**~~ **structural** permit is not required, the owner will either:

a. Provide to the city a covenant that the lots comprising the site, unless subsequently partitioned or subdivided, will be treated as a single lot for all purposes of the municipal code and this title and that the lots comprising the site will not be sold separately; or
b. Reconfigure the lots comprising the site, in accord with the applicable legal procedures, so that all lots comprising the site will conform to the minimum lot and access requirements for the zone in which the lots are located.

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

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

a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or for convenience;
b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;
c. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part;
d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system; and

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

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

D. Appeals.

1. Any person aggrieved by that person's inability to obtain a building permit pursuant to this section or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this section may appeal **as a Type III procedure pursuant to LCMC 17.76.050.** ~~**, which appeal must be in writing and filed pursuant to LCMC 17.76.040.**~~

2. Notwithstanding subsection (D)(1) of this section, decisions of the city manager, public works director, city engineer, or designated representative in the enforcement of deferred improvement agreements entered into under subsection (A)(2) of this section shall not be subject to appeal. ~~**under LCMC 17.76.040**~~.

E. Limitations to Issuance of Certificate of Occupancy. No certificate of occupancy shall be **approved for issuance by the director or by the city engineer** ~~**issued**~~ until the applicant has fulfilled all requirements of, and has executed the agreements required by, this section, and shall not be **approved for issuance by the director or city engineer** ~~**issued**~~ if there is any variance from the approved **development review.** ~~**site plan**~~.

F. Applicability. This section, except for subsection (C) of this section and proceedings under this section related thereto, shall not apply to **structural** ~~**building**~~ permit applications for building on land subdivided pursuant to a final subdivision plat approved or subdivision exemption granted by the planning commission and/or city council after November 1, 1989.

SECTION 15. Chapter 17.52 *(Supplemental Regulations and Exceptions), Section 17.52.270 (Wireless communications facilities), is hereby relocated to a new Section 17.80.170 to read as follows:*

~~**17.52.270 Wireless communications facilities.**~~

~~A. Purpose. The purpose of this section is to protect the health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses through facilitating the provision of wireless telecommunications services to the residents and businesses of the city, minimizing adverse visual effects of towers through careful design and siting standards, avoiding potential damage to adjacent properties from tower failure through structural standards and setback requirements, providing mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.~~

~~B. Siting Preferences. Wireless communications facilities shall be sited in accordance with the following priorities, in order of their preference:~~

~~1. Co-location by placement of antennas or other transmission and reception devices on an existing tower, building, or other structure, such as a utility pole, water tank, or similar structure.~~

~~2. Use of mini-cell or other similar alternate technology whereby transmission and reception devices are placed on existing structures or placed on new structures that are consistent in height with and situated similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles.~~

~~3. Siting of a new tower in a visually subordinate manner. In this context, "visually subordinate" refers to the relative visibility of a wireless communication facility where that facility does not noticeably contrast with the surrounding landscape. Visually subordinate facilities may be partially visible, but not visually dominant in relation to their surroundings.~~

~~4. Siting of a new tower in a visually dominant location, but employing concealment technology. In this context, "concealment technology" means technology through which a wireless communication facility is designed to resemble an object present in the natural environment or to resemble a building of a type typically and customarily found in the area.~~

~~5. Siting of a new tower in a visually dominant location, not employing concealment technology.~~

~~C. Standards. All commercial wireless communications facilities shall comply with the following requirements:~~

~~1. The maximum height shall be 80 feet.~~

~~2. Commercial wireless telecommunications service towers shall be of a monopole design unless the planning commission determines that an alternative design would better blend in to the surrounding environment.~~

~~3. The proposed facilities must not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter.~~

~~4. The proposed facilities must meet manufacturer's specifications and plans must be certified by an engineer licensed in the state of Oregon.~~

~~5. The proposed facilities must meet the requirements of the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and must be engineered so that, in~~

~~the event they fall, the proposed facilities will collapse only within the property lines of the lot on which they are located.~~

~~6. The proposed facilities must meet the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).~~

~~7. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.~~

~~8. Wireless communications facilities shall not be illuminated by artificial means and shall not display any lighting other than such lighting as is specifically required by the Federal Aviation Administration or the Oregon Department of Aviation. Flashing strobe lighting is not allowed. If flashing strobe lighting otherwise would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which flashing strobe lighting is not required.~~

~~9. Any lighting placed on a wireless communication facility pursuant to a requirement of the Federal Aviation Administration (FAA) or the Oregon Department of Aviation (ODA) may not exceed the minimum required. Prior to the issuance of a building permit, the applicant must submit documentation from the appropriate agency (i.e., the FAA or the ODA) that the lighting is the minimum required. Any required aviation lighting must be shielded to the maximum extent allowed by the Federal Aviation Administration or the Oregon Department of Aviation.~~

~~10. A commercial wireless communication facility shall be designed, structurally, electrically, and in all other respects, to accommodate antennas for at least three users, and must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.~~

~~11. A finish (paint/surface) must be provided for the wireless communication facility that reduces the visibility of the facility, including the antenna arrays. In most circumstances this condition may be satisfied by painting the tower and antenna arrays with flat light haze gray paint. If the tower is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.~~

~~12. Red and white or orange and white tower finish is not allowed. If red and white or orange and white tower finish would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which a red and white or orange and white tower finish is not required.~~

~~13. The use of any portion of a wireless communication facility for signs other than warning or equipment information signs is prohibited.~~

~~14. Wireless communications facilities, including any modifications to them, must not cause any interference with normal radio and television reception in the~~

surrounding area nor with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the antennas or other equipment or parts of the facility causing the interference.

15. The owner of the wireless communication facility may not deny a wireless provider the ability to co-locate on its wireless communication facility at a fair market rate or at another cost basis agreed to by the affected parties.

16. The wireless communication facility must be removed from the site if no facility on the tower has been in use for more than six months.

D. Application. In addition to the information required elsewhere in this section, development applications for wireless communications facilities shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which:

a. Describes the tower height and design, including a cross section and elevation;

b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

c. Describes the tower's structural capacity to carry the antennas of at least three wireless carriers, including the number and type of antennas that it can accommodate;

d. Documents what steps the applicant will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions and telecommunications;

e. Includes an engineer's stamp and registration number;

f. Documents that the proposed facilities will not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter;

g. Includes elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site; and

h. Includes other information necessary to evaluate the request.

2. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and the owner's successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Applicants proposing the siting of wireless communications facilities through means other than co-location shall demonstrate why higher priority alternatives for providing the specific, proposed wireless service are not feasible. In this context, "not feasible" means that the proposed wireless communication service cannot be provided in a reasonable, practicable, and cost effective manner. Factors that may render an alternative not feasible may include:

a. Existing buildings or towers are structurally inadequate to accommodate the proposed facility, and cannot reasonably be retrofitted;

b. The alternative would cause radio frequency interference that would materially impair the functioning of existing or planned equipment at the tower or site, and such interference cannot reasonably be mitigated;

c. The alternative cannot provide the radio frequency coverage required to provide the proposed service;

d. The alternative is precluded by law, rule, regulation, contract, or other legal authority.

4. At least two photo-simulations of the proposed tower, from different points of view and distances from the proposed tower.

5. Before the issuance of a building permit, the following supplemental information shall be submitted:

a. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);

b. Proof of compliance with applicable Federal Communications Commission regulations;

c. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and that in the event it falls the tower will collapse only within the property lines of the lot on which it is located; and

d. A report from a qualified and licensed professional engineer which demonstrates that the tower meets the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).

E. Notice. When mailed notice of a public hearing or an administrative action relating to a wireless communication facility is required by LCMC 17.60.040, such notice shall be sent to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within 250 feet from the exterior boundary of the subject property.

F. Administrative Approval of Co-Location Application. If an applicant wishes to co-locate by placing antennas or other transmission and reception devices on an existing tower, building, or other structure, the director may approve the co-location application, or approve it with conditions.

G. Planning Commission Action. In addition to the findings required by Chapter 17.60 LCMC, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:

1. For applications proposing the siting of wireless communications facilities through means other than co-location, that higher priority alternatives for providing the specific, proposed wireless service are not feasible.

2. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or significant aesthetic resource.

~~3. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.~~
~~4. The owner of the wireless communication facility has agreed to permit other persons/providers to attach antennas or other communications apparatus that do not interfere with the primary purpose of the facility.~~
~~5. The proposed facility/tower is not to be constructed in such a manner as to result in needless height or mass.~~
~~6. The finish of the proposed facility/tower will be of a tone or color that minimizes the tower's visual impact.~~

17.80.170 Wireless communications facilities.

Review Authority Action. In addition to the findings required by LCMC 17.77.060, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:

A. Purpose. The purpose of this section is to protect the health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses through facilitating the provision of wireless telecommunications services to the residents and businesses of the city, minimizing adverse visual effects of towers through careful design and siting standards, avoiding potential damage to adjacent properties from tower failure through structural standards and setback requirements, providing mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.
B. Siting Preferences. Wireless communications facilities shall be sited in accordance with the following priorities, in order of their preference:
1. Co-location by placement of antennas or other transmission and reception devices on an existing tower, building, or other structure, such as a utility pole, water tank, or similar structure.
2. Use of mini-cell or other similar alternate technology whereby transmission and reception devices are placed on existing structures or placed on new structures that are consistent in height with and situated similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles.
3. Siting of a new tower in a visually subordinate manner. In this context, "visually subordinate" refers to the relative visibility of a wireless communication facility where that facility does not noticeably contrast with the surrounding landscape. Visually subordinate facilities may be partially visible, but not visually dominant in relation to their surroundings.
4. Siting of a new tower in a visually dominant location, but employing concealment technology. In this context, "concealment technology" means technology through

which a wireless communication facility is designed to resemble an object present in the natural environment or to resemble a building of a type typically and customarily found in the area.

5. Siting of a new tower in a visually dominant location, not employing concealment technology.

C. Standards. All commercial wireless communications facilities shall comply with the following requirements:

1. The maximum height shall be 80 feet.

2. Commercial wireless telecommunications service towers shall be of a monopole design unless the planning commission determines that an alternative design would better blend in to the surrounding environment.

3. The proposed facilities must not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter.

4. The proposed facilities must meet manufacturer's specifications and plans must be certified by an engineer licensed in the state of Oregon.

5. The proposed facilities must meet the requirements of the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and must be engineered so that, in the event they fall, the proposed facilities will collapse only within the property lines of the lot on which they are located.

6. The proposed facilities must meet the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).

7. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

8. Wireless communications facilities shall not be illuminated by artificial means and shall not display any lighting other than such lighting as is specifically required by the Federal Aviation Administration or the Oregon Department of Aviation. Flashing strobe lighting is not allowed. If flashing strobe lighting otherwise would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which flashing strobe lighting is not required.

9. Any lighting placed on a wireless communication facility pursuant to a requirement of the Federal Aviation Administration (FAA) or the Oregon Department of Aviation (ODA) may not exceed the minimum required. Prior to the issuance of a building permit, the applicant must submit documentation from the appropriate agency (i.e., the FAA or the ODA) that the lighting is the minimum required. Any required aviation lighting must be shielded to the maximum extent allowed by the Federal Aviation Administration or the Oregon Department of Aviation.

10. A commercial wireless communication facility shall be designed, structurally, electrically, and in all other respects, to accommodate antennas for at least three users, and must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

11. A finish (paint/surface) must be provided for the wireless communication facility that reduces the visibility of the facility, including the antenna arrays. In most circumstances this condition may be satisfied by painting the tower and antenna arrays with flat light haze gray paint. If the tower is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

12. Red and white or orange and white tower finish is not allowed. If red and white or orange and white tower finish would be required by the Federal Aviation Administration or the Oregon Department of Aviation, the tower height must be reduced to a level at which a red and white or orange and white tower finish is not required.

13. The use of any portion of a wireless communication facility for signs other than warning or equipment information signs is prohibited.

14. Wireless communications facilities, including any modifications to them, must not cause any interference with normal radio and television reception in the surrounding area nor with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the antennas or other equipment or parts of the facility causing the interference.

15. The owner of the wireless communication facility may not deny a wireless provider the ability to co-locate on its wireless communication facility at a fair market rate or at another cost basis agreed to by the affected parties.

16. The wireless communication facility must be removed from the site if no facility on the tower has been in use for more than six months.

D. Application. In addition to the information required elsewhere in this section, development applications for wireless communications facilities shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which:

a. Describes the tower height and design, including a cross section and elevation;

b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

c. Describes the tower's structural capacity to carry the antennas of at least three wireless carriers, including the number and type of antennas that it can accommodate;

d. Documents what steps the applicant will take to avoid interference with normal radio and television reception in the surrounding area and with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions and telecommunications;

e. Includes an engineer's stamp and registration number;

f. Documents that the proposed facilities will not exceed or cause other facilities to exceed federal radio frequency emission standards or American National Standards Institute standards, whichever are stricter;

g. Includes elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site; and

h. Includes other information necessary to evaluate the request.

2. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and the owner's successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Applicants proposing the siting of wireless communications facilities through means other than co-location shall demonstrate why higher priority alternatives for providing the specific, proposed wireless service are not feasible. In this context, "not feasible" means that the proposed wireless communication service cannot be provided in a reasonable, practicable, and cost effective manner. Factors that may render an alternative not feasible may include:

a. Existing buildings or towers are structurally inadequate to accommodate the proposed facility, and cannot reasonably be retrofitted;

b. The alternative would cause radio frequency interference that would materially impair the functioning of existing or planned equipment at the tower or site, and such interference cannot reasonably be mitigated;

c. The alternative cannot provide the radio frequency coverage required to provide the proposed service;

d. The alternative is precluded by law, rule, regulation, contract, or other legal authority.

4. At least two photo-simulations of the proposed tower, from different points of view and distances from the proposed tower.

5. Before the issuance of a building permit, the following supplemental information shall be submitted:

a. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);

b. Proof of compliance with applicable Federal Communications Commission regulations;

c. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the Uniform Building Code and/or the Oregon Structural Specialty Code, including but not limited to the requirements relating to seismic and wind loads, and that in the event it falls the tower will collapse only within the property lines of the lot on which it is located; and

d. A report from a qualified and licensed professional engineer which demonstrates that the tower meets the standards contained in the American National Standards Institute "Structural Standards for Steel Antenna Tower and Steel Supporting Structures" (ANSI EIA/TIA 222 E-1996).

E. Notice. When mailed notice of a public hearing or an administrative action relating to a wireless communication facility is required by LCMC 17.60.040, such notice shall be sent to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within 250 feet from the exterior boundary of the subject property.

F. Administrative Approval of Co-Location Application. If an applicant wishes to co-locate by placing antennas or other transmission and reception devices on an existing tower, building, or other structure, the director may approve the co-location application, or approve it with conditions.

G. Planning Commission Action. In addition to the findings required by Chapter 17.60 LCMC, in order to grant approval, or approval with conditions, of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:

1. For applications proposing the siting of wireless communications facilities through means other than co-location, that higher priority alternatives for providing the specific, proposed wireless service are not feasible.

2. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or significant aesthetic resource.

3. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.

4. The owner of the wireless communication facility has agreed to permit other persons/providers to attach antennas or other communications apparatus that do not interfere with the primary purpose of the facility.

5. The proposed facility/tower is not to be constructed in such a manner as to result in needless height or mass.

6. The finish of the proposed facility/tower will be of a tone or color that minimizes the tower's visual impact.

SECTION 16. Chapter 17.64 *(Nonconforming Situations), Section 17.64.010 (General Provisions), Paragraphs C and E, are hereby amended to read as follows:*

C. Determination That Nonconforming Use, Site, or Structure Is Lawful. ~~**The city may make a determination of whether a nonconforming use on a particular property is lawful, if necessary for staff review of an application. Determination will be based on evidence submitted into the record that shows whether the nonconforming situation was permitted by the standards and regulations in existence at the time established and continued without any period of discontinuance or abandonment as provided under this chapter. This determination shall be an administrative process.**~~ **The determination of whether a nonconforming structure or use on a particular property is lawful shall be a Type II procedure as set forth in 17.76.040 LCMC, with the application process outlined in LCMC 17.77.115.**

E. Restoration of a Substantially Damaged Lawful, Nonconforming Structure or Use. If damaged to an extent of 50 percent or more, as determined **through a Type I procedure, ~~by the city~~**, a lawful nonconforming structure or use may be restored to its former height and footprint only, as approved by the city. **A request to restore a lawful, nonconforming single-unit dwelling or duplex shall be processed as a Type II procedure, as outlined in LCMC 17.76.040. A request to restore a lawful, nonconforming multi-unity dwelling, mixed use structure, or commercial structure or use shall be processed as a Type III procedure, as outlined in LCMC 17.76.050** **~~The planning and community development has authority to review an application to restore a lawful, nonconforming single-family dwelling or duplex use as an administrative decision. The planning commission has authority to review an application to restore a lawful, nonconforming multi-family dwelling, mixed use structure or commercial structure or use and shall conduct a public hearing on the application.~~** A decision to approve an application to restore a nonconforming structure must include findings of all the following:

1. The damage was not intentionally caused by the property owner;

2. The restoration does not increase the degree of nonconformity or add new nonconformity, and except as specified above, restored structures conform to requirements of this code;

3. Restoration is according to plans approved by the fire marshal, building inspector and floodplain manager, and, if required, in conformance with a geo-technical report;

4. The restored structure or use does not encroach unlawfully on adjacent properties;

5. The restoration complies with reasonable conditions imposed by the city on a building permit in order to mitigate any new or increased adverse impact on adjacent property; and

6. In the case of a **multi-unit ~~family~~** dwelling, mixed-use structure, or commercial structure, the reconstructed use or structure would not interfere with the intent and purpose of the zone in which it is located.

SECTION 17. Chapter 17.64 *(Nonconforming Situations), Section 17.64.030 (Nonconforming uses), Paragraphs C and E, are hereby amended to read as follows:*

17.64.030 Nonconforming uses.

A. Lawful Nonconforming Uses Allowed to Continue. A lawful nonconforming use of land may continue as long as it remains otherwise lawful, provided the nonconforming use does not cease for any reason for a period of more than six months. For purposes of calculating the six-month

period, a use is discontinued or abandoned on the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;

2. For commercial uses, on the date the sale of merchandise or the provision of services ceases;

3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

4. On the date a request for final reading of water and power meters is made to the applicable utility.

B. Discontinuance of a Nonconforming Use. If a conforming use has replaced a nonconforming use, or if the nonconforming use of a building, structure or site ceases for a period of six months or more, as described in subsection (A) of this section, the **~~planning and community development~~** director shall deem the nonconforming use discontinued, and the building, structure or land area shall be occupied only by uses conforming to the regulations for the zone in which it is located. If a nonconforming use has ceased, but the owner is marketing the property continually and actively for sale or lease, the **~~planning and community development~~** director may allow the lawful nonconforming status to continue for up to 18 additional months. **This is a director's interpretation, processed as set forth in LCMC 17.77.080. ~~The director's determination shall be an interpretation, subject to appeal to the planning commission. Following an evidentiary hearing, the planning commission decision will be final, unless called up by the city council under LCMC 17.76.040(B).~~**

C. Alteration of a Nonconforming Use. No building, structure, or land area devoted to or accessory to a nonconforming use may be used, moved or expanded unless the movement or expansion reduces nonconformity. Alteration of a nonconforming residential use shall not change the number of dwelling units, if the change would increase nonconformity.

D. Change of Nonconforming Use**. Through a Type III procedure as set forth in LCMC 17.76.050, a request for conversion to another nonconforming use may be approved if the review authority finds that, on the basis of the evidence submitted, the proposed use is suitable to the site and location and will not have greater adverse effect on the neighborhood or community than the previous use with regard to traffic, parking demand, hours of operation, noise, dust, and customer and/or residential activity. The review authority may place conditions on the new nonconforming use to ensure compatibility and maximize conformance to current regulations. ~~The planning commission may approve an application for conversion to another nonconforming use in accordance with the provisions of LCMC 17.76.010, if, on the basis of the application and the evidence submitted, it finds the proposed use is suitable to the site and location and will not have greater adverse effect on the neighborhood or community than the previous~~**

~~use with regard to traffic, parking demand, hours of operation, noise, dust, and customer and/or residential activity. The commission may place conditions on the new nonconforming use to ensure compatibility and maximize conformance to current regulations.~~

SECTION 18. Chapter 17.60 *(Conditional Uses) is hereby deleted to read as follows:*

~~**Chapter 17.60**~~

~~**CONDITIONAL USES**~~

~~**Sections:**~~
~~**17.60.010 Purpose.**~~
~~**17.60.020 Planning commission authority.**~~
~~**17.60.030 Application.**~~
~~**17.60.040 Public hearings.**~~
~~**17.60.050 Action by planning commission.**~~
~~**17.60.060 Burden of proof.**~~
~~**17.60.070 Entry of order.**~~
~~**17.60.080 Time limitation.**~~
~~**17.60.090 Appeal.**~~
~~**17.60.100 Effect.**~~
~~**17.60.110 Violation of conditions.**~~
~~**17.60.120 Limitation on new applications.**~~
~~**17.60.130 Notification of action.**~~
~~**17.60.140 Mapping.**~~
~~**17.60.150 Use permit to run with the land.**~~

~~**Prior legislation: Ords. 89-11 and 91-18.**~~

~~**17.60.010 Purpose.**~~
~~**In all zones, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.**~~

~~**17.60.020 Planning commission authority.**~~
~~**The planning commission shall have the authority to approve, approve with conditions, disapprove or revoke conditional use permits subject to the provisions of this chapter. Changes in use, expansion or contraction of site area, or alteration of structures or uses**~~

~~classified as conditional and existing prior to the effective date of the ordinance codified in this title shall conform to all regulations pertaining to conditional uses.~~

~~17.60.030 Application.~~

~~The property owner or his authorized agent may make an application for a conditional use permit by filing an application, at least 45 days prior to the meeting date the matter is intended to be considered, with the department of planning and community development on a form prescribed by the city, which shall include the following information, in addition to that required in Chapter 17.76 LCMC:~~

~~A. Name and address of applicant;~~

~~B. Statement that the applicant is the owner of the property or is the authorized agent of the owner;~~

~~C. Address, legal description and Lincoln County assessor's map and tax lot number of the property;~~

~~D. The application shall include an accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the conformance of the proposal with the requirements of this title and shall be prepared in a manner conforming to the requirements and procedures of site plan approval, LCMC 17.52.240;~~

~~E. A map (Lincoln County assessor's plat) showing the subject property and surrounding properties and listing of current owners within 100 feet of the property subject to the conditional use permit application, pursuant to Chapter 17.76 LCMC;~~

~~F. Statement and supportive evidence indicating the precise manner of conformance with each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit as listed in LCMC 17.60.050(C);~~

~~G. The application shall be accompanied by a nonrefundable filing fee in the amount established by general resolution of the city council.~~

~~17.60.040 Public hearings.~~

~~Before a conditional use is permitted, the proposed conditional use shall be considered by the planning commission at a public hearing. Notice of the hearing shall be given as provided in LCMC 17.76.020.~~

~~17.60.050 Action by planning commission.~~

~~A. Within 60 days after the filing of the application, a public hearing shall be held and the commission shall render its decision. The decision of the planning commission shall be final unless appealed to the city council.~~

~~B. The planning commission may approve, approve with conditions or disapprove the conditional use permit application by the entry of a planning commission order, in open meeting, which order shall describe the basis for the decision and state the specific circumstances, findings of fact and evidence presented requiring the application of conditions to the approval.~~

~~C. Findings of Fact. In order to grant any conditional use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:~~

~~1. The proposal is in compliance with the comprehensive plan;~~

~~2. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title;~~

~~3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;~~

~~4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing;~~

~~5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.~~

~~D. Conditions of Approval. In permitting a conditional use, the planning commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:~~

~~1. Increasing required lot size, yard dimensions, open spaces or buffer areas;~~

~~2. Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area;~~

~~3. Requiring landscaping and maintenance thereof;~~

~~4. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress;~~

~~5. Requiring means of pedestrian/bicycle access pathways to serve the property;~~

~~6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas;~~

~~7. Limiting size, location and number of signs;~~

~~8. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;~~

~~9. Limiting or prohibiting openings in sides of buildings or structures;~~

~~10. Enclosure of storage areas and limitation of outside display and/or storage of merchandise;~~

~~11. Requiring maintenance of grounds;~~

~~12. Regulation of noise, vibration, odors, etc.;~~

~~13. Regulation of time for certain activities;~~

~~14. Establishing a time period within which the proposed use shall be developed;~~

~~15. The requirement of a bond for removal of such use within a specified period of time;~~

~~16. Increase the size, type or capacity of any or all utility services, facilities or appurtenances;~~

~~17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the planning commission and new conditions imposed;~~

~~18. The planning commission may require that an applicant furnish the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to city standards;~~

~~19. The planning commission may also require that site plan committee review and approval is necessary in any particular situation to accomplish the purposes and objectives of this title;~~

~~20. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter.~~

~~17.60.060 Burden of proof.~~

~~The specific findings made by the planning commission in granting a conditional use permit must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the conditional use. If no evidence is produced concerning any of the findings listed in LCMC 17.60.050(C), the application may be denied based upon improper or~~

~~inadequate findings. All evidence produced must be recited in the findings for approval of any conditional use permit application.~~

~~17.60.070 Entry of order.~~

~~Where the planning commission is of the opinion that the conditional use permit shall be granted, it shall, in open public meeting, by a majority of its members in attendance, enter a planning commission order granting the conditional use permit, which order shall include specific findings of fact, conclusions and supportive evidence pertaining to LCMC 17.60.050(C), and any conditions of approval as authorized by LCMC 17.60.050(D). The chairman of or, in his absence, the officer presiding over the planning commission meeting in which the above described order is enacted shall forthwith sign the order and cause the same to be filed with the city recorder. Upon the filing of the order with the city recorder, the order shall be in full force and effect. An order denying a conditional use permit shall be entered and filed in a like manner, with the necessary findings of fact, where the planning commission, based on the standards specified herein, determines that the conditional use permit should not be granted.~~

~~17.60.080 Time limitation.~~

~~A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The planning commission may extend a use permit for an additional period of one year, subject to the requirements of this title. No more than one such extension may be granted.~~

~~17.60.090 Appeal.~~

~~The applicant or any party to the proceeding may, within the time period specified in LCMC 17.76.040, after the decision of the planning commission is filed with the city recorder, appeal the same to the city council in the form prescribed by the city. The appeal procedure shall be as set forth in LCMC 17.76.040.~~

~~17.60.100 Effect.~~

~~No building or other permit shall be issued in any case where a conditional use permit is required by the terms of this title until after the appeal period after the decision of the planning commission is filed with the city recorder. An appeal from an action of the planning commission shall automatically stay the issuance of a building or other permit until such appeal has been completed. In the event the council acts to grant the conditional use permit, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on the permit.~~

~~17.60.110 Violation of conditions.~~

~~The planning commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of the permit after first holding a public hearing and giving notice of such hearing as provided in LCMC 17.76.030. The~~

~~**foregoing shall not be the exclusive remedy, and it is unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.**~~

~~**17.60.120 Limitation on new applications.**~~
~~**In a case where an application is denied by the planning commission, or denied by the city council on appeal from the planning commission, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for a period of one year from the date of said denial unless, in the opinion of the planning commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.**~~

~~**17.60.130 Notification of action.**~~
~~**The city manager or his designee shall notify the applicant for a conditional use permit of the planning commission's action within the time period specified in LCMC 17.76.030 after entry of the final order. A copy of the order shall be provided to the applicant.**~~

~~**17.60.140 Mapping.**~~
~~**Within 30 days after the entry of the final order of a conditional use permit, the permit application file number shall be indicated on the official zoning map on the lot or lots affected by such permit.**~~

~~**17.60.150 Use permit to run with the land.**~~
~~**A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this chapter.**~~

SECTION 19. Chapter 17.68 *(Variances) is hereby deleted to read as follows:*

Chapter 17.68

VARIANCES

Sections:

17.68.010 Authorization to grant or deny variances.
17.68.020 Circumstances for granting a variance.
17.68.030 Variance procedure.
17.68.040 Time limit on variance.

17.68.010 Authorization to grant or deny variances.

The planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

17.68.020 Circumstances for granting a variance.

A variance may be granted only in the event that all the following circumstances exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;

B. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as owners of other property in the same zone or vicinity possess;

C. The variance should not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city planning policy;

D. The variance requested is the minimum variance which would alleviate the hardship.

17.68.030 Variance procedure.

A. A property owner may initiate a request for a variance by filing an application with the city manager or his designated representative, using forms prescribed pursuant to LCMC 17.80.030. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied and the dimensions and arrangements of the proposed development. The planning commission may request other drawings or material essential to an understanding of the variance request.

~~**B. The planning commission shall hold a public hearing before it may act on a request for a variance.**~~

~~***C.* Within five days after a decision has been rendered with reference to a request for a variance, and the order documenting said decision has been approved by the planning commission, the city manager or his designated representative shall provide the applicant with written notice of the decision of the planning commission.**~~

~~**17.68.040 Time limit on variance.**~~
~~**Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the planning commission may in its discretion extend authorization for an additional six months on request.**~~

SECTION 20. Chapter 17.76 *(Administrative Provisions) ishereby deleted to read as follows:*

~~**Chapter 17.76**~~

~~**ADMINISTRATIVE PROVISIONS**~~

~~**Sections:**~~
~~**17.76.010 Application information and procedures.**~~
~~**17.76.020 Public notice.**~~
~~**17.76.030 Quasi-judicial public hearing procedure and requirements.**~~
~~**17.76.040 Appeals.**~~
~~**17.76.050 Final action on application for permit or zone change request.**~~
~~**17.76.060 Filing fees.**~~

~~**17.76.010 Application information and procedures.**~~
~~**A. An application for a land use action or permit shall consist of:**~~

~~**1. A complete application form and all supporting documents and evidence;**~~

~~**2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property;**~~

~~**3. A description of the property affected by the application and, in the case of a quasi-judicial map amendment, a legal description.**~~

~~**B. All documents or evidence relied on by the applicant shall be made available to the public.**~~

~~C. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within 30 days of the receipt of the application. The notification shall give the applicant a deadline by which to submit missing information, after which the city will deem the application complete and proceed with its consideration. The application shall be deemed complete upon expiration of the 30-day period, if no notification of missing information is given, or, if notification of missing information is given, upon receipt of the missing information or expiration of the deadline for submitting the missing information, whichever occurs first. If the application was complete when first submitted or the applicant submits the missing information within 180 days of the date the application was first submitted, approval or denial of the application shall be based on the standards and criteria of the comprehensive plan and this title that were applicable at the time the application was first submitted. In all other cases, approval or denial shall be based on the standards and criteria applicable at the time of final action on the application.~~

~~D. Where a proposed development requires more than one development permit or zone change request from the city, the applicant may request that the city consider all necessary permit and zone change requests in a consolidated manner. If the applicant requests that the city consolidate its review of the development proposal, all necessary public hearings before the planning commission shall be held on the same date. If the applicant's request includes a request for a comprehensive plan amendment, the applicant shall be required to waive in writing the 120-day requirement set out in LCMC 17.76.050(A) as a condition to consolidated treatment.~~

~~E. In the case of an application for a planning commission resolution, under LCMC 17.52.050, that a use is included among the allowed uses in a zoning district, if the application so requests, the department shall provide notice of the decision on the application in accord with the provisions of LCMC 17.76.020(A) and (B)(1) governing notice of administrative actions, which decision thereafter shall be directly appealable to the land use board of appeals in accordance with ORS 197.830 and 227.175(12).~~

~~F. If an application for a land use action or permit is denied, the applicant thereafter may submit a single supplemental application for any or all other uses allowed under the comprehensive plan and this title in the zone in which the site that is the subject of the application is, or on rezoning would be, located. The supplemental application shall include a request for any rezoning or variance that may be required in order to obtain approval of a permit under the comprehensive plan and this title. The supplemental application shall be subject to the same procedures as any other application for a land use action or permit, except that the time within which the city must take final action shall be 240 days rather than the 120 days set out in LCMC 17.76.050(A).~~

~~G. Except as otherwise provided in this section:~~

~~1. If the land use board of appeals issues a final order remanding to the city a city decision on an application for a land use action or permit, and if no petition for~~

judicial review of the LUBA final order is timely filed, then the city shall take final action on the remanded application within 111 days after LUBA delivered or mailed its final order; and

2. If LUBA issues a final order remanding to the city a city decision on an application for a land use action or permit, if a petition for judicial review is timely filed, and if the final resolution of the judicial review affirms LUBA remand, then the city shall take final action on the remanded application within 90 days after the resolution of the judicial review becomes final.

The commencement of the 111- and 90-day periods set out in this subsection shall be automatically deferred until the applicant delivers to the department a written request that the city proceed with the application on remand. The 111- and 90-day periods set out in this subsection may be extended by the director, at the director's discretion, for a reasonable period of time on receipt of a written request from the applicant. The 111- and 90-day requirements set out in this subsection shall not apply to remand proceedings concerning amendments to the city's comprehensive plan or land use regulations or the adoption of new land use regulations that were forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610.

H. Any staff report used at the hearing shall be available at least seven days prior to the hearing.

17.76.020 Public notice.
A. Content of Mailed and Published Notice. A notice of a public hearing or an administrative action shall contain the following information:

1. The name of the applicant;

2. In the case of a public hearing, the date, time and place of hearing, and who is holding the public hearing;

3. The street address or other easily understood geographical reference to the subject property;

4. The nature of the application and, in the case of a public hearing, the proposed use or uses which could be authorized and, in the case of an administrative action, the proposed use or uses which have been authorized;

5. A list of the applicable criteria from this title and the comprehensive plan that apply to the application at issue;

6. In the case of a public hearing, a statement that a failure to raise an issue in person or by letter not later than the close of the record following the evidentiary hearing, or failing to provide accompanying statements of evidence sufficient to afford the

~~decision-making body an adequate opportunity to respond to the issue will preclude an appeal to the land use board of appeals on that issue;~~

~~7. The name of the city representative to contact and the telephone number where additional information may be obtained;~~

~~8. A statement that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria and, in the case of an administrative action, a copy of the administrative action are available for inspection at no cost and will be provided at reasonable cost;~~

~~9. In the case of a public hearing, a statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost;~~

~~10. In the case of a public hearing, a general explanation of the requirements for submission of testimony and the procedure for conducting hearings;~~

~~11. In the case of an administrative action, statements that:~~

~~a. Any person who is adversely affected or aggrieved or who is entitled to written notice under subsection (B) of this section may appeal the decision by filing a written appeal to the planning commission in the manner and within the time period provided in LCMC 17.76.040(A);~~

~~b. The administrative action will not become final until the period for filing an appeal to the planning commission has expired; and~~

~~c. A person who is mailed written notice of the administrative action cannot appeal the action directly to the land use board of appeals under ORS 197.830.~~

~~B. Mailed Notice.~~

~~1. The city shall mail notice of hearings or actions requiring notice pursuant to the provisions of this title to the applicant and to owners of record of property located within 250 feet from the exterior boundary of the subject property, and also to any neighborhood or community organization recognized as such by the city council, whose boundaries include the subject property. The city shall mail notice at least 20 days before the hearing for applications for conditional uses, variances and discretionary land use decisions made by staff and the appeals therefrom, and at least 10 days before the hearing for applications for quasi-judicial text or map amendments to this title, and quasi-judicial comprehensive plan map amendments. In addition, if so requested in the application, the city also shall mail notice to the Oregon Department of Land Conservation and Development. For the purpose of this section, the "owners of record" is defined as property owners at mailing addresses verified in writing by the Lincoln County assessor's office, and includes changes in ownership and mailing address that are readily available since the most recent property tax assessment.~~

2. If an application would change the zone of property which includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the city shall give written notice by first class mail to each existing mailing address for tenants of the park at least 20 but not more than 40 days before the date of the first evidentiary hearing on the application. Failure of a tenant to receive a notice shall not invalidate the zone change.

3. The city shall mail notice of an appeal from a planning commission decision to all persons who gave testimony before the planning commission orally or in writing.

4. Failure of a property owner, neighborhood or community association, or DLCD to receive required notice shall not invalidate such proceedings, if the city can demonstrate by affidavit that such notice was given.

C. Published Notice. Notice shall be given for text or map amendments to this title and comprehensive plan by publication in a newspaper of general circulation in the city at least 10 days before the date of the public hearing.

D. Change in Nature of Decision. In a proceeding for which notice is provided under this section, the city shall not make a final decision that is different from the proposal described in the notice to such a degree that the notice did not reasonably describe the city's final action.

E. Notice of Zone Change or Limitation or Prohibition of Use. Except as to cases described in subsection (F) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof or this title in a manner that would change, or require a change in, the base zone of property or limit or prohibit, or require a limitation or prohibition of, land uses previously allowed in the affected zone, a written individual notice of the land use change shall be mailed by first class or bulk mail to the owner of each lot that the ordinance proposes to so affect, as shown on the most recent property tax assessment roll. The notice shall contain substantially the following statement in bold-faced type, extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:

This is to notify you that Lincoln City is considering a land use regulation that will affect the permissible uses of your land.

The notice also shall contain substantially the following statement in the body of the notice:

On _____, Lincoln City will hold a hearing on the adoption of a proposed ordinance. The City has determined that adoption of the ordinance will affect the permissible uses of your property and may reduce the value of your property. The ordinance is available for inspection at the Department of Planning and Community Development

~~at Lincoln City's City Hall, located at 801 SW Highway 101, Lincoln City, Oregon 97367. A copy of the ordinance also is available for purchase at a cost of $_____. For additional information concerning the ordinance, you may call the Department at _____.~~

~~The notice also shall describe in detail how the proposed ordinance would affect the use of the property.~~

~~F. At least 30 days prior to the amendment of the comprehensive plan or this title pursuant to a requirement of periodic review of the comprehensive plan, in a manner that would change the base zone of property or limit or prohibit land uses previously allowed in the affected zone, a written individual notice of the land use change shall be mailed by first class or bulk mail to the owner of each lot that the ordinance proposes to so affect, as shown on the most recent property tax assessment roll. The notice shall contain substantially the following statement in bold-faced type, extending from the left-hand margin to the right-hand margin across the top of the face page of the notice:~~

~~This is to notify you that Lincoln City is considering a land use regulation that will affect the permissible uses of your land.~~

~~The notice also shall contain substantially the following statement in the body of the notice:~~

~~As a result of an order of the Oregon Land Conservation and Development Commission, Lincoln City is considering a proposed ordinance. Lincoln City has determined that the adoption of the ordinance will affect the permissible uses of your property and may reduce the value of your property. The ordinance, if adopted, will become effective on or about _____. The ordinance is available for inspection at the Department of Planning and Community Development at Lincoln City's City Hall, located at 801 SW Highway 101, Lincoln City, Oregon 97367. A copy of the ordinance also is available for purchase at a cost of $_____. For additional information concerning the ordinance, you may call the Department at _____.~~

~~The notice also shall describe in detail how the proposed ordinance would affect the use of the property.~~

~~G. Notice to ODOT and Other Public Agencies. The city shall provide written notice to ODOT and other public agencies in accordance with LCMC 12.28.200(D).~~

~~17.76.030 Quasi-judicial public hearing procedure and requirements.~~
~~A. The following procedural entitlements shall be provided at the public hearing:~~

~~1. An impartial review as free from potential conflicts of interest and ex parte contact as is reasonably possible;~~

~~2. No member of a hearing body (planning commission or city council) shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:~~

~~a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, or any business with which the member is in direct competition, where the number of similar businesses is five or less,~~

~~b. The member has a direct private interest in the proposal,~~

~~c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner;~~

~~3. Body members shall reveal any ex parte contacts with regard to any matter and shall state the parties' right to rebut the substance of the communication at the commencement of the first public hearing following the prehearing or ex parte contact where action will be considered or taken on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations;~~

~~4. A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, ex parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion;~~

~~5. No officer or employee of the city who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of each interest;~~

~~6. A reasonable opportunity for those persons potentially affected by the proposal to present evidence;~~

~~7. A reasonable opportunity for rebuttal or new material.~~

~~B. Rights of Disqualified Member of the Hearing Body.~~

1. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents his or her own personal interests at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.

2. Except for hearings on legislative actions conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the record and evidence received at the prior hearing(s).

C. Burden and Nature of Proof. The burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this title, especially the specific criteria set forth for the particular type of decision under consideration.

D. Nature of Proceedings. An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

1. Before receiving testimony on the issue, the following shall be addressed:

a. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.

b. Any abstentions or disqualification based on conflict of interest, personal bias, or ex parte contacts shall be determined. If ex parte contacts are reported by any commission member, the member shall state the content of the communication. Thereafter, the chairperson of the commission shall state that the parties have the right to rebut the substance of the ex parte communication. Communications with city staff are not to be considered as ex parte communications.

c. A statement by the chairperson presiding that:

i. States that testimony, arguments, and evidence must be directed toward the applicable criteria or other criteria in the comprehensive plan or this title which the person believes apply to the decision;

ii. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the hearing body an opportunity to respond to the issue will preclude an appeal to the land use board of appeals based on that issue;

iii. States that failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issues will preclude an action for damages in the circuit court.

~~2. Presentations and Evidence.~~

~~a. The presiding officer shall preserve order at the public hearing and shall decide questions of order.~~

~~b. Members of the hearing body may take official notice of judicially cognizable facts of a general, technical or scientific nature. Such notice shall be stated and may be rebutted.~~

~~c. After presentation of the staff report, the proponent and all persons in favor of proponent's proposal shall be heard. Following the presentation of proponent's case, the opponents shall be heard. After presentation of the evidence by the opponents, neutral parties who do not necessarily support or oppose the petition shall have an opportunity to be heard, and then representatives of public agencies. Following all presentations of evidence, brief rebuttal shall be permitted in the same general order, but the presiding officer shall have broad discretion to limit rebuttal to avoid repetition and redundancy.~~

~~3. The hearing body may continue a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date when the hearing is to resume may be announced.~~

~~4. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing body shall grant such request by either continuing the hearing or leaving the record open for additional written evidence, arguments, or testimony.~~

~~a. If the hearing body grants a continuance, the hearing shall be continued to a date, time, and place at least seven days from the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence. The hearing body may grant or deny such a request, at its discretion.~~

~~b. If the hearing body leaves the record open for additional written evidence, arguments, or testimony, the record shall be left open for at least seven days. If new evidence is submitted during the period the record is left open, any participant, within two working days after the period terminates, may file a written request with the department for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is~~

~~filed, the record shall be reopened for an additional five days to allow the participant to raise new issues in response to the new evidence.~~

~~5. When the hearing body reopens a record to admit new evidence, arguments or testimony, any person may raise new issues related to the new evidence, arguments, testimony, or criteria for decision making that apply to the matter at issue.~~

~~6. Unless waived by the applicant, the hearing body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be part of the record. The applicant's final submittal shall not include any new evidence and, if it does include new evidence, the new evidence shall be considered not part of the record and shall be disregarded.~~

~~7. Notwithstanding the provisions of subsections (D)(3), (4) and (5) of this section, the hearing body shall not continue a hearing, leave a record open for the submittal of additional written evidence, arguments, or testimony, or reopen a record, if the continuance, leaving open, or reopening will result in the city's not taking final action on an application within the time period set out in LCMC 17.76.050(A).~~

~~E. Decision. Following the procedure described in this section, the hearing body shall approve, approve with conditions, or deny the application. If the hearing is before the planning commission on a zoning map or text amendment, the planning commission shall make a recommendation to council to adopt or deny the change. Such recommendation will be reflected in the minutes of the planning commission. If the hearing is in the nature of an appeal, the body may affirm, affirm with modifications or additional conditions, reverse, or remand the decision that is on appeal. The hearing body shall not impose conditions of approval that have not been stated, either prior to the close of the hearing or prior to the close of a reopened hearing, with sufficient specificity to allow the applicant to respond to the conditions.~~

~~1. The decision of the hearing body, which has the authority to approve the application or decide the appeal, shall be by a written order signed by the presiding officer.~~

~~2. The order shall incorporate findings of fact and conclusions that include:~~

~~a. A statement of the applicable criteria and standards against which the proposal was tested;~~

~~b. A statement of the facts upon which the hearing body relied in establishing compliance or noncompliance with each applicable criteria or standards, briefly stating how those facts support the decision.~~

~~3. The written order is the final decision in the matter.~~

~~F. Record of Proceedings. The proceedings shall be recorded stenographically or electronically.~~

~~1. The hearing body shall, where practicable, retain as part of the hearing records each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file.~~

~~2. The findings shall be included in the record.~~

~~3. A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled copies of the record at the person's own expense.~~

~~G. Notice of Decision. Notice of decision by a hearing body shall be provided to all persons who appeared before the hearing body orally or in writing, or requested in writing that they be given notice of such decisions. The act of signing a petition shall not be deemed a written appearance before the hearing body and shall not confer party status on the signator. Only the representative submitting the petition or chief petitioner shall be given notice of the decision. The notice of the decision shall include:~~

~~1. A brief description of the decisions reached and date of decision;~~

~~2. A description of the requirements for an appeal, including the type of appeal that may be requested, and the applicable timelines;~~

~~3. A statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing;~~

~~4. A statement that the complete case, including the final order, is available for review at the city. (Ord. 2000-06-A §§ 14 – 18; Ord. 91-18 § 6; Ord. 84-2 § 9.030)~~

~~17.76.040 Appeals.~~

~~A. Decision of Planning Director. A decision of the planning director on the issuance of an administrative permit or discretionary action concerning a land use matter may be appealed to the planning commission by an affected party entitled to notice of decision by filing an appeal with the planning and community development director within 12 days of the mailing of the decision. The notice of appeal that is filed with the city shall indicate the decision that is being appealed and the basis for the appeal. The notice shall indicate in what respects the decision being appealed is a discretionary decision involving a land use matter. The matter at issue will be a determination of the appropriateness of the director's interpretation of the requirements of this title. Notice of the hearing shall be mailed as provided in LCMC 17.76.020(B)(1).~~

~~B. Decision of Planning Commission. A decision of the planning commission concerning a quasi-judicial land use matter may be appealed to the city council by a party to the~~

~~hearing by filing an appeal within 10 calendar days of the mailing of the order. The notice of appeal filed with the city shall contain the information outlined in subsection (C) of this section. For purposes of this section, "party" refers to the applicant and any person who appeared orally or in writing at the hearing.~~

~~The city council may by motion call up a decision of the planning commission on a quasi-judicial land use application, review of which shall be in the form of an appeal reviewed de novo or on the record as the council determines appropriate. The motion shall set the date, time, and place of hearing.~~

~~C. Information Required. A request for appeal of a planning commission decision shall contain:~~

~~1. An identification of the decision sought to be reviewed, including the date of the decision;~~

~~2. A statement of interest of the person seeking review including that the person was a party to the initial proceedings and appeared orally or in writing before the planning commission;~~

~~3. The specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the planning commission hearing.~~

~~D. Review.~~

~~1. Except as provided in subsections (D)(6) and (7) of this section, city council review is limited to the evidence in the record before the hearing body. If an appeal is confined to the record of the proceeding, the record shall include:~~

~~a. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by a party and received or considered in reaching the decision under review;~~

~~b. The final order and findings of fact adopted in support of the decision being appealed;~~

~~c. The request for an appeal filed by the appellant;~~

~~d. The minutes of the public hearing;~~

~~e. The transcript of the hearing below if provided. A verbatim transcript of the hearing body proceedings is not required. Any person who appeared before the hearing body on the application may prepare a certified verbatim transcript of all or part of the hearing body proceedings at that person's own expense. The city manager may prepare a certified verbatim transcript of all or part of the hearing body's proceedings at the city's expense if the city manager deems a transcript necessary or advisable. A certified transcript prepared under this subsection shall~~

~~be considered part of the record and if offered shall be accepted into evidence and considered by the city council.~~

~~2. After receipt of all required fees the director shall set a hearing and provide public notice indicating the date, time and place of the review and the issues that are the subject of the review pursuant to LCMC 17.76.020(B)(1).~~

~~3. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence, to parties to the hearing.~~

~~4. In considering the appeal, the reviewing body need only consider those matters specifically raised by the appellant.~~

~~5. The appellant shall bear the burden of proof.~~

~~6. Submission of New Evidence. The city council may reopen the record and consider new evidence if such a request is made prior to or at the city council hearing by the appellant or any person who testified before the hearing body, and the requesting party demonstrates:~~

~~a. The hearing body committed a procedural error that prejudiced the requesting party's substantial rights and that reopening the record is the only alternative to remanding the application to the hearing body to correct the error; or~~

~~b. That new evidence material to the decision on appeal exists and could not have been presented earlier to the hearing body. A requesting party may only qualify for this exception if the person demonstrates that the new evidence concerns an unanticipated event which occurred after the close of the hearing before the hearing body. This exception shall be strictly construed by the city council to ensure that all relevant evidence and testimony is submitted to the hearing body.~~

~~7. De Novo Hearing. In deciding whether to conduct de novo proceedings on an appeal, the city council shall consider the following: the matter involves an interpretation of city ordinance; there is new information that was not available at the time the hearing was conducted as demonstrated in subsection (D)(6)(b) of this section; or for any other reason the city council determines it would be appropriate to conduct a de novo hearing.~~

~~E. Review Body Decision.~~

~~1. Upon review, the reviewing body may affirm, reverse or modify the decision of the lower body or staff. The hearing body may also remand the decision of the lower body or staff, with instructions.~~

2. Notice of the reviewing body decision shall be provided to all parties to the hearing, within five working days of the date of the final decision. The notice of the decision shall include:

a. A brief description of the decision reached, and a copy of the final order;

b. If the reviewing body is the planning commission, a statement that the decision may be appealed to the city council on the record, by filing an appeal within 10 calendar days of the date that the final order was mailed;

c. If the reviewing body is the city council, a statement that the decision may be appealed to the land use board of appeals by filing a notice of intent to appeal within 21 days of the date that the final order was mailed;

d. A statement that the complete case is available for review at the city

17.76.050 Final action on application for permit or zone change request.
A. The city shall take final action on an application for a permit or zone change, including the resolution of all appeals, within 120 days after the application is deemed complete. The 120-day period does not apply to an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation, notice of which was forwarded to the director of the Department of Land Conservation and Development under LCMC 17.88.065. At the request of the applicant, the 120-day period may be extended for a reasonable period of time by the director, at the director's discretion. In addition, the 120-day period shall be extended by an amount of time equal to the length of any continuance or extension of the time for closing the hearing record or of any period during which the hearing record has been reopened, requested or agreed to by the applicant, and by an additional seven days unless the applicant waives in writing the applicant's right to submit final written arguments in support of the application following closing of the record.

B. If the planning commission fails to take action on a quasi-judicial land use matter within 30 days of the close of the public hearing, any party who appeared before the planning commission either orally or in writing may seek review of the matter by the city council on the record. Such review shall be as if on appeal, and all provisions of this title applicable to appeals of planning commission decisions to city council shall apply.

C. If the city has insufficient time to conduct a hearing before the planning commission and allow for appeal of the decision, if required, to city council, the city council on its own motion may call up the matter for hearing prior to hearing by the planning commission. In such a case, the city council shall conduct an evidentiary hearing on the application and make a final decision within the time allowed by law.

D. If the city fails to take final action on an application for a permit or zone change within the time period set out in subsection (A) of this section, and the applicant files a petition

~~for a writ of mandamus under ORS 227.160 through 227.185, then the city thereafter shall take no further action on the application under the provisions of this chapter.~~

~~17.76.060 Filing fees.~~

~~A. Permit Fees. A schedule of permit fees shall be established by resolution of the city council and paid to the city upon the filing of an application. Such fees shall not be refundable. The failure to submit a required fee with an application, including return of checks unpaid, or other failure of consideration, shall be a jurisdictional defect and the permit application shall not be processed.~~

~~B. Appeal Filing Fees. A filing fee shall be required for the processing of an appeal and shall be in an amount set by resolution of the city council. The failure to submit a required fee with a notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect and the city shall deem the appeal abandoned.~~

~~C. Additional Costs. Where the planning and community development director, with the concurrence of the city manager, deems it necessary and in the public's interest to incur additional costs, such as the hiring of an independent geotechnical or engineering expert, or other technical expertise during the course of land use proceedings, such costs shall be borne by the applicant.~~

SECTION 21. Chapter 17.88 *(Amendments) is hereby deleted to read as follows:*

~~**Chapter 17.88**~~

~~**AMENDMENTS**~~

~~**Sections:**~~
~~**17.88.010 Procedure.**~~
~~**17.88.020 Initiation of amendments.**~~
~~**17.88.030 Application.**~~
~~**17.88.040 Action by the planning commission.**~~
~~**17.88.050 Action by the city council.**~~
~~**17.88.060 Burden of proof.**~~
~~**17.88.065 Notice.**~~
~~**17.88.070 Limitation on new applications.**~~

~~**17.88.010 Procedure.**~~
~~**This title and/or the comprehensive plan map or text may be amended by changing the boundaries of districts or designations or by changing any other provisions thereof, whenever the public necessity and convenience and the general welfare requires such an amendment, by following the procedure of this chapter.**~~

~~**17.88.020 Initiation of amendments.**~~
~~**An amendment to the text of this title or to the zoning map and/or to the comprehensive plan map or text may be initiated by:**~~

~~**A. Motion of the planning commission;**~~

~~**B. Motion of the city council;**~~

~~**C. Application filed by an owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property which is the subject of the application for rezoning or comprehensive plan map redesignation;**~~

~~**D. A Lincoln City resident requesting a change to the text of the comprehensive plan or this title;**~~

~~**E. The planning and community development director.**~~

~~**17.88.030 Application.**~~
~~**The property owner or his authorized agent or for textual changes a resident of Lincoln City may make application for an amendment by filing an application, at least 45 days**~~

~~prior to the meeting date the matter is intended to be considered, with the planning director or his designee on a form and in a manner prescribed by the city, pursuant to LCMC 17.76.010, which shall include the following additional information:~~

~~A. Name and address of the applicant;~~

~~B. For map amendments, the applicant shall provide title report and/or other documentation to provide evidence that the applicant is the owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property which is the subject of the application;~~

~~C. Address, legal description and Lincoln County assessor's tax lot and map number of the property subject to a map amendment;~~

~~D. A map (Lincoln County assessor's plat) showing the subject property and surrounding properties and a listing of current property owners within 100 feet of the property subject to this application for a map amendment;~~

~~E. Statement and supportive evidence indicating the precise manner in which the proposed amendment is in conformance with the comprehensive plan for the city of Lincoln City and each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of an amendment to this title, zoning map or comprehensive plan map and/or text as listed in LCMC 17.88.050(D);~~

~~F. The application shall be accompanied by a filing fee in the amount established by general resolution of the city council. No part of the filing fee is refundable.~~

~~17.88.040 Action by the planning commission.~~
~~A. Upon filing of the application for an amendment as described in LCMC 17.88.030, or upon motion of the city council or planning commission for the initiation of an amendment, the matter shall automatically be referred to the planning commission. The planning commission shall study the matter to the extent that it considers such study to be necessary, including the holding of a public hearing if it so desires, and shall, in open meeting, recommend the approval or disapproval of the amendment. The recommendation shall be reported to the city council by filing the recommendation with the city manager. The city manager shall, upon filing the recommendation, report the same to the city council at a subsequent regular city council meeting after the filing of the recommendations, by setting the matter for public hearing pursuant to LCMC 17.88.050.~~

~~B. The report and recommendations of the planning commission shall be made within 60 days after the filing of a complete application; provided, that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the commission to so report within 60 days without the aforesaid agreement shall be deemed to be a recommendation of approval of the proposed amendment of the planning commission. If the commission deems it advisable, it may recommend that the area under consideration for change in classification or designation be enlarged or~~

~~diminished, or reclassified to a district or category other than the district or category originally initiated.~~

~~17.88.050 Action by the city council.~~

~~A. Hearing Before City Council. Upon receipt of the report from the planning commission or upon the expiration of such 60 days as aforesaid, a public hearing is automatically set for the next regular city council meeting following the receipt of the report; provided, however, that the council may, by motion, set the date of such public hearing at such other time or at such other place it desires. Notice of the public hearing shall be given as provided in Chapter 17.76 LCMC, and in the case of an amendment to property containing a mobile home park, notice shall also be provided to tenants of such mobile home park.~~

~~B. At the conclusion of the public hearing, the council may enact an ordinance granting the comprehensive plan and zoning map or textual amendment, or may by motion deny the granting of the amendment. The council shall in any event render its decision on any application within 60 days after the receipt of the report and recommendation of the planning commission or after the expiration of such 60 days as aforesaid; provided, however, that nothing shall prohibit the city council from, by motion, postponing disposition of the application to a definite time past the 60-day period, provided mutual agreement is made for such postponement by the parties having an interest in the proceedings. If the council fails to take action on an application for a zoning or comprehensive plan map amendment within 60 days as provided above, the application shall be deemed denied.~~

~~C. If the council proposes to adopt an amendment that is substantially altered from the recommendation of the commission, the council may refer the proposed amendment back to the commission for report and recommendation, which may include the holding of a joint meeting, before adoption. The commission shall consider the amendment within 15 days of the referral and report thereon at the next regular meeting of the city council. Failure to so report will be deemed to constitute approval by the planning commission.~~

~~D. Findings of Fact. In order for the city council to adopt an ordinance for an amendment to this title, comprehensive plan document and/or map, it must make and adopt findings as a part of said ordinance that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. The amendment must comply with and conform to the comprehensive plan goals, policies and land use map. For plan and land use regulation amendments, proposals must be consistent with provisions in the Oregon Transportation Planning Rule, OAR 660-012-0060. If statewide goals provide a more specific direction than is provided by the goals in the comprehensive plan, the findings must provide evidence that the proposed amendment is in conformance with statewide land use planning goals and policies.~~

~~17.88.060 Burden of proof.~~

~~The specific findings made by the city council, upon the recommendation of the planning commission, to adopt an ordinance for an amendment to this title, comprehensive plan~~

~~text and/or map must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the amendment. If no evidence is produced concerning the requisite findings listed in LCMC 17.88.050(D), the application may be denied based upon improper or inadequate findings. The evidence produced must be referenced in the final order and findings of fact adopted as a part of the ordinance adopting the amendment proposal.~~

~~17.88.065 Notice.~~

~~A. Initial Notice to DLCD. At least 35 days before the first evidentiary hearing on a proposal to amend the comprehensive plan or this title, the department shall mail to the Director of the Oregon Department of Land Conservation and Development a notice that includes the text of the proposed amendment and any supplemental information that the department believes is necessary to inform DLCD of the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.~~

~~B. Initial Notice to Others. Notice of a hearing on a proposal to amend the comprehensive plan or this title shall be given to others in accord with LCMC 17.76.020.~~

~~C. Notice to DLCD Following Adoption. Not later than 20 days after adoption by the city council of an ordinance amending the comprehensive plan or this title, the department shall mail a notice that includes a copy of the ordinance, accompanied by materials to comply with ORS 197.615(2), to the Director of DLCD. If the adopted amendment is substantially different than the proposed amendment mailed to DLCD under subsection (A) of this section, the notice shall specify the substantial differences. The notice shall include a signed statement by the person mailing it, indicating the date of deposit in the mail.~~

~~D. Notice to Others Following Adoption. On the same date as the department's mailing under subsection (C) of this section, notice of adoption by the city council of an ordinance amending the comprehensive plan or this title shall be given to others in accord with LCMC 17.76.030(G). In addition to the information set out in LCMC 17.76.030(G), the notice also shall:~~

~~1. Identify the place where and the hours during which a person may review the amendment; and~~

~~2. Include a signed statement by the person mailing the notice indicating the date of deposit in the mail.~~

~~17.88.070 Limitation on new applications.~~

~~In a case where an application for an amendment is denied by the city council, the application shall not be eligible for resubmittal for one year from the date of the denial, unless the denial was specifically stated to be without prejudice. A new application affecting the same property must be, in the opinion of the planning commission and the city council, substantially different from the application denied to be eligible for consideration within one year from the date of denial, unless the first denial was denied~~

~~without prejudice, or the planning commission finds that conditions have changed to an extent that further consideration is warranted.~~

SECTION 22. Chapter 17.52.210 *(Planned unit development (PUD)) is hereby deleted to read as follows:*

~~**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.**

~~**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.**~~

~~**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.**~~

~~**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.**~~

~~**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."**~~

~~**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."**~~

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

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.

E. Residential Density Bonuses.

1. Density in excess of the maximum base residential density for the underlying zone may be considered for projects that comply with the density bonus standards. The amount of density bonus shall be determined by the type of density bonus standards incorporated in the development proposal.

2. Except with respect to the "affordable housing bonus," in no case shall the density bonus or bonuses cause the overall project density to exceed the maximum allowed residential density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is 5.81 units per acre, in the R-1-10 zone is 4.36 units per acre, and in the R-M zone is the "low density" density as calculated in LCMC 17.20.050(A).

3. If an applicant requests one or more density bonuses the planning commission shall determine, based on evidence supplied by the applicant, any other person, or staff, whether the applicant has complied with the bonus density standards. If the planning commission determines that the applicant has complied with one or more bonus density standards it shall assign the applicable density bonus points and multiply the maximum base residential density by the applicable density bonus points. The result is the total number of additional residential units allowed for the project above the maximum base residential density.

4. Density Bonus Standards. If an applicant desires to be allowed to develop a number of residential units above the maximum base residential density the applicant shall comply with one or more of the following bonus density standards. The density bonus points for each density bonus standard are in parentheses at the end of each standard.

a. Floodplain.

i. Requirement. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, the portions in the floodplain must be developed according to the National Flood Insurance Program requirements.

ii. Density Bonus Standard. For projects where part(s) of the site is located within the 100-year floodplain as defined and mapped by the Federal Emergency Management Agency, develop only on portions of the site that are not in the 100-year floodplain or on portions that have been previously developed. (0.01 point.)

~~**b. Steep Slopes.**~~

~~**i. Requirement. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed, do not disturb slopes greater than 40 percent and do not disturb portions of the project site within 50 feet of the top of such slopes, and 75 feet from the toe of such slopes.**~~

~~**ii. Density Bonus Standard. On portions of the project site with pre-project slopes greater than 15 percent that are not previously developed sites, limit development to no more than 40 percent of slopes between 25 percent and 40 percent, and to no more than 60 percent of slopes between 15 percent and 25 percent, and locate development such that the percentage of the development footprint that is on pre-project slopes less than 15 percent is greater than the project's total percentage of buildable land that has pre-project slopes less than 15 percent. (0.01 point.)**~~

~~**c. Protected Species Habitat.**~~

~~**i. Requirement. If designated critical habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on or adjacent to the project site, do not disturb that critical habitat or portions of the site within an appropriate buffer around the critical habitat.**~~

~~**ii. Density Bonus Standard. If habitat for species that are listed or are candidates for listing under state or federal endangered species acts is found on the project site, do not disturb that habitat or portions of the site within an appropriate buffer around the habitat, with habitat connections or corridors (including connections to habitat on adjacent parcels) in mind. The geographic extent of the habitat and the appropriate buffer shall be identified by a qualified biologist (as determined by the planning and community development director) or the appropriate federal or state agency. Protect the habitat and its identified buffers from development in perpetuity by donating or selling the land or a conservation easement on the land to an accredited land trust or relevant public agency. (0.02 points.)**~~

~~**d. Public Transit.**~~

~~**i. Requirement. Design streets so that pullouts and public transit shelters may be added in the future without the need to acquire additional rights-of-way or relocate any sidewalks or utility lines.**~~

~~**ii. Density Bonus Standard. Provide covered and at least partially enclosed public transit shelters, adequate to buffer wind and rain, at appropriate locations within the project boundaries. If public transit does not serve the area of the project, provide pullouts at appropriate locations within the project**~~

~~boundaries so that public transit shelters may be added in the future. (0.01 point.)~~

~~e. Accessible Design.~~

~~i. Requirement. Design and build all buildings to comply with the minimum requirements of the Americans with Disabilities Act.~~

~~ii. Density Bonus Standard. For each residential unit type developed, design 20 percent (and not less than one) of each type to comply with the accessible design provisions of the Fair Housing Amendments Act (FHAA) and Section 504 of the Rehabilitation Act (Rehabilitation Act), as applicable. Separate residential unit types include: single-family, duplex, triplex, multi-unit row or townhouses, and mixed use buildings that include residential units. All paths of travel between residential units and other buildings within the project shall comply with the accessible design provisions of the FHAA and Rehabilitation Act, as applicable; and facilities and rights-of-way shall comply with the accessible design provisions of the FHAA, the Rehabilitation Act, or the Americans with Disabilities Act, as applicable. (0.01 point.)~~

~~f. Energy Efficiency.~~

~~i. Requirement. None.~~

~~ii. Density Bonus Standard. (0.02 point).~~

~~(A) For new residential structures of three stories or fewer, build and equip the structures to qualify as an Energy Star Home by either a performance path (through a HERS Index rating) or a prescriptive path (Building Option Package or BOP); and~~

~~(B) For nonresidential structures and residential structures of more than three stories, demonstrate a minimum 10 percent improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2007 (without addenda) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Appendix G requires that this energy analysis include all of the energy costs within and associated with the building project. The proposed design must comply with the mandatory provisions (Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) in Standard 90.1-2007 (without addenda), must include all the energy costs within and associated with the building project, and must be compared against a baseline building that complies with Appendix G to Standard 90.1-2007 (without addenda).~~

~~The default process energy cost is 25 percent of the total energy cost for the baseline building. For buildings where the process energy cost is less than 25 percent of the baseline building energy cost, the applicant must provide supporting documentation substantiating that process energy inputs are appropriate. For the purposes of this analysis, process energy is considered to include, but is not limited to, office and general miscellaneous equipment, computers, elevators and escalators, kitchen cooking and refrigeration, laundry washing and drying, lighting exempt from the lighting power allowance (e.g., lighting integral to medical equipment) and other (e.g., waterfall pumps). Regulated (nonprocess) energy includes lighting (such as for the interior, parking garage, surface parking, facade, or building grounds, except as noted above), HVAC (such as for space heating, space cooling, fans, pumps, toilet exhaust, parking garage ventilation, kitchen hood exhaust, etc.) and service water heating for domestic or space heating purposes.~~

~~g. Outdoor Water Conservation.~~

~~i. Requirement. For irrigation, design and install all irrigation systems in the project so that they do not spray onto or otherwise directly place irrigation water onto impervious surfaces such as roads, driveways, parking lots, and sidewalks.~~

~~ii. Density Bonus Standard. For irrigation, design and install all irrigation systems in the project that use only captured rainwater, recycled wastewater, recycled graywater, or install landscaping that does not require permanent irrigation systems. Temporary irrigation systems used for plant establishment are allowed only if removed within one year of installation. (0.01 point.)~~

~~h. Indoor Water Conservation.~~

~~i. Requirement. None.~~

~~ii. Density Bonus Standard. Design and construct at least 90 percent of all buildings in the project such that they meet one of the following requirements according to the appropriate category (0.01 point):~~

~~(A) For nonresidential buildings and residential buildings over three stories, employ strategies that in aggregate use 30 percent less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Calculations are based on estimated occupant usage and shall include only the following fixtures (as applicable to the building): water closets, urinals, lavatory faucets, showers, and kitchen faucets.~~

~~(B) For residential buildings three stories or fewer, install fixtures that comply with all of the following requirements:~~

~~(1) The average flow rate for all lavatory faucets must be no more than 2.0 gpm.~~

~~(2) The average flow rate for all shower heads must be no more than 2.0 gpm.~~

~~(3) The average flow rate for all toilets, including dual-flush toilets, must be no more than 1.3 gpf.~~

~~i. Tree Preservation.~~

~~i. Requirement. Comply with the requirements of LCMC 17.52.220.~~

~~ii. Density Bonus Standard. For each two percent of canopy cover provided by trees that are preserved and incorporated into a development plan, a 0.01 point density bonus may be granted. The bonus is not applicable to trees preserved in areas that would otherwise be precluded from development, including floodplains, slopes greater than 25 percent, drainage ways, or wetlands. No more than a 0.10 point density bonus may be granted for any one development.~~

~~F. Affordable Housing Bonus. An additional density bonus of 10 percent above the maximum base residential density shall be available for projects incorporating an affordable housing element. For the purposes of this section an affordable housing element must include the following components:~~

~~1. At least five percent of the total number of dwelling units in the project must be affordable units.~~

~~2. The affordable units must be incorporated into the overall project and not be clustered into a separate area of the project. This provision is not intended to prohibit "cottage clusters" of affordable units; provided, that such clusters are themselves incorporated into the overall project and not clustered into a separate area of the project.~~

~~To be considered "affordable" a unit must meet affordability standards as adopted by the city. Alternatively the developer may transfer title to individual lots dedicated to affordable housing to the Lincoln County Land Trust or other organization approved by the planning and community development director for development by that entity as affordable housing.~~

~~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.~~

~~2. Limited Recreational Commercial Uses Permitted.~~

~~a. Uses Allowed. In addition to residential uses, the following recreational commercial uses may be permitted in large-scale, mixed use PUDs located in residential or commercial zones, subject to the limitations in subsection (G)(2)(b) of this section:~~

~~i. Motels, hotels, and resorts;~~

~~ii. Cabins and yurts used for overnight accommodations;~~

~~iii. Eating or drinking establishments without drive-up service facilities;~~

~~iv. Retail sales, exclusive of drive-up service facilities;~~

~~v. Day spas;~~

~~vi. Child day care facilities;~~

~~vii. Religious institutions and houses of worship;~~

~~viii. Convention centers and meeting facilities;~~

~~ix. Time-share units;~~

~~x. Bed and breakfast accommodations;~~

~~xi. Public use or public utility;~~

~~xii. Utility substation;~~

~~xiii. Outdoor commercial amusement establishments;~~

~~xiv. Essential emergency communications and warning facilities;~~

~~xv. Emergency shelters;~~

~~xvi. Mixed use incorporating one or more of the uses listed here.~~

~~b. Limitations. In addition to such conditions and restrictions as the planning commission may deem appropriate, the following limitations apply to commercial uses in large-scale, mixed use PUDs located in residential or commercial zones:~~

~~i. The combined area of commercial uses, including associated parking areas, may not exceed 15 percent of the gross site area;~~

~~ii. Commercial uses must be located a minimum of 100 feet from existing off-site residential buildings;~~

~~iii. No commercial or mixed use buildings may exceed 45 feet in height (unless approved by a vote of the people pursuant to the provisions of LCMC 17.52.190); and~~

~~iv. Recreational commercial uses are subject to the "pearl" Lincoln City commercial design standards.~~

~~3. Applications for large-scale, mixed use PUDs shall meet the requirements of OAR 660-012-0060, and be subject to the following:~~

~~a. A transportation impact analysis (TIA) shall be required at the time of application to determine if the proposed change would significantly affect an existing or planned transportation facility. The TIA shall demonstrate that the development does not significantly impact the transportation system as defined by OAR 660-012-0060(1); or the development shall be made consistent with the transportation system as allowed in OAR 660-012-0060(2). The TIA, findings of significant effect/no significant effect, and proposed mitigation measures shall be sent to the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation for acknowledgment (concurrence).~~

~~b. To be consistent with OAR 660-012-0060, the analysis as indicated in subsection (G)(3)(a) of this section shall include a review process that includes adequate public notice and a public hearing, with the right to appeal.~~

~~c. Where access to US-101 is proposed as part of a large-scale, mixed use PUD, a valid ODOT highway approach road permit must be provided to Lincoln City before development permits may be issued.~~

~~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:~~

~~1. Proposed name of the planned unit development;~~

~~2. Date, north point and scale of drawing;~~

~~3. Appropriate identification clearly stating that the drawing is a preliminary planned unit development master plan;~~

~~4. Location of the planned unit development by section, township and range; a legal description sufficient to define the location and boundaries of the proposed planned unit development tract; and the tract designation or other description according to the real estate records of the county assessor;~~

~~5. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent property boundaries and land uses;~~

~~6. The following:~~

~~a. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development;~~

~~b. Contour lines having the following minimum intervals:~~

~~i. Two-foot contour intervals for ground slopes less than 10 percent; and~~

~~ii. Five-foot contour intervals for ground slopes 10 percent or greater. Contours shall be based on contour maps provided by the city or other data approved by the city engineer;~~

~~c. Location of at least one temporary benchmark within the planned unit development boundaries or the source of the contour line data shown. (Source and accuracy subject to city engineer's approval);~~

~~d. Location and direction of all water courses and natural features such as rock outcroppings, marshes and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately 25 inches in circumference) or more, measured at a point 54 inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed;~~

~~e. Proposed streets, including location, widths and approximate radii or curves;~~

~~f. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement;~~

~~g. The types of housing proposed within the PUD, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location;~~

~~h. Sites, if any, allocated for:~~

~~i. Churches;~~

~~ii. Parks, schools, playgrounds;~~

~~iii. Public buildings;~~

~~iv. Open space;~~

~~v. Commercial uses, specifying the type of each.~~

~~i. Area coverage of existing and proposed structures, lots, streets or other development.~~

~~I. Supplemental Preliminary Master Plan Information. The applicant 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;~~

~~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;~~

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

~~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;~~

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

~~6. Proposed number of residential units;~~

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

~~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;~~

~~9. A statement describing the present and proposed ownership;~~

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

~~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;~~

~~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.~~

~~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.~~

~~J. Determination That Preliminary Master Plan Is Complete. Following submission or resubmission of a preliminary master plan, the site plan committee established by LCMC 17.52.240 shall determine whether the plan is complete pursuant to the submittal requirements of subsections (H) and (I) of this section. The determination of the committee shall be in writing and, if the application is determined to be incomplete, shall be provided to the applicant with a description of the additional material required to make the application complete.~~

~~K. Site Plan Committee Review of Complete Preliminary Master Plan. Following submission of a complete preliminary master plan, the site plan committee shall review the preliminary master plan, shall seek comments on the plan from potentially affected governmental units and agencies, and shall report to the planning commission the comments of the committee members and of those governmental units and agencies that submit comments.~~

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

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

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

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~2. The planning commission, in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.~~

~~M. Extension of Approved Preliminary Master Plan. Prior to expiration of an approved preliminary master plan, the planning commission may, on receipt of an application applying to the as yet unbuilt portions of the development, extend the expiration date; provided, that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for an extension shall be subject to all of the procedures set out in subsections (C) through (H) of this section, including but not limited to the requirement of a hearing before the planning commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to demonstrate that an extension will meet the criteria for an extension established by this subsection.~~

~~N. Modification of Approved Preliminary Master Plan. The planning commission may, on receipt of an application applying to the as yet unbuilt portions of the development, modify an approved preliminary master plan; provided, that the modifications will be consistent with the then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for modifications shall be subject to all of the procedures set out in subsections (C) through (L) of this section, including but not limited to the requirement of a hearing before the planning commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed modifications and to~~

~~demonstrate that the modifications will meet the criteria for modifications established by this subsection.~~

~~O. Procedure Following Expiration of Preliminary Master Plan. If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as yet unbuilt portions of the development, then a complete new application must be submitted prior to reconsideration. An application for reconsideration shall be treated as an original application and shall be subject to all of the procedures set out in subsections (C) through (H) of this section, including but not limited to the requirement of a hearing before the planning commission.~~

~~P. Submission of Tentative Subdivision Plan. If an approved preliminary planned unit development master plan provides for the subdivision of land within the planned unit development, then within such period or periods of time as required by the preliminary planned unit development master plan approval, an applicant shall file a tentative subdivision plan for the planned unit development or for phases of the development, if phasing is permitted. The submittal requirements, procedures and approval requirements for the tentative subdivision plan shall be as set out in LCMC Title 16.~~

~~Q. Planning Commission Consideration of Final Master Plan.~~

~~1. Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted to and approved by the planning commission. The final master plan may be submitted in development phases; provided, that:~~

~~a. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the PUD is located; or~~

~~b. Prior to the development of any phase that will not exist as such a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county deed records, such as conditions, covenants and restrictions. The restrictions shall be applicable to other areas of the planned unit development not yet proposed for development, and shall be sufficient to assure that:~~

~~i. The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards;~~

~~ii. The phase has met any applicable reevaluation requirement imposed during the preliminary master plan approval process; and~~

~~iii. The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.~~

~~2. The final master plan must be in sufficient detail to allow the planning commission to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan. In addition, the final master plan shall include:~~

~~a. Detailed landscaping plans showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation;~~

~~b. Detailed water, sewer, drainage and drainage pretreatment, storm water detention and street system plans, including:~~

~~i. Central line profiles showing finished grades of all streets;~~

~~ii. Cross sections of proposed streets showing widths of roadways, curbs, locations and widths of sidewalks and locations and sizes of utility mains;~~

~~iii. Profiles of sanitary sewer, street drainage, drainage pretreatment, storm water detention and water distribution systems, showing pipe size and location of valves and fire hydrants, all to conform to city standards;~~

~~iv. The estimated cost of street, sewer, drainage and drainage pretreatment, storm water detention, water, and other public infrastructure improvements within the planned unit development.~~

~~3. The planning commission shall approve, or approve with conditions, the final master plan if the planning commission determines that the plan meets all of the following criteria. The commission shall disapprove the final master plan if it finds that the plan, either as submitted or with conditions, does not meet one or more of the following criteria:~~

~~a. The plan is consistent with the preliminary master plan and all conditions applicable to it;~~

~~b. All utility systems and landscaping conform to city standards or are approved by the city engineer; and~~

~~c. If the final master plan is for a phase of the total planned unit development, the criteria for phasing stated in subsection (Q)(1) of this section will be met.~~

~~R. Requirements Following Final Master Plan Approval.~~

~~1. A certified print of the approved final planned unit development master plan shall be provided by the applicant without charge to the office of the city recorder.~~

~~2. Except as provided in subsection (R)(3) of this section, proposals to make changes in the final master plan after it has been approved shall be considered the same as a new PUD application and shall be permitted only in accordance with all of the procedures set out in this section, including but not limited to the requirement of a hearing before the planning commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed changes and to demonstrate that the changed planned unit development will meet the criteria established by this section.~~

~~3. Proposals to make minor changes in the final master plan after it has been approved may be approved by the city manager or the city manager's designated representative. Minor changes consist only of changes that will not have public visibility and that:~~

~~a. Do not increase densities;~~

~~b. Do not change boundaries;~~

~~c. Do not change any use, specific or general, described in the final master plan; and~~

~~d. Do not change the location or amount of land devoted to specific land uses.~~

~~4. A final PUD plat shall be filed with and approved by the city in accordance with the final platting requirements of LCMC Title 16 (Subdivisions) and recorded with Lincoln County, within one year of the approval of a final master plan. One extension of time may be granted, for good cause, by the planning commission if such extension is authorized by the commission prior to the expiration of the one-year period, and provided such extension not exceed one additional year. No additional extensions may be granted. If a final PUD plat is not filed, approved and recorded as required by this section, then the planned unit development approval shall become void as of the date the filing requirement no longer can be met.~~

~~5. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in LCMC 17.52.240(L) and shall obtain a development permit.~~

SECTION 23. Chapter 17.52.240 *(Site plan review) is hereby deleted to read as follows:*

~~17.52.240 Site plan review.~~

~~A. Purpose. The purpose of site plan review is to establish a coordinated permit process to ensure that new development is in compliance with the requirements of~~

~~this title. The result of approval of a site plan is the issuance of a permit to the applicant to develop the site in accord with the site plan and any conditions of site plan approval without further review of the site plan for compliance with the provisions of this title. The issuance of a site plan review permit under this section, however, does not excuse a developer or owner from obtaining any other permits or approvals required by this title, by the Lincoln City Municipal Code, or by any other local, state, or federal law or authority applicable to the proposed development, including but not limited to city sign, tree cutting, grading, sedimentation prevention, erosion control, conditional use, planned unit development, and land division permits.~~

~~B. Site Plan Review Criteria. A site plan review application shall demonstrate that:~~

~~1. The proposed development will comply with all of the applicable requirements of this title; and~~

~~2. The arrangement of all buildings and structures, access points, parking and loading facilities, landscaping, lighting, walls and fences, and stormwater detention, treatment, and drainage features and facilities will avoid traffic congestion and will provide for pedestrian and vehicular safety and welfare.~~

~~C. Site Plan Review Officials. Site plan review officials shall include, but need not be limited to, the director, fire marshal, public works director, police chief, and parks and recreation director, or their designates. These officials shall have the opportunity to review, for compliance with the requirements of this title, the site plans for all proposed nonexempt new buildings, outdoor storage areas, and parking lots, and for the expansion of existing nonexempt buildings, outdoor storage areas, and parking lots, in those zones where site plan review is required.~~

~~D. Site Plan Review Required.~~

~~1. Except as provided in subsection (D)(2) of this section, site plan review is required before any building permit is issued authorizing development and before any outdoor storage area or parking lot development commences, in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NPD and OPD zones, and before any nonresidential building permit is issued authorizing development and before any nonresidential storage area or parking lot development commences in any other zone.~~

~~2. The following development is exempt from site plan review:~~

~~a. Single-family and duplex dwellings.~~

~~b. Development involving only modifications to the interior of a structure.~~

~~c. Development meeting all of the following criteria:~~

~~i. The development involves either no expansion of an existing building or expansion of an existing building by 800 square feet or less; and~~

~~ii. The development does not affect on-site traffic circulation patterns; and~~

~~iii. The development adds less than three additional parking spaces.~~

~~E. Application. An application for site plan review shall include:~~

~~1. The application form established by the department in order to have the information needed to demonstrate compliance with the requirements of this title~~

~~provided in a manner that will allow the site plan review officials to review the site plan in an organized and efficient manner;~~
~~2. The filing fee established by resolution of the city council;~~
~~3. A site plan covering all lots on which development will occur or whose area is needed within the development in order to meet requirements of this title. The site plan shall be drawn to scale and shall indicate the following, where applicable:~~
~~a. Dimensions and orientation of the site, and lot lines of, and within, the site.~~
~~b. Locations of buildings and structures, both existing and proposed, and an identification of buildings and structures proposed to be removed.~~
~~c. Location and layout of off-street parking and loading facilities.~~
~~d. Location and points of entry and exit for motor vehicles, and the internal circulation pattern.~~
~~e. Location of walls and fences and an indication of their height and materials of construction.~~
~~f. Location and type of exterior lighting standards and devices.~~
~~g. Location of areas of required landscaping and areas of existing vegetation proposed to be retained.~~
~~h. Grading (excavations and fills), by plotting existing and proposed contours and existing and proposed stormwater detention, treatment, and drainage features and facilities.~~
~~i. The height of buildings and structures.~~
~~j. The proposed use of buildings and structures.~~
~~k. Location and dimensions of existing and required utility, drainage and sidewalk easements.~~
~~l. Location of required sidewalk, curb, gutter, and pavement improvements.~~
~~m. Location of existing and proposed water and sewer lines and facilities.~~
~~n. General location of proposed private utility lines.~~
~~o. If environmental assessments or reports are required by Chapters 17.46, 17.47 and 17.48 LCMC, the location of any riparian vegetation, significant wildlife habitat and major marshes, exceptional aesthetic resources and related natural vegetation cover, historic and archaeological sites, natural hazards, and beaches and dunes that are subject to those sections;~~
~~4. Any environmental assessments or reports required by Chapters 17.46, 17.47 and 17.48 LCMC. If an application does not include the required environmental assessments or reports, the application shall be deemed not complete, but, on the request of the applicant, site plan review officials may review and comment on the site plan on a preliminary basis;~~
~~5. A traffic impact study at the request of the city engineer, if indicated by LCMC 17.52.300;~~
~~6. Any other architectural, civil or traffic engineering, or other information required to permit findings that the development will comply with the provisions of this title;~~

~~7. For a proposed expansion of an existing building, outdoor storage area, or parking lot, the site plan shall indicate the relationship of the proposed expansion to the existing development but need not include other data required in subsection (D) of this section, except as necessary to permit findings that the expanded development will comply with the provisions of this title; and~~

~~8. If an applicant intends to assert that it cannot legally be required, as a condition of site plan approval, to provide easements and improvements at the level otherwise required by LCMC 17.52.230, the application shall include the report described in LCMC 17.52.230(B).~~

~~F. Notice of Receipt of Application.~~

~~1. After receipt of a site plan application, the department shall provide written notice of the application to:~~

~~a. Owners of property within 250 feet of the site for which the application is submitted. The list of property owners shall be compiled from the most recent property tax assessment roll.~~

~~b. Any neighborhood association recognized by the city whose boundaries include the site.~~

~~2. The written notices of the application shall include the following information:~~

~~a. The date, time, and place where comments are due, if a person wishes to have the comments considered during the site plan review process. The due date shall be at least 14 days after the date of the notice.~~

~~b. A statement that the criteria governing the site plan review decision are those requirements of this section that are applicable to the particular development being proposed.~~

~~c. The street address or another easily understood geographical reference to the site.~~

~~d. A statement that the site plan review application and any other file materials are available for review at the department and that copies can be obtained at cost.~~

~~e. The name and phone number of a department contact person.~~

~~3. The written notice shall state that if tenants or lessees reside at the property, the city requests that the owner provide a copy of the notice to each tenant or lessee. The failure of an owner to honor this request shall not constitute a violation of this subsection.~~

~~G. Determination of Completeness. Not later than 30 days after the initial filing of the application, the site plan review officials shall have an initial opportunity to review the site plan review application. If the director determines following the initial review:~~

~~1. That the application is complete, then, not sooner than the due date for comments set out in the written notice of the application, the site plan review officials may proceed immediately to complete their review of the application.~~

~~2. That the application is not complete, then, not later than 30 days after the initial filing of the application, the department shall give written notice to the applicant that the application is not complete. The notice shall specify what information is~~

~~missing, shall give the applicant the opportunity to submit the missing information, and shall indicate a date on and after which the city may proceed to complete its review of the application, with or without the missing information.~~

~~H. Review and Decision.~~

~~1. After the director has determined that the initial application is complete under subsection (G)(1) of this section, or on or after the date indicated to the applicant under subsection (G)(2) of this section, whichever is applicable, the director shall request that the site plan review officials review the application and any written comments received during the comment period, and that the officials provide their written comments and recommendations on the application to the director not later than the time set by the director for further consideration of the application.~~

~~2. Site plan review officials wishing to provide comments and recommendations on the application shall provide written comments and recommendations to the director not later than the time set by the director for further consideration of the application.~~

~~3. In reviewing the application and comments received during the comment period, and in making comments and recommendations on the application, site plan review officials shall base their review, and any resulting formal comments and recommendations, on whether the development will comply with the requirements of this title. Site plan review officials also may submit additional informal comments and recommendations that they wish to be provided to the applicant for informational purposes only.~~

~~4. On or after the time set by the director for further consideration of the application, after considering the application, comments received during the comment period, and comments and recommendations received from site plan review officials, the director shall prepare a written decision taking one of the following actions:~~

~~a. If the director finds that the development, as described in the application, will comply with all of the requirements of this title, the director shall approve the application.~~

~~b. If the director does not find that the development, as described in the application, will comply with all of the requirements of this title, the director, in the director's discretion, shall either:~~

~~i. Disapprove the application; or~~

~~ii. Approve the application, subject to such conditions as are necessary so that the development, as conditioned, will comply with all of the requirements of this title.~~

~~The director's decision shall identify each requirement of this title that is applicable to the site plan under review; shall include any findings that are necessary to a determination of whether the site plan complies with the requirement; shall state a conclusion, based on the findings, as to whether the site plan complies with the requirement and, if not self evident, the basis for the conclusion; and, if the decision is to approve the site plan subject to conditions, shall state any findings, conclusions, and basis for conclusions, to demonstrate that compliance with the~~

~~conditions is necessary in order for the site plan to comply with the requirements of this title.~~

~~5. During review of a site plan application, an applicant may revise the site plan under consideration; provided, that the applicant, if required by the director as a condition to revision, signs a written statement in a form approved by the director agreeing that the 120-day period provided for in ORS 227.178 shall commence from the date the revision is filed with the department.~~

~~6. If a condition of approval of a site plan requires a future submittal to be filed for deferred or refined site plan review in relation to the development, then review of the future submittal shall be made pursuant to the procedures set out in this section for approval of the site plan itself, except that the review shall be limited to determining only whether the submittal complies with the requirements of this title applicable to the submittal.~~

~~7. A decision of the director under subsection (H)(4) of this section may include, but is not required to include, informal advice to the applicant about other permits or requirements of this title, of the Lincoln City Municipal Code, or of any other local, state, or federal law or authority that are or may be applicable to the proposed development but that are outside the scope of site plan review.~~

~~I. Notice of Decision. On approval, approval with conditions, or disapproval of a site plan review application under subsection (H)(4) of this section, the director shall publish, at the applicant's expense, notice of the action in a newspaper of general circulation in the city. In addition, the director shall provide written notice of the decision to:~~

~~1. The applicant;~~

~~2. Owners of property within 250 feet of the site for which the application is submitted. The list of property owners shall be compiled from the most recent property tax assessment roll;~~

~~3. Any neighborhood association recognized by the city whose boundaries include the site; and~~

~~4. Any person who submitted written comments during the comment period.~~

~~The notices provided shall include an explanation of the means for appealing the action taken. In addition, the notices shall state that if tenants or lessees reside at the property, the city requests that the owner provide a copy of the notice to each tenant or lessee. The failure of an owner to honor this request shall not constitute a violation of this subsection.~~

~~J. Appeals. The applicant or any interested person may appeal a decision of the director under subsection (H)(4) of this section. The appeal shall be filed within 10 days of the mailing of the decision and must be filed in the manner set out in LCMC 17.76.040. The filing of an appeal of a site plan approval shall suspend any building permit issued based on the approval until the city appeal body, whether the commission or the city council, has decided the appeal.~~

~~K. Revisions to Approved Site Plans.~~

~~1. Major revisions proposed by the applicant to an approved site plan shall be made only pursuant to the procedures set out in this section for approval of the site plan itself. A major revision is a revision which:~~
~~a. Increases the density of development;~~
~~b. Enlarges any structure on the site by more than 800 square feet, or enlarges the area of the site;~~
~~c. Changes vehicular or pedestrian access to, or circulation patterns on, the site; or~~
~~d. Changes the location of, or amount of land devoted to, a specific use on the site.~~
~~2. Where a required site plan approval for a development has been granted, it shall be unlawful for any person to cause or permit the construction, alteration, improvement, or use of the development in any manner except in compliance with the approved site plan, subject to any lawfully made non-major revisions.~~
~~L. Public Infrastructure Improvements Agreements.~~
~~1. If all the public infrastructure improvements required to be provided as part of a site plan approval have not been satisfactorily completed prior to application for issuance of a certificate of occupancy or prior to a proposed commencement of use, and if the city manager or a designated representative determines that a delay in completion of the improvements is appropriate, then the city manager or delegate may require, as a condition of such issuance or use, an improvement agreement signed by the owner, in a form satisfactory to the public works director. An improvement agreement shall:~~
~~a. Identify all public infrastructure improvements remaining to be completed and establish a time period within which the owner shall complete the improvements;~~
~~b. Provide that if the owner does not complete the identified improvements within the established time period, then the city may complete the improvements and recover the full cost and expense of completion from the owner;~~
~~c. Require the owner to reimburse the city for all costs of inspection by the city engineer of the public infrastructure improvements;~~
~~d. Require the owner to hold harmless, defend, and indemnify the city and its mayor and council members, officers, boards, commissioners, and employees from claims of any nature arising or resulting from the performance of any acts required to be done by the owner under the agreement;~~
~~e. Require the city to tentatively accept the public infrastructure improvements and the easements in which they are located at such time as the city engineer determines that the owner has fully complied with all terms and conditions of the improvement agreement related to the improvements and easements; and to finally accept the improvements and easements on satisfactory completion, as determined by the city engineer, of the one-year warranty period required under subsection (L)(3) of this section.~~
~~2. An owner entering into an improvement agreement under subsection (L)(1) of this section shall file with the city, as a condition to city acceptance of the agreement, financial security to assure the full and faithful performance of the agreement by the owner. The financial security shall be in an amount equal to 110~~

~~percent of the applicant's estimated cost to complete the public infrastructure improvements, as approved by the city engineer, which amount shall be subject to reduction from time to time in the sole discretion of the city engineer as satisfactory construction of the public infrastructure improvements is completed.~~

~~3. At the time the owner completes construction of public infrastructure improvements required as part of a site plan approval, whether constructed prior to occupancy or use of the site or pursuant to an improvement agreement, as a condition of tentative acceptance of the improvements by the city, the owner shall warrant the materials and workmanship of the improvements for a period of one year from the date of tentative acceptance and shall provide financial security for the warranty in the amount of 20 percent of the applicant's estimated cost to construct the public infrastructure improvements, as approved by the city engineer.~~

~~4. The financial security required under subsections (L)(2) and (3) of this section shall be in a form approved by the public works director and may be one or more of the following:~~

~~a. A surety bond executed by a surety company authorized to transact business in the state of Oregon;~~

~~b. Cash; or~~

~~c. An irrevocable standby letter of credit or similar financial security instrument.~~

~~5. Decisions of the city manager, city engineer, or designated representatives in the enforcement of agreements entered into under this subsection shall not be subject to appeal under LCMC 17.76.040.~~

~~M. Time Limitations.~~

~~1. A site plan approval shall become void on the thirty-first day after approval unless the applicant and owner, within 30 days after approval, sign and file with the department an acceptance of the approval in the standard form provided by the director. The director may extend the time for signing the acceptance for good cause, whether before or after expiration of the 30-day period. The signing of an acceptance shall not waive any appeal rights of the applicant or owner, but merely shall acknowledge that, unless the approval is revised on appeal, the development must conform to all of the terms and conditions of the approval.~~

~~2. A site plan approval shall become void two years after approval unless within that time construction of the approved development has been commenced and thereafter diligently pursued toward completion. The director may extend a site plan approval for an additional period of one year and, if an extension is applied for, shall extend the approval, unless there have been changes in the applicable criteria or in circumstances relevant to the site that would justify re-review of the site plan in relation to the applicable criteria. No more than one extension may be granted.~~

~~3. Decisions of the director on whether to approve extensions under this subsection shall not be subject to appeal under LCMC 17.76.040.~~

SECTION 24. Measure 49 Reservation.

Notwithstanding the amendment and removal of existing sign regulations as set forth in this ordinance, LCMC 17.72 as it existed on the date of this ordinance adoption, is preserved in its entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49. This reservation does not modify or alter previous Measure 49 reservations concerning this chapter.

SECTION 25. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, and Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 26. Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 27. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 28. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 29. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 24-29) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 13th day of July 2020 (First Reading) and on the 13th day of July 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13th day of July 2020.

_____

DICK ANDERSON, MAYOR

ATTEST:

_____

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

PLANNING COMMISSION STAFF REPORT
MEETING DATE: July 7, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

Roads End/The Villages at Cascade Head Urban Renewal Plan

See attached staff report.

STAFF RECOMMENDATION

Options:

1. Motion and second to recommend approval of the Roads End/The Villages at Cascade Head Urban Renewal Plan to City Council as written.
2. Motion and second to recommend denial of the Roads End/The Villages at Cascade Head Urban Renewal Plan to City Council for the reasons stated (and state the reasons for recommending denial).
3. Motion and second to recommend approval of the Roads End/The Villages at Cascade Head Urban Renewal Plan to City Council with the following changes (and state the changes).

1_Roads EndVillages District Plan-Final draft 050620 (PDF)
2_RE_V TIF Report Final Draft 050620 (PDF)
ORS_Chapter-457 (PDF)
PC Staff Report (DOCX)

Roads End/Villages at Cascade Head
Urban Renewal (Tax Increment Finance) Plan

Adopted by the City of Lincoln City

DATE

Ordinance No. ___

If Amendments are made to the Plan, the Resolution or Ordinance Number and date will be listed here. The amendment will be incorporated into the Plan and noted through a footnote.

Date	Res or Ordinance No.	Purpose of Change

Mayor
Dick Anderson

City Council
Mitch Parsons, Ward 1
Diana Hinton, Ward 1
Dennis “Riley” Hoagland, Ward 2
Diane Kusz, Ward 2
Judy R. Casper, Ward 3
Rick Mark, Ward 3

Planning Commission
Marci Baker
Miles Schlesinger
Lenny Nelson
Joshua Brainerd
Kim Blackerby
Patti Kroen

Urban Renewal Agency
Diana Hinton, Chair
Mitch Parsons, Vice Chair
Dick Anderson
Judy R. Casper
Dennis “Riley” Hoagland
Diane Kusz
Rick Mark

City Manager
Ron Chandler

Economic Development and Urban Renewal Director
Alison Robertson

Economic Development Coordinator
Jodi Mescher

Administrative Coordinator
Pam Wiren

GIS Coordinator
Sandy Gruber

Finance Director
Debbie Bridges

Public Works Director
Lila Bradley

Public Works City Engineer
Sephanie Reid

Parks And Recreation Director
Jeanne Sprague

Planning and Community Develoment Director
Anne Marie Skinner

Urban Renewal Advisory Committee
Dick Anderson – Mayor, City of Lincoln City
Laurel Barton – Community Member
Pamela Barlow-Lind – Tribal Planner, Confederated Tribes of Siletz Indians
Debbie Bridges – Finance Director, City of Lincoln City
Ronald Chandler – City Manager, City of Lincoln City
Chief Rob Dahlman – Fire Chief, North Lincoln Fire & Rescue District #1
Dr. Karen Gray – Superintendent, Lincoln County School District
Diana Hinton – UR Agency Chair, City of Lincoln City
Kaety Jacobson – County Commissioner, Lincoln County Board of Commissioners
Janet Knipe – Community Member
Patti Kroen – Chair, Lincoln City Planning Commission

Tax Increment Plan Consulting Team
Elaine Howard Consulting, LLC
Elaine Howard
Scott Vanden Bos

Tiberius Solutions, LLC

Nick Popenuk
Ali Danko
Rob Wyman

This page intentionally left blank

TABLE OF CONTENTS

I.	DEFINITIONS	1
II.	INTRODUCTION	3
III.	MAXIMUM INDEBTEDNESS	8
IV.	GOALS AND OBJECTIVES	9
V.	URBAN RENEWAL PROJECT CATEGORIES	12
VI.	URBAN RENEWAL PROJECTS	12
VII.	AMENDMENTS TO PLAN	16
VIII.	PROPERTY ACQUISITION AND DISPOSITION	17
IX.	RELOCATION METHODS	18
X.	TAX INCREMENT FINANCING OF PLAN	18
XI.	VALIDITY	19
XII.	ANNUAL REPORT	20
XIII.	RELATIONSHIP TO LOCAL OBJECTIVES	20
XIV.	LEGAL DESCRIPTION	30

I. DEFINITIONS

“Agency” means the Lincoln City Urban Renewal Agency, also called Agency. The Agency is responsible for administration of this Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan and other urban renewal/TIF plans previously adopted in the City of Lincoln City.

“Annual report” is the ORS 457.460 requirement for the production of an urban renewal annual report that gets distributed to the taxing districts.

“Area” or “urban renewal area” or “TIF Area” means the tax increment finance area established for this Plan pursuant to ORS 457, including the properties and rights-of-way located therein.

“Blight” is defined in ORS 457.010(1)(a-i) and identified in the ordinance adopting an urban renewal plan.

“Board of Commissioners” means the Lincoln County Board of Commissioners.

“City” means the City of Lincoln City, Oregon.

“City Council” or “Council” means the Lincoln City City Council.

“Comprehensive Plan” means the City of Lincoln City Comprehensive Plan and its implementing ordinances, policies, and standards.

“County” means Lincoln County, Oregon.

“Fiscal year” means the year commencing on July 1 and closing on June 30.

“Frozen base” means the total assessed value including all real, personal, manufactured, and utility values within a TIF area at the time of adoption. The county assessor certifies the assessed value after the adoption of a TIF area plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement from the assessor (frozen base).

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. The maximum indebtedness for this Plan is $87,100,000.

“Municipality” means any county or any city in the state of Oregon.

“ORS” means the Oregon Revised Statutes and specifically Chapter 457, which relates to urban renewal.

“Planning Commission” means the Lincoln City Planning Commission.

“Project(s)” or “TIF Project(s)” means any work or undertaking carried out under the TIF Plan.

“Report Accompanying TIF Plan” or “Report” means the official report that accompanies the Roads End/Villages at Cascade Head TIF Plan pursuant to ORS 457.085(3).

“Revenue sharing” means sharing tax increment proceeds as defined in ORS 457.470.

“Roads End/Villages at Cascade Head Urban Renewal (TIF) Area” means the urban renewal area/tax increment finance area established under authority in ORS 457.

“Tax increment finance area” or “urban renewal area” or “TIF area” means a blighted area included in a TIF plan.

“Tax increment finance area plan” or “urban renewal plan” or “TIF plan” means a plan, as it exists or is changed or modified from time to time, for one or more TIF areas, as provided in ORS 457.

“Tax increment finance area project(s)” or “urban renewal project(s)” or “TIF area project(s)” means any work or undertaking carried out under ORS 457.170 and ORS 457.180 in a TIF area.

“Tax increment finance area report” or “urban renewal report” or “report” means the official report that accompanies the TIF plan pursuant to ORS 457.085(3).

“Tax increment finance” or “tax increment financing” or “TIF” means the funds that are associated with the division of taxes accomplished through the adoption of a TIF plan.

“Tax increment revenues” means the funds allocated by the assessor to renewal TIF area due to increases in assessed value over the frozen base within the area.

“UGB” means urban growth boundary.

“Urban Renewal” means the statutory authority provided in ORS 457. In this Plan it is synonymous with TIF.

II. INTRODUCTION

A. Background

The Lincoln City City Council (City Council) has used urban renewal as an economic development tool since the adoption of the Year 2000 Development (Urban Renewal) Plan (Year 2000 Plan) in 1988. The Lincoln City Urban Renewal Agency (Agency) will make the final bond payment on the Year 2000 Plan on December 1, 2020. Fiscal year 2020/2021 is the final year to collect division of tax revenues for the Year 2000 Plan. As part of planning for the tools to be used to help facilitate development and provide infrastructure to the city, the City Council directed staff to complete tax increment feasibility studies for both the Roads End/Villages at Cascade Head Area and the Nelscott Area. Those studies were completed in 2019 and were presented to the City Council. After review of the findings of the feasibility studies, the City Council directed staff to prepare a tax increment plan for the Roads End/Villages at Cascade Head Area and to begin planning for a potential future tax increment area in Nelscott.

The Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Plan) for the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (Area) was developed for the City Council with cooperative input from the community-based Advisory Committee (AC) that was formed for this purpose. The AC consisted of eleven members including representatives from City Council, Agency and Lincoln City Planning Commission (Planning Commission), representatives from major taxing districts, and community members. The AC met formally four times to review and discuss the project boundary, list of projects to be pursued in the Area, project financials, and to review the Draft Plan.

The Plan also included input from community engagement at two public forums, an online survey, and public meetings, and in hearings before the Lincoln City Urban Renewal Agency, Planning Commission, City Council, and a public briefing with the Lincoln County Board of Commissioners. The Plan also included communication with the overlapping taxing districts through a briefing with representatives from impacted taxing districts, individual meetings with taxing districts as requested, and consult and confer letters to update impacted districts on project progress and financial implications to each taxing district.

A significant project to be completed in the Area that involves future community outreach is Community Visioning. Through the Community Visioning process projects will be further defined and prioritized as funds are accrued.

A full list of community outreach events and presentations is shown in Table 1.

The Area, shown in Figure 1, is 500 acres.

Table 1 – Community Outreach and Events

Meeting	Topic	Date
City Staff - Department Head Meeting	Identify initial list of projects to be completed in Area	10/10/2019
Advisory Committee Meeting #1	Boundary discussion	10/29/2019
Roads End Improvement Association	Urban Renewal 101; urban renewal process and project update	11/9/2019
KBCH AM 1400 Radio Show	Urban Renewal overview and marketing for public forum on January 7th	12/18/2019
Email sent out to general contact list	Invitation for Public Forum #1	1/3/2020
Advisory Committee Meeting #2	Review and discuss project list	1/7/2020
Public Forum #1	Urban Renewal overview, and collect input on list of proposed projects	1/7/2020
Online Survey	Collect input on list of proposed projects. Survey link sent to general contact list, Chamber of Commerce membership, Bay Area Merchants Association membership members, and posted on City website	1/8/2020 - 2/10/2020
KBCH AM 1400 Radio Show	Project update and marketing for public forum on February 18th	1/13/2020
Press Release sent out for Public Forum #2	Marketing for Public Forum on February 18th	2/7/2020
Email sent out to general contact list	Marketing for Public Forum 2	2/11/2020
Taxing Districts Briefing Meeting	Update overlapping taxing districts with project details and financial implications	2/11/2020
Advisory Committee Meeting #3	Review and discuss project list & financials	2/18/2020
Public Forum #2	Present community input summary and discuss project list and financials	2/18/2020

City Council	Present community input summary and discuss project list and financials	2/24/2020
Roads End Improvement Association (Virtual Meeting)	Urban Renewal update	3/14/2020
City Council	Prompt City Council for direction on next steps, discuss revenue sharing	3/23/2020
Memo to taxing districts	Update overlapping taxing districts with project details and updated financial impacts as a result of revenue sharing	4/6/2020
Advisory Committee Meeting #4	Review and discuss draft Plan and Report	4/28/2020
Urban Renewal Agency review	Review and discuss draft Plan and Report	6/15/2020
Consult and Confer letters	Provide overlapping taxing districts with draft Plan and Report to review	*after Agency meeting
Planning Commission meeting	Review and discuss draft Plan's conformance to comprehensive plan	7/7/2020
Lincoln County briefing	Review and discuss draft Plan and Report including maximum indebtedness	7/8/2020
City Council hearing	Review and discuss draft Plan and Report, first reading of ordinance for Plan adoption	7/27/2020

Note on language: This Plan, wherever applicable and permissible, uses the term Tax Increment Finance or TIF synonymous with "urban renewal". The term TIF is used consistently in other parts of the nation and does not evoke past practices of other urban renewal agencies throughout the country wherein minorities and underrepresented populations were displaced to clear the way for redevelopment. This Plan aims to avoid those connotations and has been created with intention to avoid those outcomes. Utilizing the term TIF does not affect the statutory authority of ORS 457, as it relates to this Plan.

B. Plan Overview

The Goals and Objectives of this Plan are intended to guide investment by the Agency in the Area over the life of the Plan. Substantial amendments to the Plan must be approved by City Council as outlined in Section VII. All amendments to the Plan are to be listed numerically on the inside of the front page of the Plan and then incorporated into the Plan document and noted by footnote with an amendment number and adoption date.

The relationship between the sections of the Plan and the Oregon Revised Statute (ORS) 457.085(2) requirements is shown in Table 2. The specific reference in the table below is the section of this Plan that primarily addresses the statutory reference. There may be other sections of the Plan that also address the statute.

Table 2 - Statutory References

Statutory Requirement	Plan Section
ORS 457.085(2)(a)	V, VI
ORS 457.085(2)(b)	V, VI
ORS 457.085(2)(c)	XIV
ORS 457.085(2)(d)	XIII
ORS 457.085(2)(e)	XIII
ORS 457.085(2)(f)	IX
ORS 457.085(2)(g)	VIII
ORS 457.085(2)(h)	III
ORS 457.085(2)(i)	VII
ORS 457.085(2)(j)	Not applicable

C. Tax Increment Financing Overview

ORS 457 allows for the use of tax increment revenues, a financing source that is unique to urban renewal, to fund its projects. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area, in this Plan called the Roads End/Villages at Cascade Head Area TIF Area or Area, from the time the Area is first established - are used to repay borrowed funds. The borrowed funds are used to pay for projects within the Area and cannot exceed the maximum indebtedness amount set by the Tax Increment Plan.

The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped, called blighted areas in ORS 457. These areas can have property that is undeveloped or underdeveloped, streets and utilities in poor condition, a complete lack of streets and utilities altogether, or

other obstacles to development. In general, urban renewal projects can include construction or improvement of streets, utilities, and other public facilities; assistance for development, rehabilitation or redevelopment of property; acquisition and re-sale of property (site assembly) from willing sellers; and improvements to public spaces.

The Area meets the definition of blight due to its infrastructure deficiencies including deficiencies in the Transportation System, Parks System, Sewer System, Stormwater System and Water System. In addition, there are many undeveloped properties within the Area. These blighted conditions are specifically cited in the ordinance adopting the Plan and described in detail in the Report Accompanying Roads End/Villages at Cascade Head TIF Area (Report).

The Report contains the information required by ORS 457.085(3), including:

- A description of the physical, social, and economic conditions in the area;
- The expected impact of the Plan, including fiscal impact in light of increased services;
- Reasons for selection of the Plan Area;
- The relationship between each project to be undertaken and the existing conditions;
- The estimated total cost of each project and the source(s) of funds to pay such costs;
- The estimated completion date of each project;
- The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired;
- A financial analysis of the Plan;
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the Urban Renewal Area; and
- A relocation report.

III. MAXIMUM INDEBTEDNESS

Maximum indebtedness is a legal term for the total amount of money that can be spent on projects, programs and administration throughout the life of the Plan. The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion, is $87,100,000 (Eighty Seven Million One Hundred Thousand Dollars). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness, or interest earned on bond proceeds.

IV. GOALS AND OBJECTIVES

The Agency adopted both a Mission, and Goals and Objectives when the Year 2000 Plan was prepared. Goals and Objectives of this Plan represent its basic intents and purposes. The projects identified in Sections V and VI of the Plan are the specific means of meeting the goals. The goals will be pursued as economically as is feasible and at the discretion of Agency. They are not listed in any order of importance or priority.

A. Agency Mission

The mission of the Agency is to eliminate blight and depreciating property values in areas within the Agency's jurisdiction and in the process, attract job producing private investments that will improve property values, improve the Area's visual quality and establish a positive linkage between the Area and the Pacific Ocean – all in a manner which will be compatible with the City's natural and built setting.

B. Plan Goals

To accomplish its mission the Agency will develop and implement an urban renewal (tax increment finance) program known as the Plan, the goals and objectives of which are:

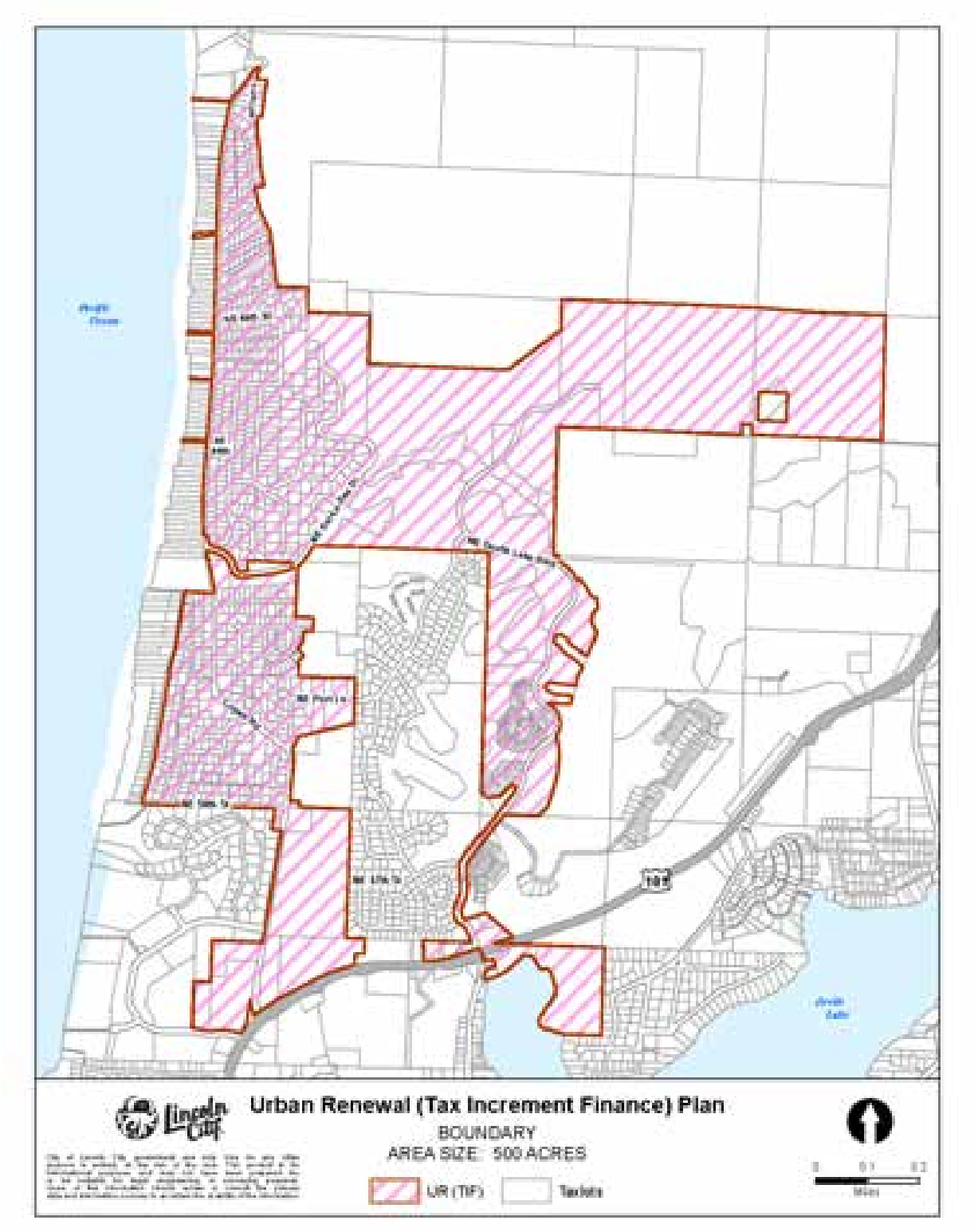
1. To resolve the problems created by existing blighted conditions so that unused and underused properties can be placed in productive condition and utilized at their highest and best use.
2. To involve community members and stakeholders and increase engagement in planning to support projects in the Area.
3. To establish and improve road connections to increase accessibility within as well as into and out of Area.
4. To improve the City's economic vitality and its ability to provide municipal services.
5. To support City economic development and housing goals.
6. To install and enhance pedestrian pathways in areas of maximum concentration to improve the pedestrian environment.
7. To enhance and increase accessibility of Area parks and open spaces and to increase connectivity to greater trail systems.
8. To establish and improve water, sewer, and utility systems to support existing and future development, and to place underground, existing overhead utility systems in areas that will improve view corridors as well as safety in the event of inclement weather or natural disasters.

9. To be sensitive to, and to minimize to the greatest extent possible, the effects of tax increment financing upon the overlapping taxing districts through revenue sharing.

10. To enhance opportunities for business and tourist-related property to be developed, redeveloped, improved, rehabilitated and conserved in ways which will:

    a. Ensure that traffic flow, off-street parking, and other public facilities within the Area are adequate to accommodate current and future development
    b. Improve the Area's visual quality consistent with that of the Oregon Coast's natural environment
    c. Encourage the expansion and development of businesses that will produce living wage jobs for the people of the City
    d. Increase property values so that the Area will contribute its fair share to the costs of providing public services
    e. Leverage the Agency's financial resources to maximum extent possible with other public and private investment and other funding sources

Figure 1 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Boundary



Source: City of Lincoln City GIS

V. URBAN RENEWAL PROJECT CATEGORIES

In relationship to the goals described in the previous section, the projects within the Area fall into the following categories:

A. Transportation

B. Economic Development

C. Parks, Trails and Open Space

D. Public Works/Utilities

E. Community Connections/Appearance

F. Emergency Preparedness, Resiliency and Mitigation

G. Plan Administration

VI. URBAN RENEWAL PROJECTS

Urban renewal projects authorized by the Plan are described below. No project currently includes a public building. If any project considered in the future proposes a public building, the public building criteria in ORS 457.010 and ORS 457.035 to 457.320 will need to be addressed at the time the project is considered. If a public building is proposed, and concurrence is provided by the taxing districts as described in ORS 457.089, then the project and the statutory requirements must be identified in the Plan through a Minor Amendment, as described in Section VII.

A. Transportation

- Improve road connection between Villages at Cascade Head and Roads End neighborhoods.
- Logan Road/ NE Port Lane safety improvements, including but not limited to intersection realignment, roundabout, or all-way stop control.
- Safety improvements including but not limited to:
  - pedestrian striping
  - fill in sidewalk gaps.
  - construct new facilities to correct sidewalk/pathway deficiencies
- Improved public parking on and off-street; could include but are not limited to Sal-La-Sea second parking lot.
- Extend NE 47th Street to the intersection of NW 44th Street and NW Logan Road; improvement includes sidewalks/pathways.

- Modify existing traffic signals and install new traffic signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road/NE Devils Lake Boulevard and at Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication and other improvements as designated by Public Works.
- Local streets and Highway 101 improvements which may include but are not limited to curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Rd., Devils Lake Blvd., Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects .
- Transit system for improved access of public recreation areas; including but not limited to; incorporate North by Northwest Connector and other transit routes and amenities; link into grater transit system and improve timing for connection; implement and improve Park & Ride at the North commercial end of Lincoln City.

B. Economic Development

- Economic development opportunities for public private partnership within commercial and residential areas; could include but are not limited to land acquisition, work force housing, child care facilities in support of City efforts, and construction of visitor and educational facilities.

C. Parks, Trails and Open Space

- Improved access to trail heads and parking for recreation partner trails.
- Improved pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.
- The Villages Neighborhood Park A

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.
- The Villages Neighborhood Park B

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.
- Provide a community park in the Villages at Cascade Head development area; including but not limited to provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.
- Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Hwy 101.

D. Public Works/Utilities

- Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and built systems so as to protect the integrity of the drainage system.
- Provide Logan Creek improvements including but not limited to replacing one culvert with a fish passage over the second culvert in Logan Creek from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site.
- Public utility improvements to include but are not limited to power, electric, gas, and cable along NE Devils Lake Boulevard and other locations within Area.
- Improved infrastructure to support long-range water security for Area.
- Infrastructure projects including but not limited to upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.
- Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.
- Improve water line from 69th Street to Williams Court and provide sewer lines to unsewered areas.

E. Community Connections/Appearance

- Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include but is not limited to acquiring property and constructing cohesive, branded signage for drivers and pedestrian.
- Underground existing pole mounted utilities in areas of maximum visual impact to improve view corridor and increase square footage available for other improvements such as pedestrian improvement/pathway.

F. Emergency Preparedness, Resiliency and Mitigation

- Emergency preparedness, resiliency, and mitigation capital projects related but not limited to undergrounding pole mounted utilities, water resources, erosion protection, seismic retrofit, stormwater drainage, caches, tsunami evacuation, and other efforts as identified in Emergency Preparedness planning.

G. Plan Administration

Provide funds to retain the services of City personnel or other independent professionals or organizations for activities such as:

- Community Visioning
- Auditing, annual reports, insurance, bond counsel, and other required administrative costs
- Preparation of financial plans and/or financial analyses of projects and proposals
- Personnel, materials, and other associated administrative costs
- Professional consulting services to refine urban design concepts
- Environmental analyses
- Assisting in the preparation of the annual financial report required by this Plan and ORS 457
- Any other powers granted by ORS 457 in connection with the implementation of this Plan

VII. AMENDMENTS TO PLAN

The Plan may be amended as described in this section.

A. Substantial Amendments

Substantial Amendments, in accordance with ORS 457.085(2)(i), shall require the same notice, hearing, and approval procedure required of the original Plan under ORS 457.095, including public involvement, consultation with taxing districts, presentation to the Agency, the Planning Commission, and adoption by the City Council by non-emergency ordinance after a hearing. Notice of such hearing shall be provided to individuals or households within the City of Lincoln City, as required by ORS 457.120.

Substantial Amendments shall be processed in accordance with ORS 457.095 and 457.115.

Substantial Amendments are amendments that:[1]

1. Add land to the urban renewal area, except for an addition of land that totals not more than 1% of the existing area of the urban renewal area; or
2. Increase the maximum amount of indebtedness that can be issued or incurred under the Plan.

B. Minor Amendments

Minor Amendments are amendments that are not Substantial Amendments as defined in this Plan and in ORS 457. Minor Amendments require approval by the Agency by resolution.

C. Council Approved Amendments

Amendments to the Revenue Sharing provisions contained in Chapter X Tax Increment Financing of Plan may be completed through a Council Approved Amendment by resolution of the City Council after notification to all impacted taxing districts following the standards outlined in ORS 457.455.

D. Amendments to the Lincoln City Comprehensive Plan and/or Lincoln City Municipal Code

Amendments to the Lincoln City Comprehensive Plan and/or Lincoln City Municipal Code, Title 17 Zoning that affect the Plan and/or the Area shall be

[1] Unless otherwise permitted by state law, no land equal to more than 20 percent of the total land area of the original Plan shall be added to the urban renewal area by amendments, and the aggregate amount of all amendments increasing the maximum indebtedness may not exceed 20 percent of the Plan's initial maximum indebtedness, as adjusted, as provided by law, with increases beyond that amount requiring concurrence as stated in ORS 457. .

incorporated automatically within the Plan without any separate action required by the Agency or City Council.

VIII. PROPERTY ACQUISITION AND DISPOSITION

The Plan authorizes the acquisition and disposition of property as described in this section. Property includes any and all interests in property, including fee simple ownership, lease, easements, licenses, or other rights to use. If property is acquired it will be identified in the Plan through a Minor Amendment, as described in Section VII. Identification of property to be acquired and its anticipated disposition is required by ORS 457.085(2)(g).

A. Property acquisition for public improvements

The Agency may acquire property within the Area for the public improvement projects undertaken pursuant to the Plan by all legal means, including use of eminent domain. Good faith negotiations for such acquisitions must occur prior to institution of eminent domain procedures.

B. Property acquisition from willing sellers

The Plan authorizes Agency acquisition of any interest in property within the Area that the Agency finds is necessary for private redevelopment, but only in those cases where the property owner wishes to convey such interest to the Agency. The Plan does not authorize the Agency to use the power of eminent domain to acquire property from a private party to transfer property to another private party for private redevelopment. Property acquisition from willing sellers may be required to support development of projects within the Area.

C. Land disposition

The Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public agency responsible for the construction and/or maintenance of the public improvement. The Agency may retain such property during the construction of the public improvement.

The Agency may dispose of property acquired under Subsection B of this Section VIII by conveying any interest in property acquired. Property shall be conveyed at its fair reuse value. Fair reuse value is the value, whether expressed in terms of rental or capital price, at which the Urban Renewal Agency, in its discretion, determines such land should be made available in order that it may be developed, redeveloped, cleared, conserved, or rehabilitated for the purposes specified in the Plan. Because fair reuse value reflects limitations on the use of the property to those purposes specified in the Plan, the value may be lower than the property's fair market value.

Where land is sold or leased, the purchaser or lessee must agree to use the land for the purposes designated in the Plan and to begin and complete the building of

its improvements within a period of time that the Agency determines is reasonable.

IX. RELOCATION METHODS

If the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. No specific acquisitions that would result in relocation benefits have been identified in the Plan.

X. TAX INCREMENT FINANCING OF PLAN

Tax increment financing consists of using annual tax increment revenues to make payments on debt, usually in the form of bank loans or revenue bonds. The proceeds of the bonds are used to finance the urban renewal projects authorized in the Plan. Bonds may be either long-term or short-term.

Tax increment revenues equal most of the annual property taxes imposed on the cumulative *increase* in assessed value within an urban renewal area over the total assessed value at the time an urban renewal plan is adopted. (Under current law, the property taxes for general obligation (GO) bonds and local option levies approved after October 6, 2001 are not part of the tax increment revenues.)

A. General description of the proposed financing methods

The Plan will be financed using a combination of revenue sources. These include:

- Tax increment revenues;
- Advances, loans, grants, and any other form of financial assistance from federal, state, or local governments, or other public bodies;
- Loans, grants, dedications, or other contributions from private developers and property owners, including, but not limited to, assessment districts; and
- Any other public or private source.

Revenues obtained by the Agency will be used to pay or repay the costs, expenses, advancements, and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan.

B. Tax increment financing

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Agency, as provided in ORS Chapter 457. The ad valorem taxes, if any, levied by a taxing district in which all or a portion of the Area is located,

shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the unsegregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

C. Prior Indebtedness

Any indebtedness permitted by law and incurred by the Agency or the City of Lincoln City in connection with the preparation of this Plan or prior planning efforts related to this Plan may be repaid from tax increment revenues from the Area when and if such funds are available.

D. Revenue Sharing

This Plan requires annual voluntary revenue sharing of a minimum of 15% of the total tax increment proceeds gained through the division of taxes. This decision of the City Council was based on input of the taxing districts through meetings with them throughout the development of the Plan. There is a significant portion of the original area that is owned by the City but anticipated to be developed by the private sector through the life of the Plan. The taxing districts do not receive any division of taxes from these properties while they are in public ownership. If there was not revenue sharing, once those properties transition to private ownership and are developed, all property tax revenue will go to the Agency. Due to the need to provide services in the Area, it was determined by the City Council that a permanent under-levy of a minimum of 15% of the annual division of tax proceeds would be a part of the financing of the Plan. The Agency will annually file a Form UR-50 with the Lincoln County Assessor that will designate that the Agency will annually revenue share a minimum of 15% of the tax increment revenue through the division of taxes.

The City consulted and conferred with the taxing districts pursuant to ORS 457.455 by sending the Plan and Report to the taxing districts and offering to meet with them.

If tax increment revenues meet the mandatory revenue sharing provisions of ORS 457, and if the mandatory requirements are in excess of the 15% revenue sharing, the mandatory requirements will super-cede the voluntary requirements.

E. Under-levy

The Agency may determine to under-levy pursuant to ORS 457.455 notwithstanding any of the foregoing provisions.

XI. VALIDITY

Should a court of competent jurisdiction find any work, clause, sentence, section or part of this Plan to be invalid, the remaining words, clauses, sentences, sections or parts shall be unaffected by such findings and shall remain in full force and effect for the duration of this Plan.

XII. ANNUAL REPORT

The Agency shall file an Annual Report in compliance with ORS 457.460.

XIII. RELATIONSHIP TO LOCAL OBJECTIVES

ORS 457.085 requires that the Plan conform to local objectives. This section provides that analysis. Relevant local planning and development objectives are contained within the *City of Lincoln City Comprehensive Plan, City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis, and the Lincoln City Municipal Code, Title 17 Zoning.* The following section describes the purpose and intent of these plans, the main applicable goals and policies within each plan, and an explanation of how the Plan conforms to the applicable goals and policies.

The numbering of the goals and policies within this section reflects the numbering that occurs in the original document. The language from the original document is in *italics.* Comprehensive Plan designations for all land in the Area are shown in Figure 2, Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan Comprehensive Plan Designations.

All proposed land uses conform to Figure 3. Maximum densities and building requirements for all land in the Area are contained in the Lincoln City Municipal Code described in subsection C of this Section XIII. The zoning designations are shown in Figure 2.

A. Lincoln City Comprehensive Plan

The analysis of how the Plan conforms to the *Lincoln City Comprehensive Plan* (Comprehensive Plan) covers the most relevant sections, but may not cover every section, of the Comprehensive Plan that relates to the Plan.

As the Comprehensive Plan is updated in the future, this document will automatically incorporate those updates without the Plan having to be formally amended. If a substantial amendment is completed in the future, this section of the Plan should be updated at that point.

Below are applicable Comprehensive Plan policies and statements of the Plan's conformance to Comprehensive Plan policies.

Citizens Involvement Goal

Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process.

Finding: The Plan conforms to the Citizens Involvement Goal as there has been citizen involvement in the preparation of the Plan. The City created a project Advisory Committee (AC) for the preparation and review of the Plan. In addition to the AC, the City met with representatives of the taxing districts to review the Plan. There were two Public Forums to present information about the Plan and to provide opportunity for input. The City presented information on two separate KBCH AM 1400 radio shows,

sent an e-mail to the general contact list, provided an on-line survey, sent out public press releases, and met with the Roads End Improvement Association. A full list of outreach is show in Table 1. In addition, the Agency will complete a future Community Vision for the Area to establish project priorities.

Public Services and Utilities Goal

To plan and develop a timely, orderly, and efficient arrangement of public facility and services which complement the area and serve as a framework for urban and rural development.

Overall Public Facility Policies

3. *Lincoln City shall work with utility companies to develop and directly implement programs for placing all utilities underground. This program may be accomplished in conjunction with scheduled street repairs.*

Individual Public Facilities Policies

II. Drainage Policies:

1. *Adequate storm drainage facilities, including culverts, catch basins, natural or surface channel systems (approved by the city engineer) shall be a part of all subdivision design, planned development, City- or locally-initiated street construction or improvement, or other development and shall conform to the City's Master Drainage Plan.*

III. Parks and Recreation Policies

1. *The City shall provide recreational facilities and activities for all citizens of the city.*

3. *The City shall provide areas for high intensity recreation such as ball parks, swimming pools, tennis courts, neighborhood and community play fields.*

7. *The City's recreation committee shall encourage a bikeway plan within the city and shall cooperate with the Oregon Department of Transportation in establishment of the Oregon Coast Bikeway through Lincoln City.*

8. *The City shall work with the State Parks Department to improve the use of existing State Parks within the city.*

Finding: The Plan conforms to the Public Services and Utilities Goal as there are projects for undergrounding utilities, improving the drainage, and for providing new recreational facilities, bikeways and connections in the Area.

Housing Goal

To provide for the housing needs of all citizens.

Housing Policies

1. *The City shall encourage a wide range of housing types.*
3. *The City shall encourage multi-family buildings subject to design and landscape control.*
4. *The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.*

Finding: The Plan conforms to the Housing Goal as there are projects that will improve the transportation system including pedestrian and bicycle systems, improve recreational opportunities, help incentivize commercial development to provide services for the residents and encourage new residential and commercial development in the Area.

Economy Goal

To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.

Economic Development Policies

4. *Lincoln City shall explore incentives for economic development in order to expand and increase the productivity of commerce and industry.*

Finding: The Plan conforms to the Economy Goal as there is a specific project category to help incentivize economic development in the Area. In addition, there are projects that will improve the transportation system including pedestrian and bicycle systems, improve recreational opportunities, help incentivize commercial development to provide services for the residents and encourage new residential and commercial development in the Area.

Aesthetic Goal

To develop a livable and pleasing city which enhances people's activities while protecting the exceptional aesthetic quality of the area.

Aesthetic Policies

4. *The City shall establish a special study group to review the feasibility of placing utilities underground.*

Finding: The Plan conforms to the Aesthetic Goal as there is a project for undergrounding utilities in the Area.

Transportation Goal

To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.

Transportation Policies

Roadway Development

2. *Identify and develop bicycle routes through and around town that are safe, attractive and user-friendly.*

4. *Develop improved east west street connections with neighborhood needs and the direction of commercial in mind.*

Pedestrian Facilities

1. *Develop a plan for improved pedestrian crossings of 101 including signal treatments, with some crosswalk relocation and development.*

3. *Develop an off street pedestrian trail system perhaps integrated with a bike trail system to supplement on street facilities*

Bicycle Facilities

1. *Identify and develop a system of off Highway 101 bicycle routes through and around town that are safe, attractive and user friendly.*

Off Street Parking Development

1. *Refine the public off street parking development plan along Hwy 101 through the City.*

2. *Develop improved beach access parking facilities in the City.*

Transportation Financing

1. *Identify financial strategies and resources that will allow long term financing of transportation improvements in the City.*

Finding: The Plan conforms to the Transportation Goal as there are projects to improve the transportation system for all users in the Area. There is also a project for community wayfinding to help facilitate pedestrians and bicyclists to use these systems.

Energy Goal

To conserve energy.

Energy Policies

5. *The City shall encourage the use of cluster development in multi-family and planned development in order to lower energy expense in site and building development.*

8. *The City shall locate high density development within walking distance of services and shopping areas.*

Finding: The Plan conforms to the Energy Goal as there are projects in the Plan that improve the transportation system, parks system and provide incentives for economic development that will help support new development in the Area.

Overall Environmental Goal

To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environments of the City.

Finding: The Plan conforms to the Overall Environmental Goal as the projects that improve the transportation system, parks system and provide incentives for economic development will aid in balancing the need for new development and protecting the natural environments of the City.

B. Lincoln City Economic Opportunities Analysis and Housing Needs Analysis[2]

Economic Development Objectives

- *Encourage local businesses that provide family-wage jobs to locate in Lincoln City.*
- *Support the growth of existing businesses and entrepreneurs.*
- *Foster Lincoln City's recreation and tourism based economy, particularly during off-peak times (e.g. pursue a regional sports complex).*
- *Support the success of businesses that provide for the day-to-day needs of Lincoln City residents, including but not limited to the growing population of retirees.*
- *Encourage development of a local workforce with the skills that Lincoln City businesses need.*
- *Encourage the development of housing affordable to Lincoln City's workforce.*
- *Develop telecommunications and other infrastructure necessary to support home-based businesses and workers.*
- *Improve the transportation system to support economic development. Explore the use of Devils Lake for transportation purposes.*
- *Coordinate economic development efforts with local and regional partners.*

[2] *City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis,* Cogan Owens Greene, FCS Group, Fregonese Associates, April 2017.

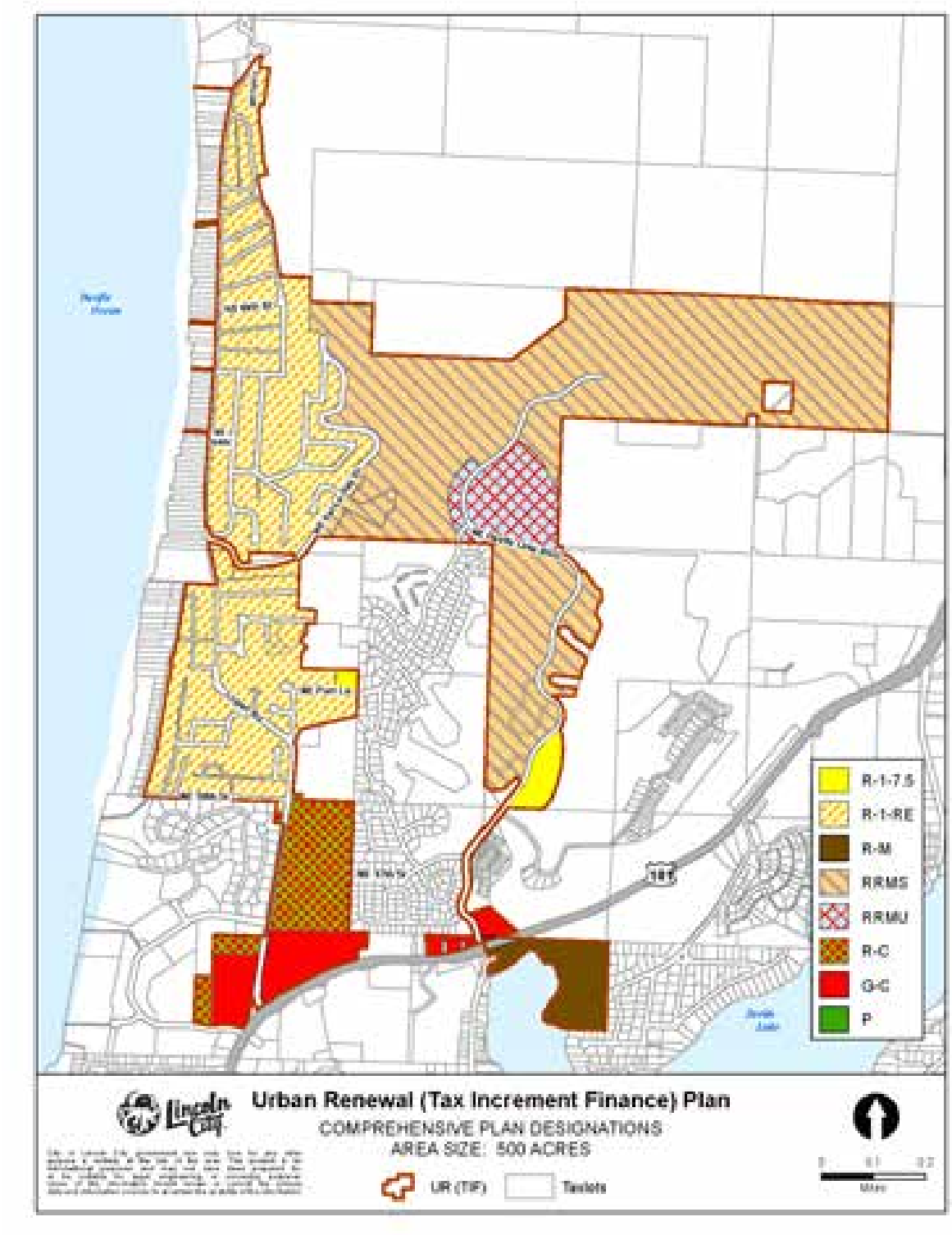
Housing Objectives

Encourage the development of affordable and workforce housing:

- *Investigate ways to reduce fees on new construction of affordable and workforce housing, while ensuring new infrastructure is not underfunded.*
- *Facilitate development of affordable housing on city-owned properties.*
- *Periodically review the development code's regulations and zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, tiny houses, big houses and senior housing.*
- *Involve employers in efforts to provide and support workforce housing.*
- *Enact strategies to ensure that sufficient appropriately zoned land is available within the city and outside the tsunami inundation zone, such as increasing densities and annexing new lands.*
- *Design attractive neighborhoods that offer housing within walking distance to schools, jobs, shopping, and services.*
- *Streamline the permitting process for affordable and workforce housing.*

Finding: The Plan conforms to the *Lincoln City Economic Opportunities Analysis and Housing Needs Analysis* as there is a specific Economic Development program to encourage and incentivize development in the Area. There are projects to improve the transportation system for all users and to improve the park system in the Area. These activities will also be key in providing Affordable Housing in the city. This Area has a majority of residents over 55, and providing commercial services, transportation and parks improvements will support that population.

Figure 2 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Comprehensive Plan Designations



Source: City of Lincoln City GIS

C. Lincoln City Municipal Code

The land uses in the Area will conform to the zoning designations in the *Lincoln City Municipal Code, Title 17 Zoning*, including maximum densities and building requirements, and those provisions of the *Lincoln City Municipal Code*, are incorporated by reference herein. The following zoning districts are present in the Area:

Single Family Residential (R1)

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

Subset:

***R-1-7-5** (Single family residential 7,500 square foot minimum lot size)*

Single Family Residential, Roads End (R-1-RE)

Purpose: To retain and maintain the historic and traditional nature of the Roads End neighborhood, to promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the area. The R-1-RE zone is intended to provide primarily for single-family dwellings. Nonconforming uses are permitted to continue in accordance with Chapter 17.64 LCMC.

Multiple-Family Residential (R-M)

Purpose: This zoning district is designed to provide an environment suitable for higher density urban residential uses, and community services.

Recreation Commercial (RC)

Purpose: The recreation-commercial zone (RC) is provided for those commercial uses having a definite relationship to the community's resort and recreation industry. Allowed herein are uses that provide food, lodging, recreational activities and services that have a resort rather than a carnival character. Residential multifamily housing is also permitted which meets demands for housing in areas of concentrated recreation services, including seasonal and retirement homes.

General Commercial (GC)

Purpose: The general commercial zone (GC) is provided to accommodate a wide range of retail commercial uses including those which attract shoppers from a community or larger market area, as well as convenience service/retail uses and single-family residential dwelling units. Retail commercial uses are those that sell services and/or products to the ultimate consumer. Also permitted as conditional uses are low intensity fabrication uses and other limited service facilities as listed.

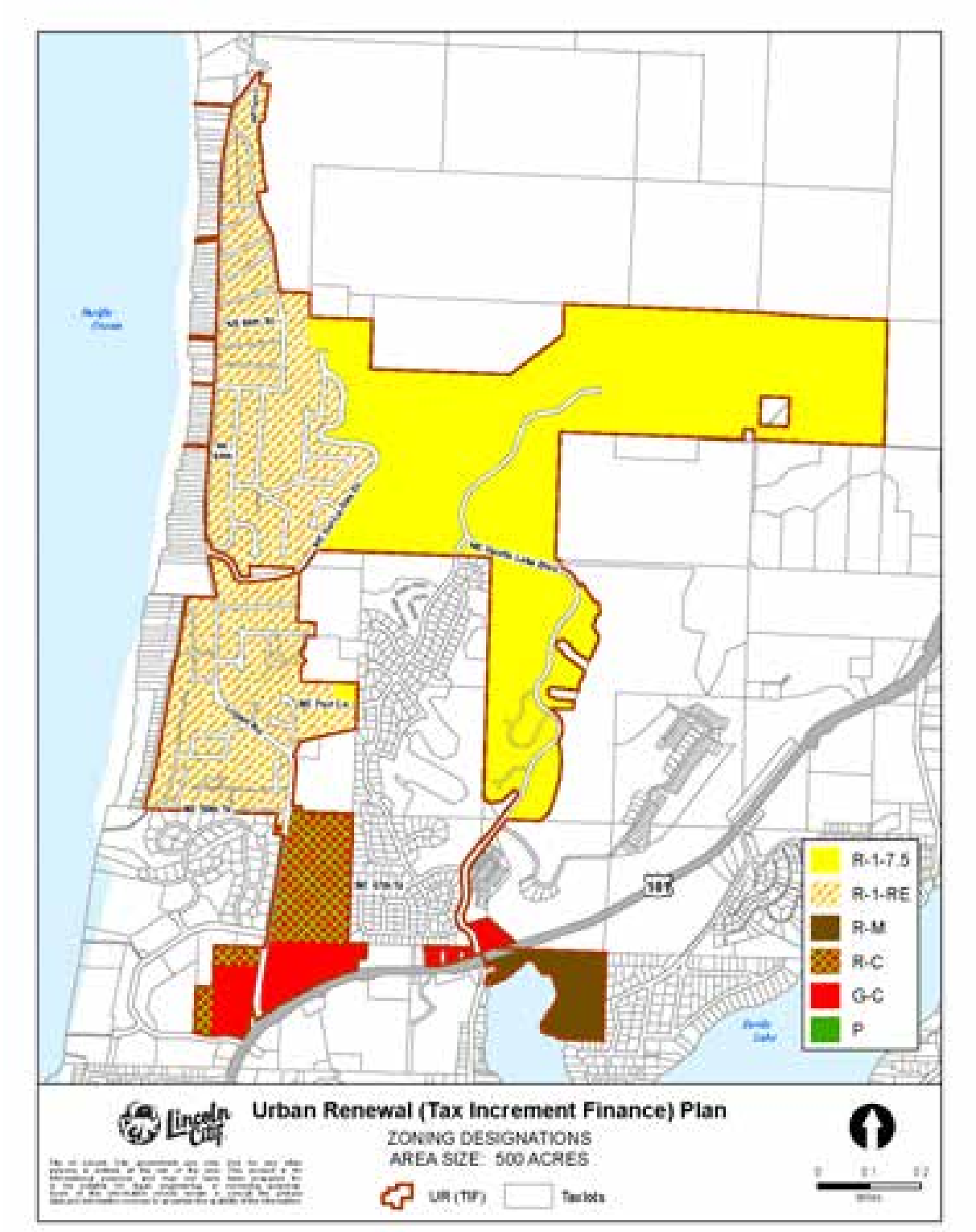
Park (P)

The purpose of the park (P) zone is to provide designated areas for parks and recreational facilities in the city.

Finding: The Plan conforms to the *Lincoln City Municipal Code Title 17* as projects, programs, and expenditures proposed in the Plan conform to the requirements in the code and support the types of uses allowed in the zoning districts present in the Area.

As the *Lincoln City Municipal Code Title 17 Zoning* is updated, this document will be updated by reference. If a substantial amendment to this Plan is completed in the future, this section will be updated to match the current zoning designations.

Figure 3 - Roads End/Villages at Cascade Head Urban Renewal (TIF) Plan Zoning Designations



Source: City of Lincoln City GIS

XIV. LEGAL DESCRIPTION

Report Accompanying the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

DRAFT

Roads End/Villages at Cascade Head Urban Renewal Tax Increment Finance Plan

Adopted by the City of Lincoln City

DATE

Ordinance No. ___

This page intentionally left blank

LIST OF PARTICIPANTS

Mayor
Dick Anderson

City Council
Mitch Parsons, Ward 1
Diana Hinton, Ward 1
Dennis “Riley” Hoagland, Ward 2
Diane Kusz, Ward 2
Judy R. Caper, Ward 3
Rick Mark, Ward 3

Planning Commission
Marci Baker
Miles Schlesinger
Lenny Nelson
Joshua Brainerd
Kim Blackerby
Patti Kroen

Urban Renewal Agency
Diana Hinton, Chair
Mitch Parsons, Vice Chair
Dick Anderson
Judy R. Casper
Dennis “Riley” Hoagland
Diane Kusz
Rick Mark

City Manager
Ron Chandler

Economic Development And Urban Renewal Director
Alison Robertson

Economic Development Coordinator
Jodi Mescher

Administrative Coordinator
Pam Wiren

GIS Coordinator
Sandy Gruber

Finance Director
Debbie Bridges

Public Works Director
Lila Bradley

Public Works City Engineer
Sephanie Reid

Parks And Recreation Director
Jeanne Sprague

Planning and Community Develoment Director
Anne Marie Skinner

Urban Renewal Advisory Committee
Dick Anderson – Mayor, City of Lincoln City
Laurel Barton – Community Member
Pamela Barlow-Lind – Tribal Planner, Confederated Tribes of Siletz Indians
Debbie Bridges – Finance Director, City of Lincoln City
Ronald Chandler – City Manager, City of Lincoln City
Chief Rob Dahlman – Fire Chief, North Lincoln Fire& Rescue District #1
Dr. Karen Gray – Superintendent, Lincoln County School District
Diana Hinton – UR Agency Chair, City of Lincoln City
Kaety Jacobson – County Commissioner, Lincoln County Board of Commissioners
Janet Knipe – Community Member
Patti Kroen – Chair, Lincoln City Planning Commission

Tax Increment Plan Consulting Team
Elaine Howard Consulting, LLC
Elaine Howard
Scott Vanden Bos

Tiberius Solutions, LLC

Nick Popenuk
Ali Danko
Rob Wyman

This page intentionally left blank.

TABLE OF CONTENTS

I. DEFINITIONS 1

II. INTRODUCTION 3

III. THE PROJECTS IN THE AREA AND THE RELATIONSHIP BETWEEN URBAN RENEWAL (TIF) AREA PROJECTS AND THE EXISTING CONDITIONS IN THE AREA. 6

IV. THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS 13

V. FINANCIAL ANALYSIS OF THE PLAN 14

VI. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED 18

VII. THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT 24

VIII. REVENUE SHARING 29

IX. IMPACT OF THE TAX INCREMENT FINANCING 30

X. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AND TIF AREAS 34

XI. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES 35

XII. REASONS FOR SELECTION OF EACH URBAN RENEWAL (TIF) AREA IN THE PLAN 47

XIII. RELOCATION REPORT 47

I. DEFINITIONS

"Agency" means the Lincoln City Urban Renewal Agency, also called Agency. The Agency is responsible for administration of this Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan and other urban renewal/TIF plans previously adopted in the City of Lincoln City.

"Annual report" is the ORS 457.460 requirement for the production of an urban renewal annual report that gets distributed to the taxing districts.

"Area" or "urban renewal area" or "TIF Area" means the tax increment finance area established for this Plan pursuant to ORS 457, including the properties and rights-of-way located therein.

"Blight" is defined in ORS 457.010(1)(a-i) and identified in the ordinance adopting an urban renewal plan.

"Board of Commissioners" means the Lincoln County Board of Commissioners.

"City" means the City of Lincoln City, Oregon.

"City Council" or "Council" means the Lincoln City City Council.

"Comprehensive Plan" means the City of Lincoln City Comprehensive Plan and its implementing ordinances, policies, and standards.

"County" means Lincoln County, Oregon.

"Fiscal year" means the year commencing on July 1 and closing on June 30.

"Frozen base" means the total assessed value including all real, personal, manufactured, and utility values within a TIF area at the time of adoption. The county assessor certifies the assessed value after the adoption of a TIF area plan.

"Increment" means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement from the assessor (frozen base).

"Maximum indebtedness" means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness. The maximum indebtedness for this Plan is $87,100,000.

"Municipality" means any county or any city in the state of Oregon.

"ORS" means the Oregon Revised Statutes and specifically Chapter 457, which relates to urban renewal.

"Planning Commission" means the Lincoln City Planning Commission.

"Project(s)" or "TIF Project(s)" means any work or undertaking carried out under the TIF Plan.

"Report Accompanying TIF Plan" or "Report" means the official report that accompanies the Roads End/Villages at Cascade Head TIF Plan pursuant to ORS 457.085(3).

“Revenue sharing” means sharing tax increment proceeds as defined in ORS 457.470.

“Roads End/Villages at Cascade Head Urban Renewal (TIF) Area” means the urban renewal area/tax increment finance area established under authority in ORS 457.

“Tax increment finance area” or “urban renewal area” or “TIF area” means a blighted area included in a TIF plan.

“Tax increment finance area plan” or “urban renewal plan” or “TIF plan” means a plan, as it exists or is changed or modified from time to time, for one or more TIF areas, as provided in ORS 457.

“Tax increment finance area project(s)” or “urban renewal project(s)” or “TIF area project(s)” means any work or undertaking carried out under ORS 457.170 and ORS 457.180 in a TIF area.

“Tax increment finance” or “tax increment financing” or “TIF” means the funds that are associated with the division of taxes accomplished through the adoption of a TIF plan.

“Tax increment revenues” means the funds allocated by the assessor to renewal TIF area due to increases in assessed value over the frozen base within the area.

“UGB” means urban growth boundary.

“Urban Renewal” means the statutory authority provided in ORS 457. In this Plan it is synonymous with TIF.

II. INTRODUCTION

This Report on the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Report) contains background information and project details that pertain to the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Plan) for the Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (Area). The Report is not a legal part of the Plan but is intended to provide public information and support the findings made by the Lincoln City City Council (City Council) as part of the approval of the Plan.

The Report provides the analysis required to meet the standards of ORS 457.085(3), including financial feasibility. The Report contains the information required by ORS 457.085, including:

- A description of the physical, social, and economic conditions in the area;(ORS 457.085(3)(a))
- Expected impact of the Plan, including fiscal impact in light of increased services; (ORS 457.085(3)(a))
- Reasons for selection of the Area; (ORS 457.085(3)(b))
- The relationship between each project to be undertaken and the existing conditions; (ORS 457.085(3)(c))
- The estimated total cost of each project and the source of funds to pay such costs; (ORS 457.085(3)(d))
- The estimated completion date of each project; (ORS 457.085(3)(e))
- The estimated amount of funds required in the area and the anticipated year in which the debt will be retired; (ORS 457.085(3)(f))
- A financial analysis of the Plan; (ORS 457.085(3)(g))
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the urban renewal or TIF Area; (ORS 457.085(3)(h)) and
- A relocation report. (ORS 457.085(3)(i))

The relationship of the sections of the Report and the ORS 457.085(3) requirements is shown in Table 1. The specific reference in the table below is the section of this Report that most addresses the statute. There may be other sections of the Report that also address the statute.

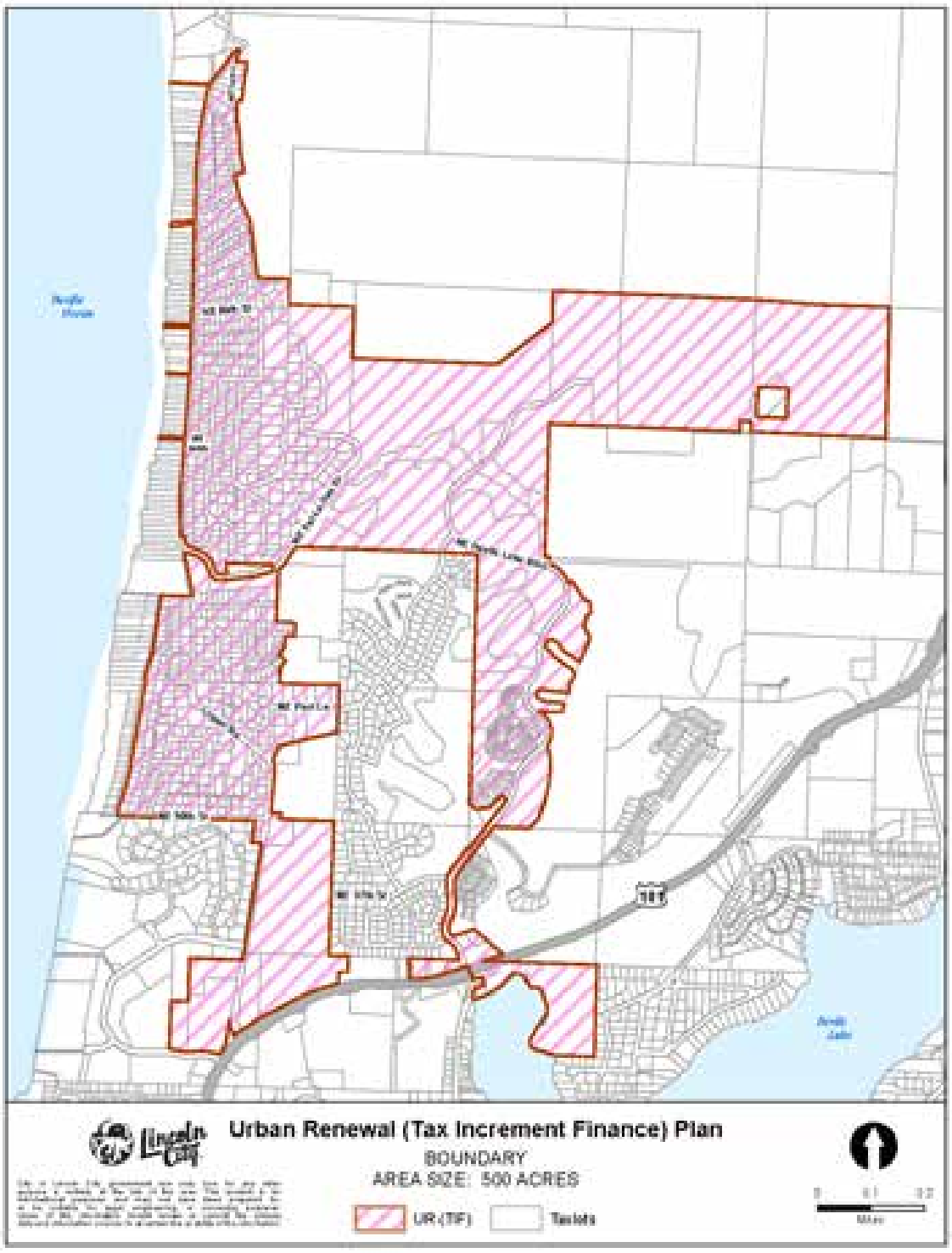
Table 1 - Statutory References

Statutory Requirement	Report Section
ORS 457.085(3)(a)	XI
ORS 457.085(3)(b)	XII
ORS 457.085(3)(c)	III
ORS 457.085(3)(d)	IV
ORS 457.085(3)(e)	VII
ORS 457.085(3)(f)	V,VI
ORS 457.085(3)(g)	V,VI
ORS 457.085(3)(h)	IX
ORS 457.085(3)(i)	XIII

The Report provides guidance on how the Plan might be implemented. The Lincoln City Urban Renewal Agency (Agency) has the authority to make adjustments to the implementation assumptions in this Report, as it reviews revenues and potential projects each year. The Agency may allocate budgets differently, adjust the timing of the projects, decide to incur debt at different timeframes than projected in this Report, and make other adjustments to the financials as determined by the Agency. The Agency may also make changes as allowed in the Amendments section of the Plan. These adjustments must stay within the confines of the overall maximum indebtedness of the Plan and statutory limitations.

Note on language: This Report, wherever applicable and permissible, uses the term Tax Increment Financing or TIF rather than “urban renewal”. Utilizing the term TIF does not affect the statutory authority of ORS 457, as it relates to this Report.

Figure 1 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Boundary



Source: City of Lincoln City GIS

III. THE PROJECTS IN THE AREA AND THE RELATIONSHIP BETWEEN URBAN RENEWAL (TIF) AREA PROJECTS AND THE EXISTING CONDITIONS IN THE AREA.

The Projects identified and authorized for the Area are described below, including how they relate to the existing conditions in the Area. The existing conditions were identified by City staff and through review of City documents.

A. Transportation

- Improve road connection between Villages at Cascade Head and Roads End neighborhoods.

  Existing Conditions:
  There is presently a limited transportation network from Roads End to the Villages at Cascade Head. The area can be reached through NE Sal La Sea Drive. There is a need for an extended transportation network in the Area.

- Logan Road/ NE Port Lane safety improvements, including but not limited to intersection realignment, roundabout, or all-way stop control.

  Existing Conditions:
  Safety improvements to Logan Road/NE Port Lane were identified in the Transportation System Plan (TSP) and this project is on page 28 project D2.

- Safety improvements including but not limited to
  - pedestrian striping
  - fill in sidewalk gaps.
  - construct new facilities to correct sidewalk/pathway deficiencies

  Existing Conditions:
  Logan Road has inadequate pedestrian striping between 50th Street and Roads End State Park. There is a 250 foot sidewalk gap on the west side of NW Logan Road between Highway 101 and NW 50th Street. There are sidewalk/pathway deficiencies along the north side of Highway 101 from NE West Devils Lake Road to NW Logan Road, including the 350 feet segment on the east side of Logan Road at the Highway 101 intersection.

- Improved public parking on and off-street; could include Sal-La-Sea Drive second parking lot.

  Existing Conditions:
  There is no parking lot on Sal-La-Sea Drive. There is need for additional parking resources.

- Extend NE 47th Street to the intersection of NW 44th Street and NW Logan Road; improvements include but are not limited to sidewalks/pathways.

Existing Conditions:
This section of roadway does not exist. The road presently ends just west of NE Tide Avenue. There are no sidewalks/pathways in this Area. The Area lacks an adequate transportation network and safety for pedestrians and bicyclists.

- Modify existing traffic signals and install new traffic signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road/NE Devils Lake Boulevard and at Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication and other improvements as designated by Public Works

  Existing Conditions:
  There are existing traffic signals at these locations, but they do not provide adequate pedestrian safety. They do not have coordinated signal timing, upgraded controllers nor communication.

- Local streets and Highway 101 improvements which may include but are not limited to curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Road, NE Devils Lake Boulevard, Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects

  Existing Conditions:

  Existing transportation infrastructure that residents use on a daily basis includes sidewalks, bike lanes, shared-use paths, roadways, and transit. Outside of areas in southern Lincoln City, sidewalks along Highway 101 are discontinuous or absent. Off of Highway 101, continuous sidewalks are rare.

- Transit system for improved access of public recreation areas; including but not limited to; incorporate North by Northwest Connector and other transit routes and amenities; link into grater transit system and improve timing for connection; implement and improve Park & Ride at the North commercial end of Lincoln City.

  Existing Conditions:

  There is no bus system for recreation areas. There is not a Park and Ride in the North End.

B. Economic Development

- Economic development opportunities for public private partnership within commercial and residential areas; could include but are not limited to economic development toolbox, land acquisition, construction of visitor and educational facilities, work force housing, and child care facilities in support of City efforts and construction of visitor and educational facilities.

  Existing Conditions:

There is significant undeveloped land in the Villages at Cascade Head master plan community. Much of this land is not contributing to the property tax rolls. Development of this property will add to the community livability by providing services and also provide additional housing opportunities in the Area.

C. Parks and Open Space

- Improved access to trail heads and parking for recreation partner trails.

  Existing Conditions:
  The Knoll is an Open Space feature and focal point of the Villages at Cascade Head master plan community. 360 acres of the Villages at Cascade Head master plan community are owned by the City. Except for Open Space, the City expects that most of the Villages will develop with residential and commercial uses. The area has many natural amenities. The topography of the Villages ranges from steep slopes to low drainage ways and wetlands. The pristine area of upland forest, stream valleys, and wetlands provides a stunning addition to the Lincoln City inventory. At its topographic apex, sweeping views to the south over the city, Pacific Ocean, and Devils Lake will be a compelling area for visitors and residents alike. There are opportunities to add trails, trail heads, interpretive areas, nature play and other recreational activities suited to large nature areas. The specific challenges in this area are:

  - Steep topography, wetlands, and high natural resource values will limit development.
  - Installing a road network and fire, water, and sewer service infrastructure will increase costs for parks that precede adjacent development.[1]

- Improved pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.

  Existing Conditions:
  Improved access to pathways, sidewalks, trail connections neighborhood and community parks, ocean beaches and natural areas is a component of the *Lincoln City Parks and Recreation System Plan*. There are deficiencies in these connections throughout the Area as identified on pages 22,27,37,38, and 39.

- The Villages Neighborhood Park A

[1] *Lincoln City Parks & Recreation System Plan* 2016, p 11

Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

Existing Conditions:
The Roads End/Villages Area has gaps in park and recreation services. Neighborhood Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- The Villages Neighborhood Park B

  Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

  Existing Conditions:
  The Roads End/Villages Area has gaps in park and recreation services. Neighborhood Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- Provide a community park in the Villages at Cascade Head development area; including but not limited to provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.

  Existing Conditions:
  The Roads End/Villages Area has gaps in park and recreation services. Community Parks are part of those gaps as identified in the *Lincoln City Parks & Recreation System Plan* 2016.

- Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Hwy 101

  Existing Conditions:
  This project is identified in the Transportation System Plan, page 38. There are presently gaps in the Head to Bay Trail along the west side of NE West Devils Lake Road between NE 26th Street and NE Port Avenue.

D. Public Works/Utilities

- Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and man-built systems so as to protect the integrity of the drainage system.

  Existing Conditions:

There is no Storm Drainage Master Plan for the Area. There are known issues of flooding during storm activity and known natural drainage issues. These need to be identified through a study and mitigated through identified projects.

- Provide Logan Creek improvements including but not limited to replacing one culvert with a fish passage over the second culvert in Logan Creek from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site.

  Existing Conditions:
  Logan Creek runs from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site. The creek is culverted and constrained near the mouth. There are a total of 3 culverts – two under Logan Rd, one on top of the other, and a second location under the unpermitted road that connects to Sal La Sea. The second culvert location under the unpermitted gravel road should be removed.[2]

- Public utility improvements to include but not limited to power, electric, gas, cable, etc. along Devils Lake Boulevard and other locations within Area.

  Existing Conditions:
  There are locations in the Area, specifically along Devils Lake Boulevard, that do not have full public utility service.

- Improved infrastructure to support long-range water security for Area.

  Existing Conditions:

  There is no Storm Drainage Master Plan for the Area. There is a need to provide services for new and existing development.

- Infrastructure projects including but not limited to upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.

  Existing Conditions:
  Existing water, sanitary sewer and storm lines in the Roads End/Villages at Cascade Head area are in fair condition and many approaching excepted lifespan or are lacking.

- Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.

  Existing Conditions:
  The sewer pump station for Roads End North and Neotsu needs pipes to be 1 meter each. This project is identified in City long-term capital plans.

- Improve water line from 69th Street to Williams Court and providing sewer

[2] Email from Stephanie Reid, PE City Engineer on October 14, 2019

lines to unsewered areas.

Existing Conditions:
There are unsewered areas where public sewer needs to be provided. There are approximately 950 feet of 2-inch water distribution pipe line with 6-inch diameter pipe line in the Roads End area. The 2-inch diameter pipe is undersized to serve the existing domestic water needs and is inadequate to provide fire flows to the area.

E. Community Connections/Appearance

- Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include but is not limited to acquiring property and constructing cohesive, branded signage for drivers and pedestrians.

  Existing Conditions:
  Wayfinding signage is incomplete in the Area. Wayfinding Signage is identified in the Transportation System Plan on page 7, objective 2d. It is also identified as a project in Table I: Install wayfinding signage to assist pedestrians and bicyclists in choosing comfortable routes and to help visitors navigate through the city.

- Underground existing pole mounted utilities in areas of maximum visual impact to improve view corridor and increase square footage available for other improvements such as pedestrian improvement/pathway.

  Existing Conditions:
  Most utility poles in the Area are above ground.

F. Emergency Preparedness, Resiliency and Mitigation

- Emergency preparedness, resiliency, and mitigation capital projects related but not limited to undergrounding pole mounted utilities, water resources, erosion protection, seismic retrofit, stormwater drainage, caches, tsunami evacuation, and other efforts as identified in Emergency Preparedness planning.

Existing Conditions:
The *Lincoln City Emergency Operations Plan*[3] was adopted in March of 2012 and updated in 2018. As part of this planning, and future planning and updating, capital projects will be warranted to assist in emergency preparedness. Those specific projects are not presently identified, but it is anticipated over the life of this Plan that there will be capital project needs in the future.

G. Plan Administration

Provide for the administration of the Plan. Examples of eligible projects include:

- Community Visioning
- Auditing, annual reports, insurance, bond counsel, and other required administrative costs
- Preparation of financial plans and/or financial analyses of projects and proposals
- Personnel, materials, and other associated administrative costs
- Professional consulting services to refine urban design concepts
- Environmental analyses
- Assisting in the preparation of the annual financial report required by this Plan and ORS 457
- Any other powers granted by ORS 457 in connection with the implementation of this Plan

Existing Conditions:
There is no existing urban renewal area in the Roads End/Villages at Cascade Head Area, therefore no ability to collect tax increment revenues. Once this Plan is adopted, a tax increment revenue stream will be established, providing a revenue source to pay for administration in the Area.

[3] *City of Lincoln City, Lincoln County, Oregon Emergency Operations Plan*, Ecology and Environment, Inc., March 2012, with modifications February 2018.

IV. THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS

The cost estimates for Projects are shown are in Table 2 below. These are all estimates acknowledging that the Area portions of these project activities must fit within the maximum indebtedness. These costs are shown in year of expenditure (YOE) dollars, which assumes inflation of 3.0% annually.

The Plan assumes that the Agency will use other funds to assist in the completion of the projects within the Area. These sources include but are not limited to City of Lincoln City General Funds, SDCs, local, state and federal grants, and other sources as identified by the Agency. The Agency may pursue regional, county, state, and federal funding, private developer contributions and any other sources of funding that may assist in the implementation of the projects.

The Agency will be able to review and update fund expenditures and allocations on an annual basis when the annual budget is prepared. It is anticipated that the Agency will conduct a Community Vision exercise for the Area that will establish priorities once sufficient funding is available.

Table 2 - Estimated Cost of Each Project

Project Title	Project Cost (YOE$)	Percentage of Total Project Cost
Transportation	$39,069,795	44.89%
Economic Development	$17,230,090	19.80%
Parks/Trails/Open Space	$8,723,501	10.02%
Public Works/Utilities	$5,081,677	5.84%
Community Connections/Appearance	$3,514,863	4.04%
Emergency Preparedness	$1,693,931	1.95%
Plan Administration [4]	$11,728,708	13.47%
TOTAL:	$87,042,561	100.00%

Source: City of Lincoln City and Tiberius Solutions

[4] Plan Administration includes $566,000 of financing fees and $422,063 for Planning and Community Involvement including Community Visioning

V. FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through FYE 2048 are calculated based on projections of the growth assessed value of existing property and new development within the Area, and the consolidated tax rate that will apply to the Area.

The rate of growth for existing development was projected to be 3%. Table 3 shows the assumptions used for new development in the Area and when that new development is expected to go on the tax rolls. These are assumptions of development; however, market conditions may change these assumptions.

Table 3 – Incremental Assessed Value Growth Assumptions

FYE	Phase I Residential	Phase 1 Commercial	Phase 2	Total AV 2020$
2024	1,200,000	5,661,262		
2025	1,200,000	5,661,262		7,242,033
2026	1,200,000			7,242,033
2027	1,200,000			1,236,000
2028	1,200,000		9,200,000	1,236,000
2029	1,200,000		9,200,000	10,712,000
2030	1,200,000		9,200,000	10,712,000
2031	1,200,000		9,200,000	10,712,000
2032	1,200,000		9,200,000	10,712,000
2033	1,200,000		9,200,000	10,712,000
2034	1,200,000		9,200,000	10,712,000
2035			9,200,000	9,476,000
2036			9,200,000	9,476,000
2037			9,200,000	9,476,000
2038			9,200,000	9,476,000
2039			9,200,000	9,476,000
2040			9,200,000	9,476,000
2041			9,200,000	9,476,000
2042			9,200,000	9,476,000
2043			9,200,000	9,476,000
2044			9,200,000	9,476,000
2045			9,200,000	9,476,000
2046			9,200,000	9,476,000
2047			9,200,000	9,476,000

Source: City of Lincoln City and Tiberius Solutions

These projections of growth are the basis for the projections in Table 8, Table 9, Table 10 and Table 11.

The first year of tax increment collections is anticipated to be FYE 2022. Gross TIF[5] is calculated by multiplying the tax rate times the assessed value used. The tax rate is per thousand dollars of assessed value, so the calculation is "tax rate times assessed value used divided by one thousand." The consolidated tax rate includes permanent tax rates only, and excludes general obligation bonds and local option levies, which will not be impacted by this Plan.

The tax rates in the Area are shown in Table 4.

Table 4 – Taxing District Rates

	Tax Code	**Tax Code**	**Tax Code**	**Tax Code**	**Tax Code**	**Tax Code**
Taxing District	**402 412**	**407 416**	**408**	**410**	**414**	**473**
Jurisdiction Name	Rate	Rate	Rate	Rate	Rate	Rate
Lincoln County General	2.8202	1.1124	2.8202	2.8202	2.8202	2.8202
Lincoln County Animal Services	0.1100	5.6335	0.1100	0.1100	0.1100	0.1100
Lincoln County Extension	0.0451	-	0.0451	0.0451	0.0451	0.0451
Lincoln County Transport	0.0974	0.0600	0.0974	0.0974	0.0974	0.0974
City of Lincoln City	4.0996	6.8059	4.0996	4.0996	4.0996	4.0996
Road - Lake Point	-	0.5296	0.4669	-	-	-
Lincoln Fire & Rescue #1	0.6783	4.0815	0.6783	0.6783	-	-
Water - Dev Lake In	-	0.4551	0.2499	-	-	-
North Lincoln Health	0.5184	5.0662	0.5184	0.5184	0.5184	0.5184
Water - Dev Lake Out	0.1280	-	-	-	0.1280	
Lincoln County School	4.9092	4.9092	4.9092	4.9092	4.9092	4.9092
Oregon Coast Comm. College	0.1757	0.1757	0.1757	0.1757	0.1757	0.1757
ESD Linn-Benton	0.3049	0.3049	0.3049	0.3049	0.3049	0.3049
TOTAL:	13.8868	14.0087	14.4756	13.7588	13.2085	13.0805

Source: Lincoln County Assessor and Tiberius Solutions

Table 5 shows the incremental assessed value, tax rates and tax increment revenues each year, adjusted for discounts, and delinquencies, truncation loss, and receipt of delinquent taxes from prior years. The projections assume an annual growth rate of 3.0% for assessed value in the Area plus new development as shown in Table 3. Table 5 also indicates the mandatory revenue sharing as directed by the City Council and incorporated as a provision of the Plan. The revenue sharing is either 15% of the total assessed value increases including both increases on existing property and increases due to new development or revenue sharing as dictated by ORS 457.470, whichever is higher. Figure 2 shows expected TIF revenues over time, the expected revenue sharing and the projected tax revenues after termination of the Area.

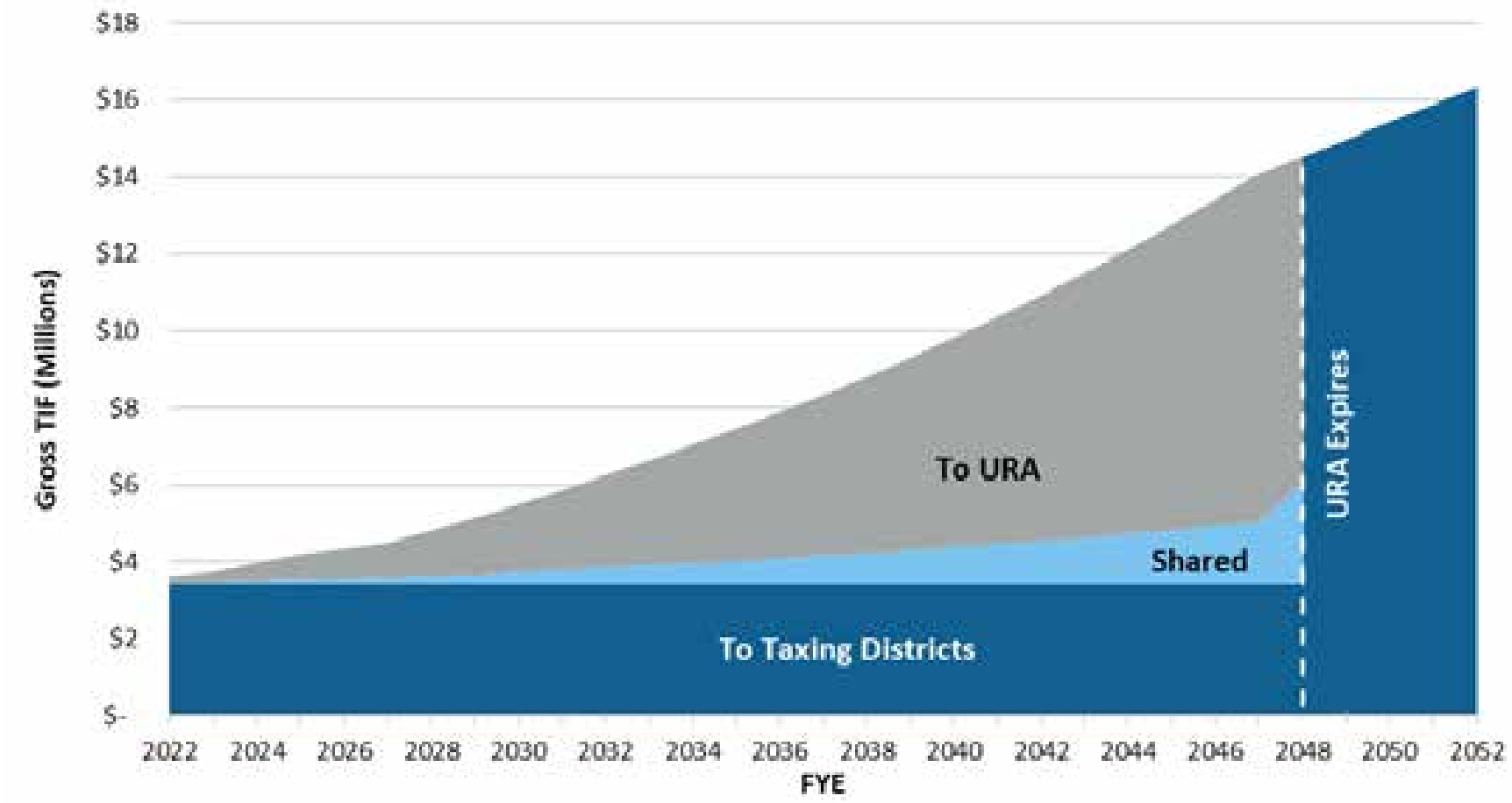
[5] TIF is also used to signify tax increment revenues

Table 5 - Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues

FYE	Total AV	Frozen Base AV	Increment Applied	Increment Shared	Tax Rate	Gross TIF	Adjustments	Current Year Net	Prior Year Net	Total TIF
2022	263,090,114	248,091,196	12,749,104	2,249,814	13.7660	175,504	(8,775)	166,729	-	166,729
2023	270,928,713	248,091,196	19,411,909	3,425,608	13.7660	267,225	(13,361)	253,864	2,501	256,365
2024	287,153,375	248,091,196	33,202,877	5,859,302	13.7661	457,076	(22,854)	434,222	3,808	438,030
2025	304,109,560	248,091,196	47,615,609	8,402,755	13.7662	655,486	(32,774)	622,712	6,513	629,225
2026	314,654,649	248,091,196	56,578,917	9,984,536	13.7662	778,876	(38,944)	739,932	9,341	749,273
2027	325,560,339	248,091,196	65,848,782	11,620,361	13.7662	906,486	(45,324)	861,162	11,099	872,261
2028	348,843,005	248,091,196	85,639,026	15,112,783	13.7662	1,178,926	(58,946)	1,119,980	12,917	1,132,897
2029	373,231,207	248,091,196	106,369,041	18,770,970	13.7663	1,464,304	(73,215)	1,391,088	16,800	1,407,888
2030	398,769,894	248,091,196	128,076,875	22,601,823	13.7663	1,763,142	(88,157)	1,674,985	20,866	1,695,851
2031	425,506,436	248,091,196	150,802,925	26,612,315	13.7663	2,075,998	(103,800)	1,972,198	25,125	1,997,323
2032	453,489,622	248,091,196	174,588,643	30,809,783	13.7663	2,403,441	(120,172)	2,283,269	29,583	2,312,852
2033	482,770,775	248,091,196	199,477,651	35,201,928	13.7663	2,746,073	(137,304)	2,608,770	34,249	2,643,019
2034	511,533,190	248,091,196	223,925,717	39,516,277	13.7663	3,082,635	(154,132)	2,928,503	39,132	2,967,635
2035	541,588,688	248,091,196	249,472,843	44,024,649	13.7663	3,434,326	(171,716)	3,262,610	43,928	3,306,538
2036	572,988,381	248,091,196	276,162,588	48,734,597	13.7663	3,801,748	(190,087)	3,611,660	48,939	3,660,600
2037	605,785,858	248,091,196	304,040,476	53,654,186	13.7663	4,185,526	(209,276)	3,976,250	54,175	4,030,425
2038	640,037,271	248,091,196	333,154,162	58,791,913	13.7663	4,586,317	(229,316)	4,357,001	59,644	4,416,644
2039	675,800,450	248,091,196	363,552,831	64,156,423	13.7664	5,004,797	(250,240)	4,754,557	65,355	4,819,912
2040	713,134,961	248,091,196	395,287,187	69,756,578	13.7664	5,441,665	(272,083)	5,169,582	71,318	5,240,900
2041	752,103,107	248,091,196	428,410,089	75,601,822	13.7664	5,897,648	(294,882)	5,602,766	77,544	5,680,309
2042	792,769,059	248,091,196	462,976,193	81,701,670	13.7664	6,373,499	(318,675)	6,054,824	84,041	6,138,866
2043	835,199,857	248,091,196	499,042,370	88,066,291	13.7664	6,870,001	(343,500)	6,526,501	90,822	6,617,323
2044	879,464,560	248,091,196	536,667,363	94,706,001	13.7664	7,387,962	(369,398)	7,018,564	97,898	7,116,462
2045	925,635,240	248,091,196	575,912,421	101,631,623	13.7664	7,928,226	(396,411)	7,531,815	105,278	7,637,093
2046	973,786,134	248,091,196	616,840,666	108,854,272	13.7664	8,491,662	(424,583)	8,067,078	112,977	8,180,056
2047	1,023,994,648	248,091,196	659,517,957	116,385,495	13.7664	9,079,175	(453,959)	8,625,216	121,006	8,746,222
2048	1,054,660,381	248,091,196	613,972,421	192,596,763	13.7664	8,452,176	(422,609)	8,029,567	129,378	8,158,945
TOTAL:						104,889,899	(5,244,493)	99,645,404	1,374,238	101,019,642

Source: Tiberius Solutions

Figure 2 - TIF Projections over Time



Source: Tiberius Solutions

VI. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 6 shows a summary of the financial capacity of the Area, including how the total TIF revenue translates to the ability to fund projects in constant FYE 2020 dollars in five-year increments. Table 8, Table 9, Table 10, and Table 11 show more detailed tables on the allocation of tax revenues over time.

The Plan is structured to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2048, a 27-year duration for the Plan. The time frame of the Plan is not absolute; it may vary depending on the actual ability to meet the maximum indebtedness. If the economy is slower, it may take longer; if the economy is more robust than the projections, it may take a shorter time period. These assumptions show one scenario for financing and that this scenario is financially feasible.

The maximum indebtedness is $87,100,000 (eighty-seven million one hundred thousand dollars). The estimated total amount of tax increment revenues required to service the maximum indebtedness of $87,100,000 is $101,019,642 which includes expected interest on debt and financing fees and is from the division of taxes from permanent rate levies.

Table 6 - TIF Capacity of the Area

Net TIF (YOE$)	$ 101,020,000
Maximum Indebtedness (YOE$)	$ 87,100,000
Dollars for Projects (2020$)	$ 52,200,000
Years 1-5	$ 5,560,000
Years 6-10	$ 7,670,000
Years 11-15	$ 10,730,000
Years 16-20	$ 11,150,000
Years 21-25	$ 16,920,000

Source: Tiberius Solutions

The financial analysis projects when borrowings might occur as identified in Table 7. The Agency may decide to complete borrowings at different times or for different amounts, depending on their analysis at the time. The table below summarizes the principal amounts of the projected borrowings for the Area. The total amounts, including interest, are shown in the second column of Table 8. There may be opportunities for the City/Agency to accelerate the timing of financial capacity in the early years. For example, the City/Agency may find lenders willing to offer more attractive terms, such as lower interest rates, lower required minimum debt service coverage ratios, or a longer amortization period. Additionally, the City/Agency could explore short-term, interim financing strategies, such as a line of credit with interest only payments. Any line of credit would need to be repaid in full after an agreed upon term, most likely through a longer-term borrowing like the ones shown in this analysis. The success of these financial strategies will depend upon market conditions, and the specific terms and conditions that lenders are willing to offer to the City/Agency.

Table 7 - Estimated Borrowings and Amounts

	Loan A	Loan B	Loan C	Loan D
Principal Amount	5,100,000	6,400,000	8,800,000	8,000,000
Interest Rate	5 %	5 %	5 %	5 %
Loan Term	20	20	16	12
Loan Year	2025	2029	2033	2037
Annual Payment	($409,237)	($513,553)	($811,975)	($902,603)

Source: Tiberius Solutions

Table 8 - Tax Increment Revenues and Allocations to Debt Service, Page 1

	Total	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
Resources								
Beginning Balance		-	-	-	-	-	-	-
TIF: Current Year	99,645,404	166,729	253,864	434,222	622,712	739,932	861,162	1,119,980
TIF: Prior Years	1,374,238	-	2,501	3,808	6,513	9,341	11,099	12,917
Total Resources	101,019,642	166,729	256,365	438,030	629,225	749,273	872,261	1,132,897
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(8,184,744)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(10,271,051)	-	-	-	-	-	-	-
Loan C	(12,991,603)	-	-	-	-	-	-	-
Loan D	(10,831,239)	-	-	-	-	-	-	-
Total Debt Service, Scheduled Only	(42,278,637)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Total Debt Service	(42,278,637)	-	-	-	(409,237)	(409,237)	(409,237)	(409,237)
Debt Service Coverage Ratio	.00	.00	.00	.00	1.52	1.81	2.10	2.74
Transfer to URA Projects Fund	(58,741,005)	(166,729)	(256,365)	(438,030)	(219,988)	(340,036)	(463,024)	(723,660)
Total Expenditures	(101,019,642)	(166,729)	(256,365)	(438,030)	(629,225)	(749,273)	(872,261)	(1,132,897)

Source: Tiberius Solutions

Table 9 - Tax Increment Revenues and Allocations to Debt Service, Page 2

	FYE 2029	FYE 2030	FYE 2031	FYE 2032	FYE 2033	FYE 2034	FYE 2035	FYE 2036
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
TIF: Current Year	1,391,088	1,674,985	1,972,198	2,283,269	2,608,770	2,928,503	3,262,610	3,611,660
TIF: Prior Years	16,800	20,866	25,125	29,583	34,249	39,132	43,928	48,939
Total Resources	1,407,888	1,695,851	1,997,323	2,312,852	2,643,019	2,967,635	3,306,538	3,660,600
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	-	-	-	-	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	-	-	-	-	-	-	-	-
Total Debt Service, Scheduled Only	(922,790)	(922,790)	(922,790)	(922,790)	(1,734,765)	(1,734,765)	(1,734,765)	(1,734,765)
Total Debt Service	(922,790)	(922,790)	(922,790)	(922,790)	(1,734,765)	(1,734,765)	(1,734,765)	(1,734,765)
Debt Service Coverage Ratio	1.51	1.82	2.14	2.47	1.50	1.69	1.88	2.08
Transfer to URA Projects Fund	(485,098)	(773,061)	(1,074,533)	(1,390,062)	(908,254)	(1,232,870)	(1,571,773)	(1,925,835)
Total Expenditures	(1,407,888)	(1,695,851)	(1,997,323)	(2,312,852)	(2,643,019)	(2,967,635)	(3,306,538)	(3,660,600)

Source: Tiberius Solutions

Table 10 - Tax Increment Revenues and Allocations to Debt Service, Page 3

	FYE 2037	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042	FYE 2043	FYE 2044
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
TIF: Current Year	3,976,250	4,357,001	4,754,557	5,169,582	5,602,766	6,054,824	6,526,501	7,018,564
TIF: Prior Years	54,175	59,644	65,355	71,318	77,544	84,041	90,822	97,898
Total Resources	4,030,425	4,416,644	4,819,912	5,240,900	5,680,309	6,138,866	6,617,323	7,116,462
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)	(409,237)
Loan B	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)	(902,603)
Total Debt Service, Scheduled Only	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)
Total Debt Service	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)	(2,637,368)
Debt Service Coverage Ratio	1.51	1.65	1.80	1.96	2.12	2.30	2.47	2.66
Transfer to URA Projects Fund	(1,393,056)	(1,779,276)	(2,182,544)	(2,603,532)	(3,042,941)	(3,501,498)	(3,979,955)	(4,479,093)
Total Expenditures	(4,030,425)	(4,416,644)	(4,819,912)	(5,240,900)	(5,680,309)	(6,138,866)	(6,617,323)	(7,116,462)

Source: Tiberius Solutions

Table 11 - Tax Increment Revenues and Allocations to Debt Service, Page 4

	FYE 2045	FYE 2046	FYE 2047	FYE 2048
Resources				
Beginning Balance	-	-	-	-
TIF: Current Year	7,531,815	8,067,078	8,625,216	8,029,567
TIF: Prior Years	105,278	112,977	121,006	129,378
Total Resources	7,637,093	8,180,056	8,746,222	8,158,945
Expenditures				
Debt Service				
Scheduled Payments				
Loan A	-	-	-	-
Loan B	(513,553)	(513,553)	(513,553)	(513,553)
Loan C	(811,975)	(811,975)	(811,975)	(811,975)
Loan D	(902,603)	(902,603)	(902,603)	(902,603)
Total Debt Service, Scheduled Only	(2,228,131)	(2,228,131)	(2,228,131)	(2,228,131)
Total Debt Service	(2,228,131)	(2,228,131)	(2,228,131)	(2,228,131)
Debt Service Coverage Ratio	3.38	3.62	3.87	3.60
Transfer to URA Projects Fund	(5,408,962)	(5,951,925)	(6,518,091)	(5,930,814)
Total Expenditures	(7,637,093)	(8,180,056)	(8,746,222)	(8,158,945)

Source: Tiberius Solutions

VII. THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT

The schedule for construction of projects will be based on the availability of funding. The projects will be ongoing and will be completed as directed by the Agency. The Agency may change the completion dates in their annual budgeting process or as project decisions are made in administering the Plan.

The initial project identified for completion is Community Visioning. Through the Community Visioning process, projects will be further defined and prioritized as funds are accrued. For the purposes of the following tables, funding was allocated annually according to total allocations as divided over the life of the Area. These allocations will change as the Community Visioning is completed. Funds not used in the Community Visioning may be carried forward for other projects or used for further Community Visioning activities.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2048, a 27-year program.

The amount of money available for projects in FYE 2020 constant dollars for the Area is $51,801,140. This translates to $87,042,561 in year of expenditure dollars.

Table 12, Table 13, Table 14, and Table 15 show the $51,801,140 of project costs in FYE 2020 dollars inflated over the life of the Area, including administrative expenses. All costs shown in Table 12, Table 13, Table 14 and Table 15 are in year-of-expenditure dollars, which are adjusted by 3.0% annually to account for inflation. Annual expenditures for program administration are also shown. These are predicated on the fact that the Area activities will start off slowly in the beginning years and increase in the final years.

A 3.0% inflation rate is the rate to use in the future if any amendment to increase maximum indebtedness is pursued in accordance with ORS 457.470.

Table 12 - Programs and Costs in Year of Expenditure Dollars, Page 1

	Total	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027
Resources							
Beginning Balance		-	81,857	229,361	35	20	42
Interest Earnings	1,556	-	409	1,147	-	-	-
Transfer from TIF Fund	58,741,005	166,729	256,365	438,030	219,988	340,036	463,024
Bond/Loan Proceeds	28,300,000	-	-	-	5,100,000	-	-
Total Resources	87,042,561	166,729	338,631	668,538	5,320,022	340,056	463,066
Expenditures (YOE $)							
Administration	(10,740,645)	(84,872)	(109,270)	(135,060)	(302,432)	(311,511)	(320,850)
Financing Fees	(566,000)				(102,000)		
Planning and Community Involvement	(422,063)			(422,063)			
Economic Development	(17,230,090)			(25,481)	(1,124,567)	(6,520)	(32,531)
Transportation	(39,069,795)			(57,794)	(2,550,019)	(14,807)	(73,769)
Public Utility	(5,081,677)			(7,507)	(331,664)	(1,923)	(9,593)
Parks/Trails/Open Space	(8,723,501)			(12,898)	(569,355)	(3,308)	(16,468)
Community Appearance	(3,514,863)			(5,189)	(229,402)	(1,325)	(6,629)
Emergency Preparedness	(1,693,931)			(2,499)	(110,551)	(633)	(3,198)
Total Expenditures	(87,042,561)	(84,872)	(109,270)	(668,503)	(5,320,002)	(340,014)	(463,039)
Ending Balance		81,857	229,361	35	20	42	27

Source: Tiberius Solutions

Table 13 - Programs and Costs in Year of Expenditure Dollars, Page 2

	FYE 2028	FYE 2029	FYE 2030	FYE 2031	FYE 2032	FYE 2033	FYE 2034	FYE 2035
Resources								
Beginning Balance	27	36	37	41	27	25	63	48
Interest Earnings	-	-	-	-	-	-	-	-
Transfer from TIF Fund	723,660	485,098	773,061	1,074,533	1,390,062	908,254	1,232,870	1,571,773
Bond/Loan Proceeds	-	6,400,000	-	-	-	8,800,000	-	-
Total Resources	723,687	6,885,134	773,099	1,074,574	1,390,089	9,708,279	1,232,932	1,571,821
Expenditures (YOE $)								
Administration	(330,476)	(340,390)	(350,590)	(361,103)	(371,929)	(383,095)	(394,600)	(406,443)
Financing Fees		(128,000)	-	-	-	(176,000)	-	-
Planning and Community Involvement		-	-	-	-		-	-
Economic Development	(89,955)	(1,468,004)	(96,653)	(163,225)	(232,931)	(2,093,126)	(191,783)	(266,605)
Transportation	(203,980)	(3,328,754)	(219,177)	(370,121)	(528,179)	(4,746,236)	(434,888)	(604,551)
Public Utility	(25,527)	(432,946)	(28,504)	(48,129)	(68,690)	(617,313)	(56,556)	(78,617)
Parks/Trails/Open Space	(45,541)	(743,227)	(48,931)	(82,637)	(117,920)	(1,059,728)	(97,094)	(134,970)
Community Appearance	(18,343)	(299,452)	(19,715)	(33,290)	(47,504)	(426,966)	(39,116)	(54,374)
Emergency Preparedness	(8,842)	(144,311)	(9,501)	(16,043)	(22,897)	(205,766)	(18,847)	(26,206)
Total Expenditures	(723,651)	(6,885,097)	(773,058)	(1,074,547)	(1,390,064)	(9,708,216)	(1,232,884)	(1,571,781)
Ending Balance	36	37	41	27	25	63	48	40

Source: Tiberius Solutions

Table 14 - Programs and Costs in Year of Expenditure Dollars, Page 3

	FYE 2036	FYE 2037	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042	FYE 2043
Resources								
Beginning Balance	40	51	63	33	76	50	34	59
Interest Earnings	-	-	-	-	-	-	-	-
Transfer from TIF Fund	1,925,835	1,393,056	1,779,276	2,182,544	2,603,532	3,042,941	3,501,498	3,979,955
Bond/Loan Proceeds	-	8,000,000	-	-	-	-	-	-
Total Resources	1,925,875	9,393,107	1,779,339	2,182,577	2,603,607	3,042,992	3,501,531	3,980,014
Expenditures (YOE $)								
Administration	(418,626)	(431,174)	(444,114)	(457,444)	(471,166)	(485,306)	(499,863)	(514,863)
Financing Fees	-	(160,000)	-	-	-	-	-	-
Planning and Community Involvement	-	-	-	-	-	-	-	-
Economic Development	(344,818)	(2,013,672)	(305,462)	(394,660)	(487,846)	(585,139)	(686,711)	(792,736)
Transportation	(781,890)	(4,566,091)	(692,655)	(894,916)	(1,106,218)	(1,326,822)	(1,557,138)	(1,797,575)
Public Utility	(101,690)	(593,884)	(90,091)	(116,397)	(143,874)	(172,561)	(202,532)	(233,793)
Parks/Trails/Open Space	(174,575)	(1,019,497)	(154,646)	(199,811)	(246,984)	(296,234)	(347,676)	(401,351)
Community Appearance	(70,334)	(410,770)	(62,308)	(80,503)	(99,516)	(119,357)	(140,067)	(161,697)
Emergency Preparedness	(33,891)	(197,956)	(30,030)	(38,787)	(47,952)	(57,520)	(67,504)	(77,918)
Total Expenditures	(1,925,824)	(9,393,044)	(1,779,306)	(2,182,501)	(2,603,557)	(3,042,958)	(3,501,472)	(3,979,933)
Ending Balance	51	63	33	76	50	34	59	81

Source: Tiberius Solutions

Table 15 - Programs and Costs in Year of Expenditure Dollars, Page 4

	FYE 2044	FYE 2045	FYE 2046	FYE 2047	FYE 2048
Resources					
Beginning Balance	81	52	70	70	78
Interest Earnings	-	-	-	-	-
Transfer from TIF Fund	4,479,093	5,408,962	5,951,925	6,518,091	5,930,814
Bond/Loan Proceeds	-	-	-		
Total Resources	4,479,175	5,409,014	5,951,995	6,518,161	5,930,893
Expenditures (YOE $)					
Administration	(530,307)	(546,220)	(562,603)	(579,482)	(596,856)
Financing Fees	-				
Planning and Community Involvement	-	-	-	-	-
Economic Development	(903,397)	(1,112,478)	(1,232,971)	(1,358,636)	(1,220,183)
Transportation	(2,048,514)	(2,522,631)	(2,795,795)	(3,080,743)	(2,766,532)
Public Utility	(266,439)	(328,098)	(363,624)	(400,678)	(360,047)
Parks/Trails/Open Space	(457,380)	(563,232)	(624,228)	(687,848)	(617,962)
Community Appearance	(184,273)	(226,926)	(251,503)	(277,129)	(249,175)
Emergency Preparedness	(88,813)	(109,359)	(121,201)	(133,545)	(120,161)
Total Expenditures	(4,479,123)	(5,408,944)	(5,951,925)	(6,518,083)	(5,930,893)
Ending Balance	52	70	70	78	-

Source: Tiberius Solutions

VIII. REVENUE SHARING

This Plan requires annual voluntary revenue sharing of a minimum of 15% of the total tax increment proceeds gained through the division of taxes. This decision of the City Council was based on input of the taxing districts through meetings with them throughout the development of the Plan. There is a significant portion of the original area that is owned by the City but anticipated to be developed by the private sector through the life of the Plan. The taxing districts do not receive any division of taxes from these properties while they are in public ownership. If there was not revenue sharing, once those properties transition to private ownership and are developed, all property tax revenue would go to the Agency. Due to the need to provide services in the Area, it was determined by the City Council that a permanent under-levy of a minimum of 15% of the annual division of tax proceeds would be a part of the financing of the Plan. The Agency will annually file a Form UR-50 with the Lincoln County Assessor that will designate that the Agency will annually revenue share a minimum of 15% of the tax increment revenue through the division of taxes.

The City consulted and conferred with the taxing districts pursuant to ORS 457.455 by sending the Plan and Report to the taxing districts and offering to meet with them.

If tax increment revenues meet the mandatory revenue sharing provisions of ORS 457, and if the mandatory requirements are in excess of the 15% revenue sharing, the mandatory requirements will super-cede the voluntary requirements.

Mandatory revenue sharing is defined in ORS 457.470. The statute identifies certain thresholds where the impacted taxing jurisdictions will receive a share of the incremental growth in the Area. The first threshold is when annual tax increment finance revenues exceed 10% of the original maximum indebtedness of the Plan (10% of $87,100,000 is $8,710,000). In the year after reaching the 10% threshold, the Agency will receive the full 10% of the initial maximum indebtedness plus 25% of the increment above the 10% threshold, and the taxing jurisdictions will receive 75% of the increment above the 10% threshold. The threshold is not projected to be met in the Plan. If actual assessed value growth is higher than projected, revenue sharing could be realized.

The second threshold is when annual tax increment finance revenues exceed 12.5% of the maximum indebtedness ($10,887,500). If this threshold is met, revenue for the Area would be capped at 12.5% of the maximum indebtedness, with all additional tax revenue being shared with affected taxing districts. This threshold is not projected to be met.

IX. IMPACT OF THE TAX INCREMENT FINANCING

This section describes the impact of tax increment financing of the maximum indebtedness, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the Area.

The impact of tax increment financing on overlapping taxing districts consists primarily of the property tax revenues foregone on permanent rate levies as applied to the growth in assessed value in the Area. These projections are for impacts estimated through FYE 2048 and are shown in Table 16 and Table 17.

The Lincoln County School District and the Linn-Benton-Lincoln Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the Plan are shown in the following tables. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone, due to the use of tax increment financing, are substantially replaced with State School Fund revenues, as determined by a funding formula at the state level.

Table 16 and Table 17 show the projected impacts to permanent rate levies of taxing districts as a result of this Plan. Table 16 shows the general government levies, and Table 17 shows the education levies.

Table 16 - Projected Impact on Taxing District Permanent Rate Levies - General Government

FYE	Lincoln County General	Lincoln County Animal Services	Lincoln County Extension	Lincoln County Transport	City of Lincoln City	Lincoln Fire & Rescue #1	Water - Dev Lake In	North Lincoln Health	Water - Dev Lake Out	Subtotal General Government
2022	(34,157)	(1,332)	(546)	(1,180)	(49,653)	(8,050)	(181)	(6,279)	(72)	(101,450)
2023	(52,521)	(2,049)	(840)	(1,814)	(76,347)	(12,377)	(278)	(9,654)	(111)	(155,990)
2024	(89,737)	(3,500)	(1,435)	(3,099)	(130,447)	(21,148)	(478)	(16,495)	(191)	(266,530)
2025	(128,906)	(5,028)	(2,061)	(4,452)	(187,384)	(30,379)	(688)	(23,695)	(274)	(382,868)
2026	(153,499)	(5,987)	(2,455)	(5,301)	(223,135)	(36,175)	(819)	(28,216)	(326)	(455,914)
2027	(178,695)	(6,970)	(2,858)	(6,172)	(259,761)	(42,113)	(953)	(32,847)	(380)	(530,749)
2028	(232,090)	(9,053)	(3,712)	(8,016)	(337,378)	(54,697)	(1,241)	(42,662)	(494)	(689,342)
2029	(288,425)	(11,250)	(4,612)	(9,961)	(419,270)	(67,974)	(1,544)	(53,017)	(615)	(856,668)
2030	(347,417)	(13,551)	(5,556)	(11,999)	(505,025)	(81,878)	(1,861)	(63,861)	(741)	(1,031,888)
2031	(409,177)	(15,960)	(6,543)	(14,132)	(594,802)	(96,433)	(2,194)	(75,214)	(874)	(1,215,328)
2032	(473,817)	(18,481)	(7,577)	(16,364)	(688,766)	(111,667)	(2,542)	(87,095)	(1,012)	(1,407,322)
2033	(541,455)	(21,119)	(8,659)	(18,700)	(787,089)	(127,609)	(2,906)	(99,528)	(1,157)	(1,608,222)
2034	(607,956)	(23,713)	(9,722)	(20,997)	(883,759)	(143,282)	(3,264)	(111,753)	(1,300)	(1,805,745)
2035	(677,384)	(26,421)	(10,833)	(23,395)	(984,684)	(159,644)	(3,637)	(124,515)	(1,449)	(2,011,961)
2036	(749,918)	(29,250)	(11,993)	(25,900)	(1,090,122)	(176,739)	(4,028)	(137,847)	(1,604)	(2,227,401)
2037	(825,681)	(32,205)	(13,204)	(28,516)	(1,200,255)	(194,595)	(4,436)	(151,774)	(1,767)	(2,452,432)
2038	(904,802)	(35,291)	(14,469)	(31,249)	(1,315,271)	(213,242)	(4,862)	(166,318)	(1,936)	(2,687,440)
2039	(987,416)	(38,513)	(15,791)	(34,102)	(1,435,363)	(232,713)	(5,307)	(181,504)	(2,113)	(2,932,821)
2040	(1,073,660)	(41,877)	(17,170)	(37,081)	(1,560,732)	(253,039)	(5,771)	(197,357)	(2,298)	(3,188,984)
2041	(1,163,678)	(45,388)	(18,609)	(40,189)	(1,691,587)	(274,254)	(6,256)	(213,903)	(2,491)	(3,456,357)
2042	(1,257,618)	(49,053)	(20,112)	(43,434)	(1,828,144)	(296,394)	(6,762)	(231,171)	(2,693)	(3,735,380)
2043	(1,355,635)	(52,876)	(21,679)	(46,819)	(1,970,627)	(319,495)	(7,290)	(249,188)	(2,903)	(4,026,513)
2044	(1,457,889)	(56,864)	(23,314)	(50,350)	(2,119,269)	(343,594)	(7,841)	(267,984)	(3,123)	(4,330,230)
2045	(1,564,546)	(61,024)	(25,020)	(54,034)	(2,274,312)	(368,731)	(8,416)	(287,590)	(3,351)	(4,647,025)
2046	(1,675,778)	(65,363)	(26,799)	(57,876)	(2,436,004)	(394,947)	(9,015)	(308,036)	(3,590)	(4,977,407)
2047	(1,791,763)	(69,887)	(28,653)	(61,881)	(2,604,607)	(422,282)	(9,641)	(329,356)	(3,839)	(5,321,910)
2048	(1,671,453)	(65,194)	(26,730)	(57,726)	(2,429,718)	(393,927)	(8,992)	(307,241)	(3,581)	(4,964,562)
TOTAL:	(20,695,072)	(807,197)	(330,951)	(714,736)	(30,083,511)	(4,877,381)	(111,203)	(3,804,101)	(44,287)	(61,468,440)

Source: Tiberius Solutions

Table 17 - Projected Impact on Taxing District Permanent Rate Levies – Education

	Lincoln County School District	Oregon Coast Comm College	ESD Linn-Benton	Subtotal Education	Total General Government and Education
2022	(59,459)	(2,128)	(3,693)	(65,279)	(166,729)
2023	(91,424)	(3,272)	(5,678)	(100,374)	(256,364)
2024	(156,208)	(5,591)	(9,702)	(171,500)	(438,030)
2025	(224,390)	(8,031)	(13,936)	(246,357)	(629,225)
2026	(267,200)	(9,563)	(16,595)	(293,359)	(749,273)
2027	(311,060)	(11,133)	(19,319)	(341,512)	(872,261)
2028	(404,005)	(14,459)	(25,092)	(443,556)	(1,132,897)
2029	(502,069)	(17,969)	(31,182)	(551,220)	(1,407,888)
2030	(604,758)	(21,644)	(37,560)	(663,963)	(1,695,851)
2031	(712,265)	(25,492)	(44,237)	(781,995)	(1,997,323)
2032	(824,786)	(29,519)	(51,226)	(905,530)	(2,312,852)
2033	(942,525)	(33,733)	(58,538)	(1,034,797)	(2,643,019)
2034	(1,058,286)	(37,876)	(65,728)	(1,161,890)	(2,967,634)
2035	(1,179,141)	(42,201)	(73,234)	(1,294,577)	(3,306,538)
2036	(1,305,403)	(46,720)	(81,076)	(1,433,199)	(3,660,600)
2037	(1,437,285)	(51,440)	(89,267)	(1,577,992)	(4,030,425)
2038	(1,575,014)	(56,370)	(97,821)	(1,729,204)	(4,416,644)
2039	(1,718,822)	(61,517)	(106,752)	(1,887,091)	(4,819,912)
2040	(1,868,949)	(66,890)	(116,076)	(2,051,915)	(5,240,900)
2041	(2,025,646)	(72,498)	(125,809)	(2,223,952)	(5,680,309)
2042	(2,189,170)	(78,350)	(135,965)	(2,403,486)	(6,138,866)
2043	(2,359,792)	(84,457)	(146,562)	(2,590,810)	(6,617,323)
2044	(2,537,788)	(90,827)	(157,617)	(2,786,232)	(7,116,462)
2045	(2,723,449)	(97,472)	(169,148)	(2,990,069)	(7,637,093)
2046	(2,917,073)	(104,402)	(181,173)	(3,202,648)	(8,180,056)
2047	(3,118,972)	(111,628)	(193,713)	(3,424,313)	(8,746,222)
2048	(2,909,545)	(104,132)	(180,706)	(3,194,383)	(8,158,945)
TOTAL:	(36,024,484)	(1,289,314)	(2,237,404)	(39,551,202)	(101,019,642)

Source: Tiberius Solutions Please refer to the explanation of the schools funding in the preceding section

Table 18 shows the projected increased revenue to the taxing jurisdictions after tax increment proceeds are projected to be terminated. These projections are for FYE 2049.

The Frozen Base is the assessed value of the Area established by the county assessor at the time the Area is established. Excess Value is the increased assessed value in the Area above the Frozen Base. The Frozen Base indicated in the table below is the consultant's estimate. It is expected the number may vary slightly as the assessor determines the Frozen Base after the Area is established.

Table 18 - Additional Revenues Obtained after Termination of Tax Increment Financing, FYE 2049.

Taxing District	Tax Rate	From Frozen Base	From Excess Value	Total
General Government				
Lincoln County General	2.8202	699,666	2,363,765	3,063,431
Lincoln County Animal Services	0.11	27,290	92,198	119,488
Lincoln County Extension	0.0451	11,189	37,801	48,990
Lincoln County Transport	0.0974	24,164	81,637	105,801
City of Lincoln City	4.0996	1,017,074	3,436,100	4,453,174
Road - Lake Point	0.4669	0	0	0
Lincoln Fire & Rescue #1	0.6783	164,904	557,091	721,995
Water - Dev Lake In	0.2499	3,800	12,715	16,515
North Lincoln Health	0.5184	128,612	434,500	563,112
Water - Dev Lake Out	0.128	1,512	5,063	6,575
Subtotal	9.0858	2,076,699	7,015,807	9,092,506
Education	12345	12,345	12,345	12,345
Lincoln County School	4.9092	1,217,930	4,114,670	5,332,600
Oregon Coast Comm. College	0.1757	43,590	147,264	190,854
ESD Linn-Benton	0.3049	75,643	255,554	331,197
Subtotal	5.3898	1,337,163	4,517,488	5,854,651
TOTAL:	14.4756	3,413,862	11,533,295	14,947,157

Source: Tiberius Solutions

x. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AND TIF AREAS

State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in a TIF area at the time of its establishment to 25% for municipalities under 50,000 in population. As of the adoption of this Plan, there is an existing urban renewal area in Lincoln City, the Year 2000 Development (Urban Renewal) Plan Area. The Lincoln City Urban Renewal Agency (Agency) will make the final bond payment on the Year 2000 Development (Urban Renewal) Plan (Year 2000 Plan) on December 1, 2020. Fiscal year 2020/2021 is the final year to collect division of tax revenues for the Year 2000 Development Plan.

At that time, the assessed value and acreage limitations will only include the Roads End/Villages at Cascade Head Area.

As noted below, the Frozen Base (assumed to be FYE 2020 values), including all real, personal, personal, manufactured, and utility properties in the Area, is projected to be $248,091,196. The Lincoln County Assessor will set the Frozen Base once the Plan is adopted. The total assessed value of the City of Lincoln City in FYE 2020 is $1,858,471,488.[6]

The percentage of assessed value of the TIF area in Lincoln City is 17.3%, below the 25% threshold.

The Area contains 500 acres, including public rights-of-way. The Year 2000 Area contains 362.47 acres.[7] This puts 22.52% of the City's acreage in a TIF area, which is below the 25% statutory threshold. The information on acreage and assessed value percentages is shown below in Table 19.

Table 19 – TIF Area Conformance with Assessed Value and Acreage Limits

	Assessed Value	Frozen Base	Acreage
City of Lincoln City	$1,858,471,488		3,830
Year 2000 Plan Area		$62,489,095	362.47
Year 2000 Plan Incremental/Excess Value	$56,204,456[8]		
Roads End/Villages at Cascade Head Area		$248,091,196	500
% in Urban Renewal/TIF Area	17.3%		22.52%

Source: Compiled by Elaine Howard Consulting, LLC with data from City of Lincoln City and Lincoln County Department of Assessment and Taxation (FYE 2020)

[6] Lincoln County FYE 2020 Sal 4a

[7] Acreage information for Y2000 Plan from Resolution UR2019-03

[8] This is the excess value used. In 2014 the City of Lincoln City determined to under-levy their tax increment by 80%, with only 20% of the available increment going to the urban renewal agency. Even with this adjustment, the Area is expected to be terminated in FYE 2021.

XI. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within the Area and documents the occurrence of "blighted areas," as defined by ORS 457.010(1).

A. Physical Conditions

1. Land Use

The Area measures 500 total acres in size, which is composed of 910 individual parcels encompassing 445.69 acres, and an additional 54.31 acres in public rights-of-way. An analysis of FYE 2019-2020 property classification data from the Lincoln County Department of Assessment and Taxation database was used to determine the land use designation of parcels in the Area. By acreage, Exempt uses account for the most prevalent land use within the Area (56.68%). This was followed by Residential uses (36.25%). Detailed land use designations in the Area can be seen in Table 20.

Table 20 - Land Use in the Area

Land Use	Parcels	Acreage	Percent of Acreage
Exempt	105	252.63	56.68%
Residential	780	161.58	36.25%
Commercial	10	25.35	5.69%
Miscellaneous	12	3.29	0.74%
Tract	1	2.36	0.53%
Forest	1	0.25	0.06%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City using the Lincoln County Department of Assessment and Taxation database (FYE 2020)

2. Comprehensive Plan Designations

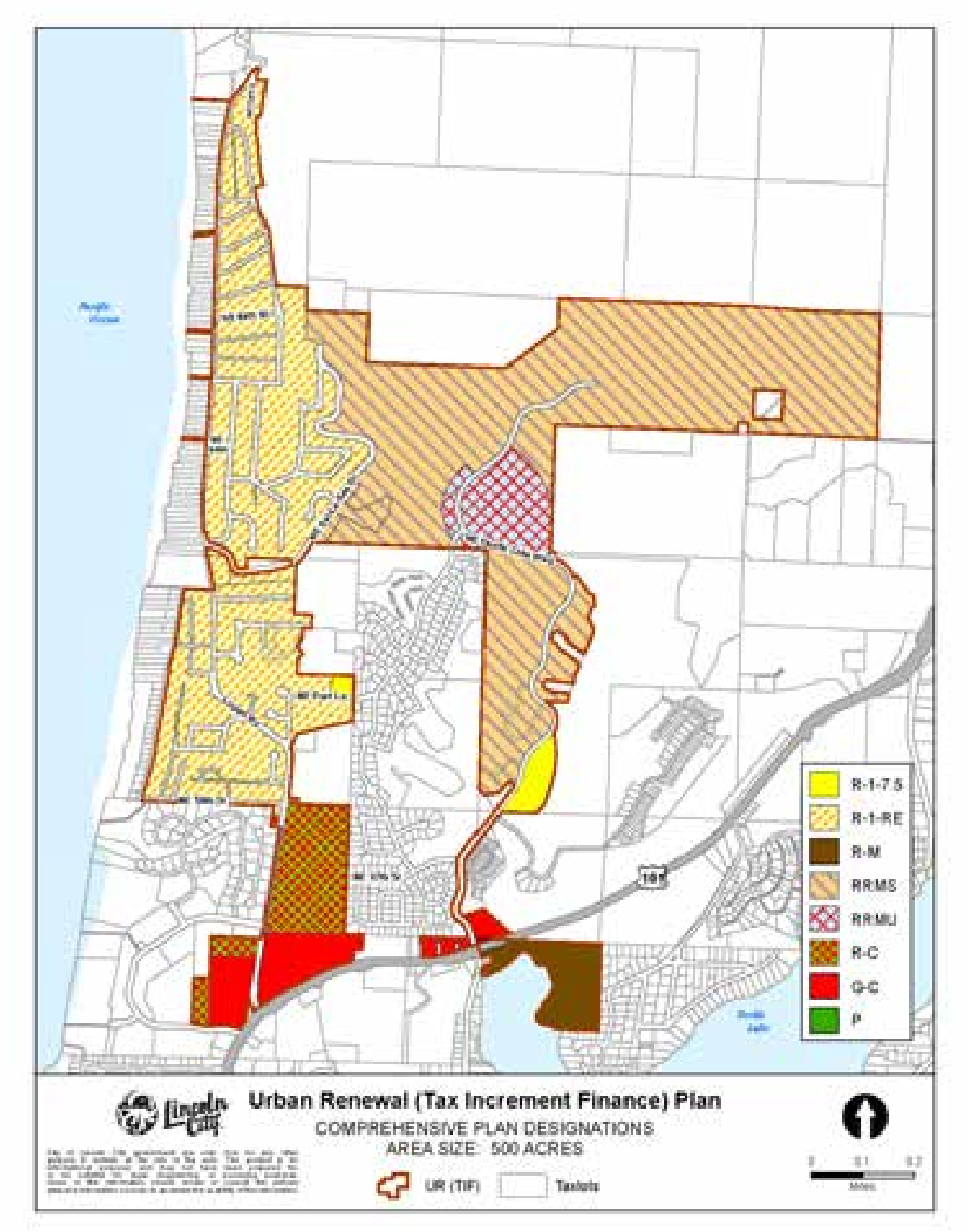
The most prevalent comprehensive plan designation by acreage in the Area is Resort Residential Mixed Structure (49.20%). The second most prevalent comprehensive plan designation by acreage in the Area is Residential 1-Roads End (31.82%). Detailed comprehensive plan designations in the Area can be seen in Table 21.

Table 21 – Comprehensive Plan Designations in the Area

Comprehensive Plan Designation	Parcels	Acreage	Percent of Acreage
Resort Residential Mixed Structure (RRMS)	114	219.26	49.20%
Residential 1 – Roads End (R-1-RE)	765	141.83	31.82%
General Commercial (G-C)	9	43.07	9.66%
Recreation Resort Mixed Use (RRMU)	5	16.33	3.66%
Multi-Family Residential (RM)	7	14.85	3.33%
Residential – 1 – 7.5 (R-1-7.5)	3	6.26	1.40%
Recreation Commercial (R-C)	6	3.86	0.87%
Park (P)	1	0.24	0.05%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City

Figure 3 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Comprehensive Plan Designation



Source: City of Lincoln City GIS

3. Zoning Designations

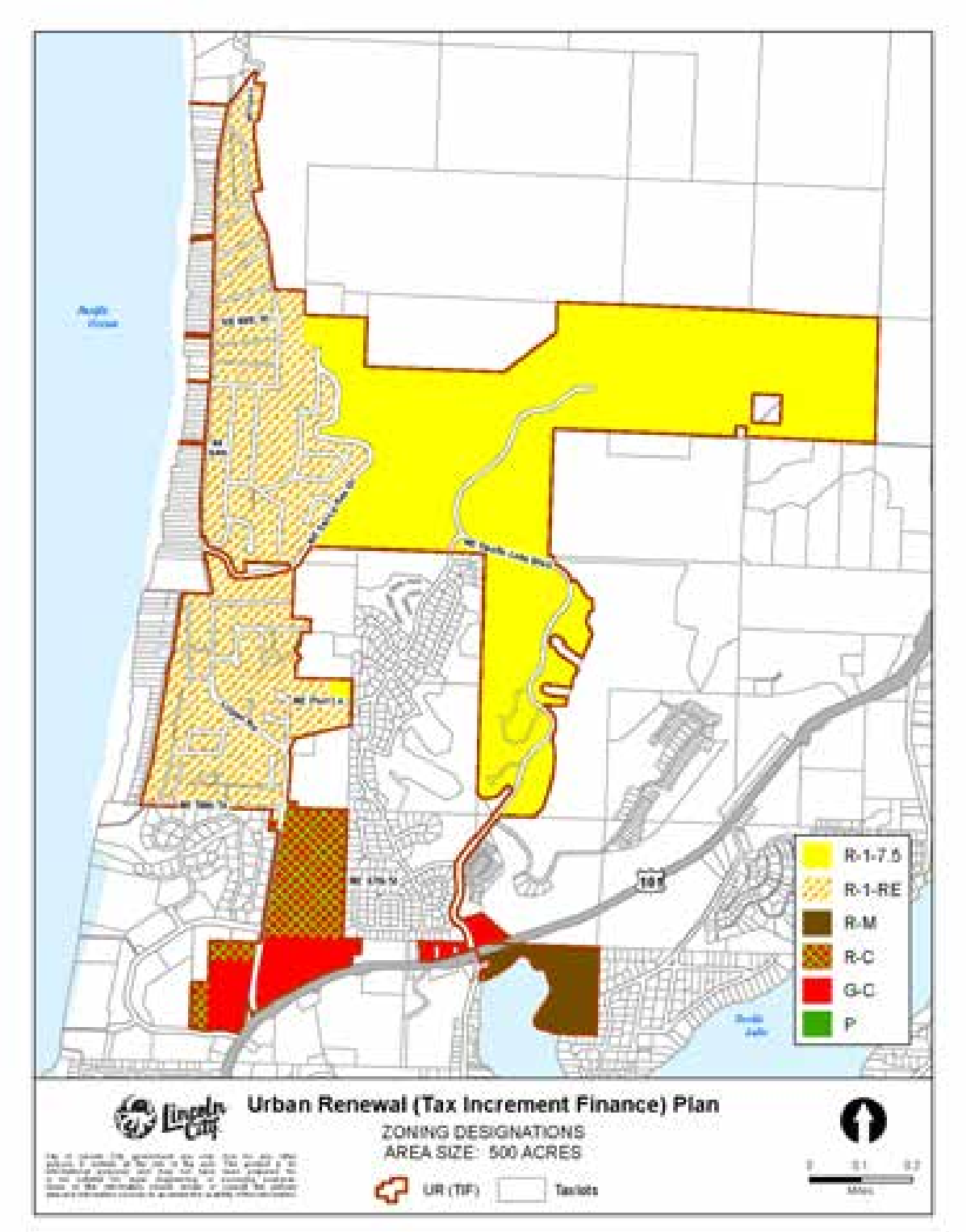
The most prevalent zoning designation by acreage in the Area is Residential R-1-7.5 (58.80%). The second most prevalent zoning designation in the Area is Residential R-1-Roads End (31.82%). Detailed zoning designations in the Area can be seen in Table 22.

Table 22 - Zoning Designations in the Area

Zoning Designation	Parcels	Acreage	Percent of Acreage
Single Family Residential R-1-7.5 (R-1-7.5)	123	262.06	58.80%
Single Family Residential R-1 Roads End (R-1-RE)	765	141.83	31.82%
General Commercial (G-C)	8	22.86	5.13%
Multiple-Family Residential (R-M)	7	14.85	3.33%
Recreation Commercial (R-C)	6	3.86	0.87%
Park (P)	1	0.24	0.05%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the City of Lincoln City

Figure 4 – Roads End/Villages at Cascade Head Urban Renewal (TIF) Area Zoning Designations



Source: City of Lincoln City GIS

B. Infrastructure

This section identifies the existing conditions in the Area to assist in **establishing blight in the ordinance adopting the Plan.** There are projects listed in several City of Lincoln City infrastructure master plans that relate to these existing conditions.

There are also deficiencies in the transportation system that have been identified by City staff for inclusion. **This does not mean that all of these projects are included in the Plan.** The specific projects that are included in the Plan are listed in Section III of this Report.

1. Transportation

The Lincoln City Transportation Systems Plan identified the following projects in the Capital Improvement List.

Bus system for hikers to access the Knoll recreation areas; Develop Park & Ride at the North end and incorporate North by Northwest Connector and other transit amenities.

Improved public parking on and off-street; could include Sal-La-Sea second parking lot.

Improve road connection between Villages at Cascade Head and Roads End to Highway 101 (one-half of this project is in the Area).

Logan Road/ NE Port Lane safety improvements, such as intersection realignment, roundabout, or all-way stop control.

Extend NE 47th Street. to the intersection of NW 44th Street and NW Logan Road; improvement includes sidewalks/pathways.

Modify Existing Traffic Signals and Install New Traffic Signals to improve pedestrian safety. Optimize the existing traffic signals at Highway 101/ NE West Devils Lake Road / NE Devils Lake Boulevard and Highway 101/NW Logan Road by implementing coordinated signal timing plans, upgrading traffic signal controllers, and installing communication.

Local streets and Highway 101 improvements which may include curbs, gutters and sidewalks/pathways, sidewalk gaps, and install pedestrian amenities, and lighting; could be along Logan Road, NE Devils Lake Boulevard, Sal-la-Sea Drive, and other local streets; could also include partnership on Safe Routes to school projects.

2. Storm Drain

The Storm Drain project within the Area was identified by staff at a meeting on October 9, 2019.[9]

Prepare a properly engineered comprehensive storm drainage systems master plan; within the funding limitations of the Agency, construct needed improvements to adequately drain the Area to eliminate flooding during periods of storm activity; Clean out, improve and protect the natural drainage courses so that they may function properly in coordination with the man-built drainage systems; Control earth moving, grading and development of lands which affect the natural and built systems so as to protect the integrity of the drainage system.

3. Water

The following water project within the Area was identified by staff at a meeting on October 9, 2019.

Improved infrastructure to support long-range water security for the Area.

4. Sewer

The following sewer project within the Area was identified by staff at a meeting on October 9, 2019.

Upgrade sewer pump station for Roads End North (at 64th Street) and Neotsu.

5. General Public Works

The following water projects within the Area were identified by staff at a meeting on October 9, 2019.

Logan Creek runs from the Villages, along Sal-La-Sea Drive to the Ocean at the State Recreation Site. The creek is culverted and constrained near the mouth but is otherwise a natural stream. A project to replace one culvert with a fish passage over the second culvert has been identified, it would improve water quality and fish and wildlife habitat.

Public Utility Improvements to include power, electric, gas, cable, etc. along Devils Lake Boulevard and other locations within Area.

Utilities should be undergrounded where economically feasible.

[9] As there was not a Water or Sewer Master Plan, the city Economic Development and Urban Renewal staff met with the city Public Works staff to identify deficiencies in the Area. This meeting was attended by Alison Robertson, Jodi Mescher, Stephanie Reid, and Lila Bradley.

Infrastructure projects are required including upgrading water, sanitary sewer and storm lines that are approaching their expected lifespan or are lacking altogether.

Improve water line from 69th Street. to Willams Court and sewering to unsewered areas.

5. Parks and Open Space

The *Lincoln City Parks and Recreation Plan*[10] established the need for additional open space and parks facilities in the Area. The specific projects are identified below:

Improved access to trail heads and parking for recreation partner trails.

Improving pathway, sidewalk and trail connections and facility access to neighborhood and community parks, ocean beaches and natural areas.

Reserve three to five acres for one or two neighborhood parks in the Villages at Cascade Head to serve new residents as the area develops.

Provide a community park in the Villages at Cascade Head development area; including provide trailhead, parking, picnic shelters, trash cans, benches, restrooms, disc golf, and adventure course trail development.

Complete Head to Bay Trail to provide a multi-modal interconnected system from Villages at Cascade Head to the Siletz Bay that allows travel from one end of the city to the other without using Highway 101.

Install wayfinding signage to assist pedestrians and bicyclist in choosing comfortable routes and to help visitors navigate through the city; may include acquiring property and constructing cohesive, branded signage for drivers and pedestrian.

6. Utility Providers

The following utility providers have services within the City of Lincoln City:
City of Lincoln City
Pacific Power
NW Natural
Charter/Spectrum
CenturyLink
CoastCom/Wave
Sprint
North Lincoln Sanitary Service (Contracted by City of Lincoln City)

[10] GreenWorks *City of Lincoln City Park and Recreation System Plan, 2016.*

C. Social Conditions

Within the Area, there are 780 tax lots shown as residential use in the land use table, Table 20 of this report. According to the US Census Bureau, American Community Survey 2013-2017 Five Year Estimates, the block groups that most closely represent the Area have 980 residents, 83% of whom are white. These block groups represent more residents than exist in the Area but are the closest block groups to represent the Area.

Table 23 - Race in the Area

Race	Number	Percent
White alone	810	82.7%
Black or African American alone	-	0.0%
American Indian and Alaska Native alone	9	.8%
Asian alone	147	15%
Native Hawaiian and Other Pacific Islander alone	-	0.0%
Some other race alone	-	0.0%
Two or more races	15	1.5%
TOTAL:	980	100%

Source: American Community Survey 2013-2017 Five Year Estimates

The largest percentage of residents are between 55 to 64 years of age (31%).

Table 24 - Age in the Area

Age	Number	Percent
Under 5 years	79	8%
5 to 9 years	-	0%
10 to 14 years	-	0%
15 to 17 years	7	1%
18 to 24 years	23	2%
25 to 34 years	60	6%
35 to 44 years	46	5%
45 to 54 years	84	9%
55 to 64 years	299	31%
65 to 74 years	194	20%
75 to 84 years	139	14%
85 years and over	49	5%
TOTAL:	980	100%

Source: American Community Survey 2013-2017 Five Year Estimates

In the block groups, 33% of adult residents have earned a bachelor's degree or higher. Another 37% have some college education without a degree, and 14% have graduated from high school with no college experience.

Table 25 - Educational Attainment in the Area

Educational Attainment	Number	Percent
Less than high school	137	16%
High school graduate (includes equivalency)	123	14%
Some college	289	33%
Associate's degree	36	4%
Bachelor's degree	145	17%
Master's degree	109	13%
Professional school degree	12	1%
Doctorate degree	20	2%
TOTAL:	871	100%

Source: American Community Survey 2013-2017 Five Year Estimates

The most common travel time to work class was 10 to 19 minutes, with 60% of journeys being in this class. This was followed by less than 10 minutes travel time class, which represented 33% of journeys.

Table 26 - Travel Time to Work in the Area

Travel Time	Number	Percent
Less than 10 minutes	107	33%
10 to 19 minutes	197	60%
20 to 29 minutes	5	2%
1.00830 to 39 minutes	11	3%
40 to 59 minutes	7	2%
60 to 89 minutes	-	0%
90 or more minutes	-	0%
TOTAL:	327	100%

Source: American Community Survey 2013-2017 Five Year Estimates

Of the means of transportation used to travel to work, the majority, 60% drove alone with another 25% carpooling.

Table 27 - Means of Transportation to Work in the Area

Means of Transportation	Number	Percent
Drove alone	217	60%
Carpooled	89	25%
Bicycle	-	0%
Walked	-	0%
Other means	-	0%
Worked at home	14	4%
TOTAL:	362	89%

Source: American Community Survey 2013-2017 Five Year Estimates

D. Economic Conditions

1. Taxable Value of Property within the Area

The estimated total assessed value of the Area calculated with data from the Lincoln County Department of Assessment and Taxation for FYE 2020, including all real, personal, manufactured, and utility properties, is estimated to be $248,091,196.

2. Building to Land Value Ratio

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Value Ratio," or "I:L." The values used are real market values. In TIF Areas, the I:L is often used to measure the intensity of development or the extent to which an area has achieved its short and long-term development objectives.

Table 28 shows the improvement to land ratios (I:L) for properties within the Area. There are 104 parcels totaling 56.40% of the total acreage that are "exempt" from taxation as they are owned by governmental agencies or non-profits. There are 166 parcels totaling 13.80% of the acreage that have no improvement value. Excluding the Exempt parcels, there are 274 parcels representing 21.91% of the acreage that have I:L ratios less than 1.0. In other words, the improvements on these properties are worth less than the land they sit on. A reasonable I:L ratio for properties in the Area is 2.0, or an improvement worth twice as much as the land it is on. Two hundred and sixty-six of the parcels in the Area, totaling 16.97% of the acreage, have I:L ratios of 2.0 or more in FYE 2020. In summary, approximately 83.03% of the Area is either exempt or underdeveloped and not contributing significantly to the tax base in the City.

Table 28 - Improvement to Land Ratios in the Area

I:L Ratio	Parcels	Acreage	Percent of Acreage
Exempt	104	251.38	56.40%
No Improvement Value	166	61.52	13.80%
0.01-0.50	15	3.08	0.69%
0.51-1.00	93	33.07	7.42%
1.01-1.50	112	21.06	4.72%
1.51-2.00	154	26.28	5.90%
2.01-2.50	129	25.17	5.65%
2.51-3.00	69	10.86	2.44%
3.01-4.00	42	7.76	1.74%
> 4.00	26	5.51	1.24%
TOTAL:	910	445.69	100%

Source: Compiled by Elaine Howard Consulting, LLC with data from the Lincoln County Department of Assessment and Taxation (FYE 2020)

E. Impact on Municipal Services

The fiscal impact of tax increment financing on taxing districts that levy taxes within the Area is described in Section IX of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

The projects being considered for future use of tax increment funding are for transportation and utility infrastructure, park improvements, economic development and emergency preparedness. Tax increment financing is a method for funding projects that would otherwise be funded by the City general fund or SDCs, or delayed until resources are available.

It is anticipated that these improvements will catalyze development on the undeveloped and underdeveloped parcels in the Area. This development will require City services. However, since the property is within the City limits, and the level of redevelopment has been planned for based on the Comprehensive Plan and zoning designations, the City has anticipated the need to provide services to the Area. As the development will be new construction, it will be constructed to current building codes, which will aid in the needs for fire protection and lessen the burden on fire response.

The financial impacts from tax increment collections will be countered by future economic development, and, in the future, adding increases in assessed value to the tax base for all taxing jurisdictions, including the City.

XII. REASONS FOR SELECTION OF EACH URBAN RENEWAL (TIF) AREA IN THE PLAN

The reason for selecting the Area is to provide the ability to fund projects and programs necessary to cure blight within the Area.

XIII. RELOCATION REPORT

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance as required under applicable state law. The Agency has adopted rules for relocation assistance. The Agency will comply with all applicable state laws in providing these potential benefits.

Chapter 457 — Urban Renewal

2017 EDITION

URBAN RENEWAL

PUBLIC HEALTH AND SAFETY

GENERAL PROVISIONS

457.010 Definitions

457.020 Declaration of necessity and purpose

457.025 Powers supplemental to other laws

URBAN RENEWAL AGENCIES; PLANS; ACTIVITIES

457.035 Urban renewal agencies; creation; ordinance to exercise powers; area of operation

457.045 Election of method of exercise of urban renewal agency's powers

457.055 Transfer of urban renewal agency powers

457.065 Advisory board for housing authority acting as urban renewal agency

457.075 Termination of urban renewal agency

457.085 Urban renewal plan requirements; accompanying report; contents; approval required

457.095 Approval of plan by ordinance; required contents of ordinance; notice

457.105 Approval of plan by other municipalities

457.115 Manner of newspaper notice

457.120 When additional notice required; to whom sent; contents; notice by publication

457.125 Recording of plan upon approval

457.135 Conclusive presumption of plan validity

457.160 Exceptions to plan requirements for disaster areas

457.170 Urban renewal agency's powers in planning or undertaking an urban renewal project

457.180 Powers of urban renewal agencies in general

457.190 Acquisition of funds by urban renewal agency; maximum amount of indebtedness

Note Bonded indebtedness for project agreed to prior to September 29, 1991--1991 c.459 §335e

457.210 Applicability of housing cooperation law to urban renewal projects; delegation of urban renewal agency powers and functions

457.220 Plan amendment; limit on additional land and increased maximum indebtedness

457.230 Disposition of land in urban renewal project; determination of value; obligations of purchaser or lessee; recordation

457.240 Tax status of land leased under a plan

457.320 Municipal assistance under plan; assumption by urban renewal agency of general obligation bond payments of municipality

TAX INCREMENT FINANCING OF URBAN RENEWAL INDEBTEDNESS

457.420 Plan may provide for division of property taxes; limits on land area

457.430 Certification of assessed value of property in urban renewal area; amendment

457.435 Property tax collection methods for existing plans; special levies

457.437 Consultation with municipalities; resolution requirements

457.440 Computation of amounts to be raised from property taxes; notice; rules

457.445 Consolidated billing tax rate; election of alternative

457.450 Notice to tax assessor; provision for debt retirement; distribution of remaining tax increment funds

457.455 Limiting collections; notification; consultation with taxing districts

457.460 Financial report required for agency; contents; notice

457.470 Modification of assessed value; indexing; concurrence of taxing districts; rules

GENERAL PROVISIONS

457.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) “Blighted areas” means areas that, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community. A blighted area is characterized by the existence of one or more of the following conditions:

(a) The existence of buildings and structures, used or intended to be used for living, commercial, industrial or other purposes, or any combination of those uses, that are unfit or unsafe to occupy for those purposes because of any one or a combination of the following conditions:

(A) Defective design and quality of physical construction;

(B) Faulty interior arrangement and exterior spacing;

(C) Overcrowding and a high density of population;

(D) Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities; or

(E) Obsolescence, deterioration, dilapidation, mixed character or shifting of uses;

(b) An economic dislocation, deterioration or disuse of property resulting from faulty planning;

(c) The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development;

(d) The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions;

(e) The existence of inadequate streets and other rights of way, open spaces and utilities;

(f) The existence of property or lots or other areas that are subject to inundation by water;

(g) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered;

(h) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare; or

(i) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

(2) “Certified statement” means the statement prepared and filed pursuant to ORS 457.430 or an amendment to the certified statement prepared and filed pursuant to ORS 457.430.

(3) “City” means any incorporated city.

(4)(a) “Existing urban renewal plan” means an urban renewal plan that provides for a division of ad valorem property taxes as described under ORS 457.420 to 457.460 adopted by ordinance before December 6, 1996, that:

(A) Except for an amendment made on account of ORS 457.190 (3) and subject to paragraph (b) of this subsection, is not changed by substantial amendment, as described in ORS 457.085 (2)(i)(A) or (B), on or after December 6, 1996; and

(B) For tax years beginning on or after July 1, 1998, includes the limit on indebtedness as described in ORS 457.190 (3).

(b) If, on or after July 1, 1998, the maximum limit on indebtedness (adopted by ordinance before July 1, 1998, pursuant to ORS 457.190) of an existing urban renewal plan is changed by substantial amendment, then “indebtedness issued or incurred to carry out the existing urban renewal plan” for purposes of ORS 457.435 includes only the indebtedness within the indebtedness limit adopted by ordinance under ORS 457.190 (3)(c) before July 1, 1998.

(5) “Fiscal year” means the fiscal year commencing on July 1 and closing on June 30.

(6) “Governing body of a municipality” means, in the case of a city, the common council or other legislative body thereof, and, in the case of a county, the board of county commissioners or other legislative body thereof.

(7) “Housing authority” or “authority” means any housing authority established pursuant to the Housing Authorities Law.

(8) “Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement.

(9) “Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness.

(10) “Municipality” means any county or any city in this state. “The municipality” means the municipality for which a particular urban renewal agency is created.

(11) “Taxing body” or “taxing district” means the state, city, county or any other taxing unit which has the power to levy a tax.

(12) “Urban renewal agency” or “agency” means an urban renewal agency created under ORS 457.035 and 457.045.

(13) “Urban renewal area” means a blighted area included in an urban renewal plan or an area included in an urban renewal plan under ORS 457.160.

(14) “Urban renewal plan” or “plan” means a plan, as it exists or is changed or modified from time to time for one or more urban renewal areas, as provided in ORS 457.085, 457.095, 457.105, 457.115, 457.120, 457.125, 457.135 and 457.220.

(15) “Urban renewal project” or “project” means any work or undertaking carried out under ORS 457.170 in an urban renewal area. [Amended by 1957 c.456 §1; 1969 c.225 §1; 1979 c.621 §10; 1991 c.67 §128; 1991 c.459 §330; 1997 c.541 §442; 1999 c.21 §76; 1999 c.579 §25; 2001 c.477 §1; 2003 c.621 §106; 2007 c.884 §1; 2009 c.700 §11; 2013 c.579 §1]

457.020 Declaration of necessity and purpose. It hereby is found and declared:

(1) That there exist within the state blighted areas.

(2) That such areas impair economic values and tax revenues.

(3) That such areas cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health, safety and welfare, fire and accident protection and other public services and facilities.

(4) That certain blighted areas may require acquisition and clearance since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may be susceptible of conservation or rehabilitation in such manner that the conditions and evils mentioned in subsections (1), (2) and (3) of this section may be eliminated, remedied or prevented and that such areas should, if possible, be conserved and rehabilitated through appropriate public action and the cooperation and voluntary action of the owners and tenants of property in such areas.

(5) That the acquisition, conservation, rehabilitation, redevelopment, clearance, replanning and preparation for rebuilding of these areas, and the prevention or the reduction of blight and its causes, are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern.

(6) That there are also certain areas where the condition of the title, the diverse ownership of the land to be assembled, the street or lot layouts or other conditions prevent a proper development of the land, and that it is in the public interest that such areas, as well as blighted areas, be acquired by eminent domain and made available for sound and wholesome development in accordance with a redevelopment or urban renewal plan, and that the exercise of the power of eminent domain and the financing of the acquisition and preparation of land by a public agency for such redevelopment or urban renewal is likewise a public use and purpose.

(7) That redevelopment and urban renewal activities will stimulate residential construction which is closely correlated with general economic activity; that undertakings authorized by this chapter will aid the production of better housing and more desirable neighborhood and community development at lower costs and will make possible a more stable and larger volume of residential construction, which will assist materially in maintaining full employment.

(8) That the necessity in the public interest for this chapter is a matter of legislative determination. [Amended by 1957 c.456 §2; 1979 c.621 §11]

457.025 Powers supplemental to other laws. The powers conferred by this chapter are in addition and supplemental to the powers conferred by any other law. [Formerly 457.110]

457.030 [Amended by 1957 c.456 §18; repealed by 1979 c.621 §28]

URBAN RENEWAL AGENCIES; PLANS; ACTIVITIES

457.035 Urban renewal agencies; creation; ordinance to exercise powers; area of operation. (1) In each municipality, as defined in ORS 457.010, there hereby is created a public body corporate and politic to be known as the "urban renewal agency" of the municipality. However, the urban renewal agency shall not exercise its powers until or unless the governing body of the municipality, by nonemergency ordinance, declares that blighted areas exist in the municipality and that there is need for an urban renewal agency to function in the municipality and elects to have the powers of an urban renewal agency exercised in any of the three ways provided in ORS 457.045.

(2) An urban renewal agency, upon activation under subsection (1) of this section, shall have authority to exercise its powers within the same area of operation given a housing authority of the municipality under ORS 456.060. [Formerly 457.130]

457.040 [Repealed by 1979 c.621 §28]

457.045 Election of method of exercise of urban renewal agency's powers. The governing body of a municipality shall, in the ordinance adopted under ORS 457.035, elect to have the powers of an urban renewal agency under this chapter exercised in one of the following ways:

(1) By a housing authority of the municipality established pursuant to the Housing Authorities Law in which case the name of the body corporate and politic shall be the "housing authority and urban renewal agency" of the municipality.

(2) By appointing a board or commission composed of not less than three members.

(3) By the governing body, itself, provided, however, that any act of the governing body acting as the urban renewal agency shall be, and shall be considered, the act of the urban renewal agency only and not of the governing body. [Formerly 457.140]

457.050 [Amended by 1953 c.230 §3; 1957 c.456 §19; repealed by 1979 c.621 §28]

457.055 Transfer of urban renewal agency powers. At any time following adoption of the ordinance under ORS 457.035, or for urban renewal agencies activated before October 3, 1979, at any time following adoption of a proper resolution or ordinance of the governing body of the municipality, the governing body of a municipality may, by ordinance, transfer the authority to exercise the powers of the urban renewal agency to any other body authorized to exercise those powers under ORS 457.045. All duties and obligations of the urban renewal agency shall thereafter be assumed by the body to which those powers are transferred. [1979 c.621 §16 (enacted in lieu of 457.145)]

457.060 [Repealed by 1979 c.621 §28]

457.065 Advisory board for housing authority acting as urban renewal agency. For the purpose of coordinating its activities and undertakings under this chapter with the needs and

undertakings of other local organizations and groups, a housing authority exercising the powers of an urban renewal agency under ORS 457.045 shall establish an advisory board consisting of the chairperson of the authority, who shall be chairperson of the advisory board, and of sufficient members, to be appointed by the chairperson, to represent as far as practicable:

(1) The general public and consumers of housing.

(2) General business interests.

(3) Real estate, building and home financing interests.

(4) Labor.

(5) Any official planning body in the locality.

(6) Church and welfare groups. [Formerly 457.100]

457.070 [Repealed by 1979 c.621 §28]

457.075 Termination of urban renewal agency. If the governing body of a municipality which has an urban renewal agency under ORS 457.035 finds that there no longer exists a need for an urban renewal agency in the municipality, the governing body shall provide, by ordinance, for a termination of the agency and a transfer of the agency's facilities, files and personnel to the municipality. The termination of an urban renewal agency shall not affect any outstanding legal actions, contracts or obligations of the agency and the municipality shall be substituted for the agency and, for the purpose of those legal actions, contracts or obligations, shall be considered a continuation of the urban renewal agency and not a new entity. No urban renewal agency shall be terminated under this section unless all indebtedness to which a portion of taxes is irrevocably pledged for payment under ORS 457.420 to 457.460 is fully paid. [1979 c.621 §6; 1991 c.459 §331; 1997 c.541 §443]

457.080 [Repealed by 1979 c.621 §28]

457.085 Urban renewal plan requirements; accompanying report; contents; approval required. (1) An urban renewal agency shall provide for public involvement in all stages in the development of an urban renewal plan.

(2) An urban renewal plan proposed by an urban renewal agency shall include all of the following:

(a) A description of each urban renewal project to be undertaken.

(b) An outline for the development, redevelopment, improvements, land acquisition, demolition and removal of structures, clearance, rehabilitation or conservation of the urban renewal areas of the plan.

(c) A map and legal description of the urban renewal areas of the plan.

(d) An explanation of its relationship to definite local objectives regarding appropriate land uses and improved traffic, public transportation, public utilities, telecommunications utilities, recreational and community facilities and other public improvements.

(e) An indication of proposed land uses, maximum densities and building requirements for each urban renewal area.

(f) A description of the methods to be used for the temporary or permanent relocation of persons living in, and businesses situated in, the urban renewal area of the plan.

(g) An indication of which real property may be acquired and the anticipated disposition of said real property, whether by retention, resale, lease or other legal use, together with an estimated time schedule for such acquisition and disposition.

(h) If the plan provides for a division of ad valorem taxes under ORS 457.420 to 457.460, the maximum amount of indebtedness that can be issued or incurred under the plan.

(i) A description of what types of possible future amendments to the plan are substantial amendments and require the same notice, hearing and approval procedure required of the original plan under ORS 457.095 as provided in ORS 457.220, including but not limited to amendments:

(A) Adding land to the urban renewal area, except for an addition of land that totals not more than one percent of the existing area of the urban renewal area.

(B) Increasing the maximum amount of indebtedness that can be issued or incurred under the plan.

(j) For a project which includes a public building, an explanation of how the building serves or benefits the urban renewal area.

(3) An urban renewal plan shall be accompanied by a report which shall contain:

(a) A description of physical, social and economic conditions in the urban renewal areas of the plan and the expected impact, including the fiscal impact, of the plan in light of added services or increased population;

(b) Reasons for selection of each urban renewal area in the plan;

(c) The relationship between each project to be undertaken under the plan and the existing conditions in the urban renewal area;

(d) The estimated total cost of each project and the sources of moneys to pay such costs;

(e) The anticipated completion date for each project;

(f) The estimated amount of money required in each urban renewal area under ORS 457.420 to 457.460 and the anticipated year in which indebtedness will be retired or otherwise provided for under ORS 457.420 to 457.460;

(g) A financial analysis of the plan with sufficient information to determine feasibility;

(h) A fiscal impact statement that estimates the impact of the tax increment financing, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the urban renewal area; and

(i) A relocation report which shall include:

(A) An analysis of existing residents or businesses required to relocate permanently or temporarily as a result of agency actions under ORS 457.170;

(B) A description of the methods to be used for the temporary or permanent relocation of persons living in, and businesses situated in, the urban renewal area in accordance with ORS 35.500 to 35.530; and

(C) An enumeration, by cost range, of the existing housing units in the urban renewal areas of the plan to be destroyed or altered and new units to be added.

(4) An urban renewal plan and accompanying report shall be forwarded to the planning commission of the municipality for recommendations, prior to presenting the plan to the governing body of the municipality for approval under ORS 457.095.

(5) An urban renewal plan and accompanying report shall be forwarded to the governing body of each taxing district affected by the urban renewal plan and the agency shall consult and confer with the taxing districts prior to presenting the plan to the governing body of the municipality for approval under ORS 457.095. Any written recommendations of the governing body of each taxing district shall be accepted, rejected or modified by the governing body of the municipality in adopting the plan.

(6) No urban renewal plan shall be carried out until the plan has been approved by the governing body of each municipality pursuant to ORS 457.095 and 457.105. [1979 c.621 §2; 1983 c.544 §1; 1987 c.668 §1; 1987 c.447 §130; 1991 c.459 §332; 1997 c.541 §444]

457.090 [Repealed by 1979 c.621 §28]

457.095 Approval of plan by ordinance; required contents of ordinance; notice. The governing body of the municipality, upon receipt of a proposed urban renewal plan and report from the municipality's urban renewal agency and after public notice and hearing and consideration of

public testimony and planning commission recommendations, if any, may approve the urban renewal plan. The approval shall be by nonemergency ordinance which shall incorporate the plan by reference. Notice of adoption of the ordinance approving the urban renewal plan, and the provisions of ORS 457.135, shall be published by the governing body of the municipality in accordance with ORS 457.115 no later than four days following the ordinance adoption. The ordinance shall include determinations and findings by the governing body that:

(1) Each urban renewal area is blighted;

(2) The rehabilitation and redevelopment is necessary to protect the public health, safety or welfare of the municipality;

(3) The urban renewal plan conforms to the comprehensive plan and economic development plan, if any, of the municipality as a whole and provides an outline for accomplishing the urban renewal projects the urban renewal plan proposes;

(4) Provision has been made to house displaced persons within their financial means in accordance with ORS 35.500 to 35.530 and, except in the relocation of elderly individuals or individuals with disabilities, without displacing on priority lists persons already waiting for existing federally subsidized housing;

(5) If acquisition of real property is provided for, that it is necessary;

(6) Adoption and carrying out of the urban renewal plan is economically sound and feasible; and

(7) The municipality shall assume and complete any activities prescribed it by the urban renewal plan. [1979 c.621 §3; 1989 c.224 §121; 2007 c.70 §263]

457.100 [Amended by 1979 c.621 §12; renumbered 457.065]

457.105 Approval of plan by other municipalities. In addition to the approval of a plan by the governing body of the municipality under ORS 457.095, when any portion of the area of a proposed urban renewal plan extends beyond the boundaries of the municipality into any other municipality and, in the case of a proposed plan by a county agency, when any portion of such area is within the boundaries of a city, the governing body of the other municipality may approve the plan and may do so by resolution, rather than by ordinance. A proposed plan for an urban renewal area which is wholly within the boundaries of a city, or which is wholly within the boundaries of a county and does not include any area within the boundaries of a city, must be approved only by the governing body of the municipality in accordance with ORS 457.095. [1979 c.621 §3a; 1987 c.668 §2]

457.110 [Renumbered 457.025]

457.115 Manner of newspaper notice. Notice of adoption of an urban renewal plan required under ORS 457.095 and notice of filing of an annual financial statement required under ORS 457.460 shall be published in the newspaper, as defined in ORS 193.010, having the greatest circulation in the municipality and which is published within the municipality. If no newspaper is published within the municipality, the required notice shall be published in the newspaper having greatest circulation within the municipality published nearest to the municipality. [1979 c.621 §3b]

457.120 When additional notice required; to whom sent; contents; notice by publication. (1) In addition to any required public notice of hearing on a proposed urban renewal plan or substantial amendment or change to a plan, as described in ORS 457.085 (2)(i) and 457.220, the municipality shall cause notice of a hearing by the governing body on a proposed plan for a new urban renewal area or on a proposed change containing one of the types of amendments specified in ORS 457.085 (2)(i) to be mailed to each individual or household in one of the following groups:

(a) Owners of real property that is located in the municipality;

(b) Electors registered in the municipality;
(c) Sewer, water, electric or other utility customers in the municipality; or
(d) Postal patrons in the municipality.
(2) If the urban renewal area governed by the plan or substantial amendment thereof extends beyond the boundaries of the municipality, notice shall also be sent to each individual in the selected group who is located in the urban renewal area.
(3) The notice required by this section shall contain a statement in plain language that:
(a) The governing body, on a specified date, will hold a public hearing and consider an ordinance adopting or substantially amending an urban renewal plan;
(b) The adoption or amendment may impact property tax rates;
(c) States the proposed maximum amount of indebtedness that can be issued or incurred under the plan or amendment;
(d) The ordinance, if approved, is subject to referendum; and
(e) A copy of the ordinance, urban renewal plan and accompanying report can be obtained by contacting a designated person within the municipality.
(4) If the municipality which activated the urban renewal agency is a county:
(a) The notice required by subsection (1) of this section shall be sent to each individual or household in one of the groups listed in subsections (1)(a) to (d) of this section, except that the notice need be sent only to those individuals or households located in a school district with territory affected or to be affected by the tax increment financing for the new urban renewal area or proposed change.
(b) In addition to the notice under paragraph (a) of this subsection, the county shall cause notice to be published in a paper of general circulation throughout the county. The published notice shall contain the information described in subsection (3) of this section, be published in an advertisement not less than three inches in height and three inches in width and be located in a general interest section of the newspaper other than the classified advertisement section. [1991 c.459 §335f; 1997 c.541 §445]

Note: 457.120 was added to and made a part of ORS chapter 457 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

457.125 Recording of plan upon approval. A copy of the ordinance approving an urban renewal plan under ORS 457.095 shall be sent by the governing body of the municipality to the urban renewal agency. A copy of the resolution approving an urban renewal plan under ORS 457.105 shall be sent by the governing body of a municipality to the urban renewal agency. Upon receipt of the necessary approval of each municipality governing body, the urban renewal plan shall be recorded by the urban renewal agency with the recording officer of each county in which any portion of an urban renewal area within the plan is situated. [1979 c.621 §4]

457.130 [1957 c.456 §§4,5; 1979 c.621 §13; renumbered 457.035]

457.135 Conclusive presumption of plan validity. After October 3, 1979, any urban renewal plan purported to be adopted in conformance with applicable legal requirements shall be conclusively presumed valid for all purposes 90 days after adoption of the plan by ordinance of the governing body of the municipality. No direct or collateral attack on the action may thereafter be commenced. [1979 c.621 §5]

457.140 [1957 c.456 §6; 1975 c.246 §1; 1979 c.621 §14; renumbered 457.045]

457.145 [1967 c.311 §2; repealed by 1979 c.621 §15 (457.055 enacted in lieu of 457.145)]

457.150 [1957 c.456 §8; repealed by 1979 c.621 §28]

457.160 Exceptions to plan requirements for disaster areas. Notwithstanding any other provisions of ORS chapters 455 and 456 or this chapter and ORS 446.515 to 446.547, where the governing body of a municipality certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm or other catastrophe respecting which the Governor has certified the need for disaster assistance under federal law, the governing body may declare a need for an urban renewal agency, if necessary, and may approve an urban renewal plan and an urban renewal project for such area without regard to the provisions requiring:

(1) That the urban renewal plan conform to the comprehensive plan and economic development plan, if any, for the municipality as a whole.

(2) That the urban renewal area be a blighted area. [1957 c.456 §15; 1979 c.621 §18; 1993 c.18 §114]

457.170 Urban renewal agency's powers in planning or undertaking an urban renewal project. An urban renewal agency may plan or undertake any urban renewal project to carry out an approved urban renewal plan. In planning or undertaking an urban renewal project, the urban renewal agency has the power:

(1) To carry out any work or undertaking and exercise any powers which a housing authority is authorized to perform or exercise under ORS 456.055 to 456.235, subject to the provisions of this chapter provided, however, that ORS 456.155 and 456.160 do not limit the power of an agency in event of a default by a purchaser or lessee of land in an urban renewal plan to acquire property and operate it free from the restrictions in those sections.

(2) To carry out any rehabilitation or conservation work in an urban renewal area.

(3) To acquire real property, by condemnation if necessary, when needed to carry out the plan.

(4) To clear any areas acquired, including the demolition, removal or rehabilitation of buildings and improvements.

(5) To install, construct or reconstruct streets, utilities and site improvements in accordance with the urban renewal plan.

(6) To carry out plans for a program of the voluntary repair and rehabilitation of buildings or other improvements in an urban renewal area in accordance with the urban renewal plan.

(7) To assist in relocating persons living in, and property situated in, the urban renewal area in accordance with the approved urban renewal plan and to make relocation payments.

(8) To dispose of, including by sale or lease, any property or part thereof acquired in the urban renewal area in accordance with the approved urban renewal plan.

(9) To plan, undertake and carry out neighborhood development programs consisting of urban renewal project undertakings in one or more urban renewal areas which are planned and carried out on the basis of annual increments in accordance with the provisions of this chapter for planning and carrying out urban renewal plans.

(10) To accomplish a combination of the things listed in this section to carry out an urban renewal plan. [1957 c.456 §7; 1969 c.225 §2; 1969 c.539 §1; 1979 c.621 §19; 1995 c.79 §268]

457.180 Powers of urban renewal agencies in general. An urban renewal agency, in addition to its other powers, may:

(1) Make plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements.

(2) Make plans for the enforcement of laws, codes and regulations relating to:

(a) The use of land.

(b) The use and occupancy of buildings and improvements.

(c) The repair, rehabilitation, demolition or removal of buildings and improvements.

(3) Make plans for the relocation of persons and property displaced by an urban renewal project.

(4) Make preliminary plans outlining urban renewal activities for neighborhoods to embrace two or more urban renewal areas.

(5) Conduct preliminary surveys to determine if the undertaking and carrying out of an urban renewal project is feasible.

(6) Develop, test and report methods and techniques and carry out demonstrations and other activities for the prevention and the elimination of urban blight.

(7) Engage in any other housing or community development activities specifically delegated to it by the governing body of the municipality including but not limited to land acquisition and disposition, conservation and rehabilitation, residential or business relocation, construction, leasing or management of housing, and the making of grants and loans from any available source. [1957 c.456 §10; 1975 c.382 §1]

457.190 Acquisition of funds by urban renewal agency; maximum amount of indebtedness. (1) An urban renewal agency may borrow money and accept advances, loans, grants and any other form of financial assistance from the federal government, the state, county or other public body, or from any sources, public or private, for the purposes of undertaking and carrying out urban renewal projects.

(2) An urban renewal agency may do all things necessary or desirable to secure such financial aid, including obligating itself in any contract with the federal government for federal financial aid to convey to the federal government the project to which the contract relates upon the occurrence of a substantial default thereunder, in the same manner as a housing authority may do to secure such aid in connection with blighted area clearance and housing projects under the Housing Authorities Law.

(3)(a) Each urban renewal plan adopted by ordinance on or after July 14, 1997, that provides for a division of taxes pursuant to ORS 457.440 shall include in the plan the maximum amount of indebtedness that may be issued or incurred under the plan. Notwithstanding subsection (1) of this section, if a maximum amount of indebtedness is not included in the plan, the urban renewal agency may not issue indebtedness for which taxes divided under ORS 457.440 are to be pledged to carry out the plan.

(b) Each urban renewal plan adopted by ordinance on or after December 6, 1996, and before July 14, 1997, that provides for a division of taxes pursuant to ORS 457.440 but does not include a maximum amount of indebtedness that may be issued or incurred under the plan shall be changed, by substantial plan amendment pursuant to ORS 457.220, to include the maximum amount of indebtedness that may be issued or incurred under the plan before July 1, 2000. Notwithstanding subsection (1) of this section, if a maximum amount of indebtedness is not included in the plan on or before July 1, 2000, the urban renewal agency may not on or after July 1, 2000, issue indebtedness for which taxes divided under ORS 457.440 are to be pledged to carry out the plan.

(c)(A) Each existing urban renewal plan that provides for a division of taxes pursuant to ORS 457.420 to 457.460 may be changed by substantial amendment no later than July 1, 1998, to include a maximum amount of indebtedness that may be issued or incurred under the plan determined as described in subparagraph (B) of this paragraph. The additional notices required under ORS 457.120 are not required for an amendment adopted pursuant to this paragraph.

(B) The maximum amount of indebtedness that may be issued or incurred under the plan, as determined for purposes of meeting the requirements of this paragraph, shall be based upon good faith estimates of the scope and costs of projects, including but not limited to increases in costs due to reasonably anticipated inflation, in the existing urban renewal plan and the schedule for their

completion as completion dates were anticipated as of December 5, 1996. The maximum amount of indebtedness shall be specified in dollars and cents.

(C) Notwithstanding subsection (1) of this section, if a maximum amount of indebtedness is not adopted for an existing urban renewal plan as described in this paragraph before July 1, 1998, the urban renewal agency may not collect funds under ORS 457.435.

(4) For an urban renewal plan initially approved on or after January 1, 2010, other than for a large metropolitan plan as defined in ORS 457.470, the initial maximum indebtedness that may be issued or incurred under the plan shall be established as follows:

(a) If the total assessed value in the certified statement under ORS 457.430 is less than or equal to $50 million, the initial maximum indebtedness may not exceed $50 million.

(b) If the total assessed value in the certified statement is more than $50 million and less than or equal to $150 million, the initial maximum indebtedness may not exceed $50 million plus 50 percent of the total assessed value in the certified statement that is over $50 million.

(c) If the total assessed value in the certified statement exceeds $150 million, the initial maximum indebtedness may not exceed $100 million, plus 35 percent of the total assessed value in the certified statement that is over $150 million.

(d) Beginning July 1, 2010, the dollar limits set forth in this subsection may be increased on July 1 of each year by the index used in the urban renewal report to compute the future costs of projects that will be financed under the plan.

(e) The limits in this subsection do not apply if the agency obtains concurrence as provided in ORS 457.470. [1957 c.456 §14; 1991 c.459 §333; 1997 c.541 §446; 2007 c.606 §12; 2009 c.700 §1]

Note: Section 335e, chapter 459, Oregon Laws 1991, provides:

Sec. 335e. Bonded indebtedness for project agreed to prior to September 29, 1991. Notwithstanding ORS 457.190, an urban renewal agency may issue bonded indebtedness to undertake an urban renewal project to carry out an urban renewal plan if, prior to September 29, 1991, a written contract or other written agreement for the project was made, the instrument setting forth the contract or agreement was executed and the parties were bound. The urban renewal agency of the municipality may use any of the money available to it from the issuance of the bonds for carrying out the project in accordance with the contract or agreement. [1991 c.459 §335e; 1997 c.541 §446a]

457.210 Applicability of housing cooperation law to urban renewal projects; delegation of urban renewal agency powers and functions. (1) Any state public body, as defined in ORS 456.305, shall have the same rights and powers to cooperate with and assist urban renewal agencies with respect to urban renewal projects that such state public body has pursuant to ORS 456.305 to 456.325 to cooperate and assist housing authorities with respect to housing projects in the same manner as though those sections were applicable to urban renewal agencies and projects under this chapter.

(2) Any state public body, as defined in ORS 456.305, hereby is authorized to enter into agreements with any other public body, including an urban renewal agency, respecting action to be taken pursuant to any of the powers granted by this chapter, including, but not limited to, the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

(3) An urban renewal agency hereby is authorized to delegate any of its powers or functions to the municipality or other state public body, as defined in ORS 456.305, with respect to the planning or undertaking of an urban renewal project in the area in which such municipality or other state public body is authorized to act. The municipality, or other state public body to which the powers or functions are delegated hereby is authorized to carry out or perform such powers or functions. [1957 c.456 §11]

457.220 Plan amendment; limit on additional land and increased maximum indebtedness. (1) Except for the provisions of subsections (2) and (4) of this section, an urban renewal agency shall carry out the urban renewal plan approved under ORS 457.095.

(2) Any substantial change made in the urban renewal plan shall, before being carried out, be approved and recorded in the same manner as the original plan.

(3) No land equal to more than 20 percent of the total land area of the original plan shall be added to the urban renewal areas of a plan by amendments.

(4) On or after January 1, 2010, the urban renewal agency may amend a plan that is not a large metropolitan plan as defined in ORS 457.470 to increase the maximum indebtedness, provided that:

(a) The aggregate of all amendments under this subsection may not exceed 20 percent of the plan's initial maximum indebtedness, as adjusted pursuant to paragraph (b) of this subsection.

(b) For purposes of computing the 20 percent limit on increases in maximum indebtedness, the initial maximum indebtedness may be increased annually on the anniversary date of initial approval of the plan by the index used in the urban renewal report to compute the future costs of projects that will be financed under the plan, beginning on the later of July 1, 1999, or the first anniversary of plan approval. This increase may be applied only to the first amendment to the maximum indebtedness that is made on or after January 1, 2010.

(5) The limits in subsection (4) of this section do not apply if the agency obtains concurrence as provided in ORS 457.470. [1957 c.456 §9; 1979 c.621 §20; 2009 c.700 §2]

457.230 Disposition of land in urban renewal project; determination of value; obligations of purchaser or lessee; recordation. (1) The urban renewal agency shall, in accordance with the approved urban renewal plan, make land in an urban renewal project available for use by private enterprise or public agencies. Such land shall be made available at a value determined by the urban renewal agency to be its fair reuse value, which represents the value, whether expressed in terms of rental or capital price, at which the urban renewal agency in its discretion determines such land should be made available in order that it may be developed, redeveloped, cleared, conserved or rehabilitated for the purposes specified in such plan.

(2) To assure that land acquired in an urban renewal project is used in accordance with the urban renewal plan, an urban renewal agency, upon the sale or lease of such land, shall obligate purchasers or lessees:

(a) To use the land for the purposes designated in the urban renewal plan.

(b) To begin the building of their improvements within a period of time which the urban renewal agency fixes as reasonable.

(3) Any obligations by the purchaser shall be covenants and conditions running with the land where the urban renewal agency so stipulates.

(4) Any contract for the transfer of any interest in land by the urban renewal agency may be recorded in the land records of the county in which the land is situated in the same manner as any other contract for the transfer of an interest in land is recorded. [1957 c.456 §12; 1965 c.571 §1; 1967 c.312 §1]

457.240 Tax status of land leased under a plan. Any property which the urban renewal agency leases to private persons as defined in ORS 174.100 under an urban renewal plan shall have the same tax status as if such leased property were owned by such private individuals or corporations. [1957 c.456 §13; 1983 c.327 §11]

457.310 [1957 c.456 §16; repealed by 1979 c.621 §28]

457.320 Municipal assistance under plan; assumption by urban renewal agency of general obligation bond payments of municipality. In addition to the other powers granted a municipality under this chapter, a municipality may exercise any of its powers otherwise provided by law to assist in the planning or the carrying out of an urban renewal plan. Without limiting the powers granted by the preceding sentence, a municipality may issue its general obligation bonds for the purpose of assisting in the planning or the carrying out of an urban renewal plan. The urban renewal agency of the municipality may assume payment of the general obligation bonds and may use any of the moneys available to it for that purpose. [1957 c.456 §17; 1979 c.621 §21]

457.410 [1961 c.554 §2; repealed by 1979 c.621 §28]

TAX INCREMENT FINANCING OF URBAN RENEWAL INDEBTEDNESS

457.420 Plan may provide for division of property taxes; limits on land area. (1) Any urban renewal plan may contain a provision that the ad valorem taxes, if any, levied by a taxing district in which all or a portion of an urban renewal area is located, shall be divided as provided in section 1c, Article IX of the Oregon Constitution, and ORS 457.420 to 457.460. Ad valorem taxes shall not be divided if there is no provision in the urban renewal plan for the division.

(2) No plan adopted after October 3, 1979, shall provide for a division of ad valorem taxes under subsection (1) of this section if:

(a) For municipalities having a population of more than 50,000, according to the latest state census:

(A) The assessed value for the urban renewal areas of the plan, when added to the total assessed value previously certified by the assessor for other urban renewal plans of the municipality for which a division of ad valorem taxes is provided, exceeds a figure equal to 15 percent of the total assessed value of that municipality, exclusive of any increased assessed value for other urban renewal areas and without regard to adjustments made pursuant to ORS 457.435 (2)(c), 457.455 or 457.470 (2) to (5); or

(B) The urban renewal areas of the plan when added to the areas included in other urban renewal plans of the municipality providing for a division of ad valorem taxes, exceed a figure equal to 15 percent of the total land area of that municipality.

(b) For municipalities having a population of less than 50,000, according to the latest state census:

(A) The assessed value for the urban renewal areas of the plan, when added to the total assessed value previously certified by the assessor for other urban renewal plans of the municipality for which a division of ad valorem taxes is provided, exceeds a figure equal to 25 percent of the total assessed value of that municipality, exclusive of any increased assessed value for other urban renewal areas and without regard to adjustments made pursuant to ORS 457.435 (2)(c), 457.455 or 457.470 (2) to (5); or

(B) The urban renewal areas of the plan, when added to the areas included in other urban renewal plans of the municipality providing for a division of ad valorem taxes, exceed a figure equal to 25 percent of the total land area of that municipality.

(3) Property may not be included in more than one urban renewal area. [1961 c.554 §3; 1969 c.539 §2; 1971 c.544 §4; 1979 c.621 §24; 1991 c.459 §334; 1997 c.541 §447; 2009 c.700 §3]

457.430 Certification of assessed value of property in urban renewal area; amendment. (1) As soon as practicable after the approval of a plan containing a provision authorized by ORS 457.420, the county assessor of each county in which an urban renewal area is located shall prepare, in duplicate, a certified statement of the total assessed value, as shown on the county assessment roll last

certified prior to the effective date of the ordinance approving the plan, of all of the taxable real and personal property contained in the urban renewal area in the county.

(2) Wherever only a part of an urban renewal area is located in a taxing district, the assessor also shall show in the statement required by subsection (1) of this section the assessed value of the real and personal property in the part of the urban renewal area located in the taxing district.

(3) One copy of the certified statement shall be filed by the assessor with the agency and the other copy shall constitute a part of the public records of the county assessor's office.

(4) Whenever a part of an urban renewal area comes within the territory of a taxing district either by annexation, incorporation of a new taxing district or consolidation, after the approval of a plan containing a provision authorized by ORS 457.420, the county assessor shall in the same manner as under subsection (3) of this section file a certified statement or an amendment to a certified statement to show the assessed value of the real and personal property in that part of the urban renewal area incorporated by annexation or consolidation into the taxing district. The assessed value of the real and personal property so incorporated shall be determined in the same manner and as of the same date as provided in subsections (1) and (2) of this section.

(5) When a certified statement is filed as required by subsection (1) of this section, if the law provides a reduction or increase of the valuation for tax purposes of the taxable property contained in the urban renewal area at the time of the filing, the assessor shall state the total assessed value as it is so reduced or increased. After a certified statement has been filed as required by subsection (1) of this section, if a law is enacted which provides a reduction or increase of the valuation for tax purposes of the taxable property contained in the urban renewal area at the time the certified statement was filed, the assessor shall amend the certified statement annually or as otherwise required to reduce or increase the stated total assessed value of the real and personal property accordingly. An amendment to the certified statement shall be filed in the manner provided by subsections (3) and (4) of this section.

(6)(a) Subject to subsections (4) and (5) of this section and paragraph (b) of this subsection, all certified statements and amendments thereto filed under this section before July 14, 1997, shall continue to remain in effect.

(b) Effective as of the tax year beginning on July 1, 1997, the assessor shall amend the amount of assessed value included in a certified statement by applying to the certified assessed value of each tax code area located within an urban renewal area the percentage obtained by dividing the total assessed value within the tax code area, including growth in assessed value over the certified assessed value, by the total real market value within the tax code area. [1961 c.554 §4; 1969 c.539 §3; 1979 c.621 §25; 1981 c.804 §105; 1983 s.s. c.5 §24; 1991 c.459 §335; 1997 c.541 §448]

457.435 Property tax collection methods for existing plans; special levies. (1) For each existing urban renewal plan that includes a provision for a division of ad valorem taxes under ORS 457.420 to 457.460, the municipality that activated the urban renewal agency that is carrying out the plan shall adopt an ordinance choosing one of the options listed in subsection (2) of this section as the method of collecting ad valorem property taxes sufficient to pay, when due, indebtedness issued or incurred to carry out the plan as permitted by section 11 (16), Article XI of the Oregon Constitution.

(2) The options referred to in subsection (1) of this section are as follows:

(a) Option One: To collect amounts sufficient to pay the obligations, as budgeted for the plan, from ORS 457.440, and if the amount estimated to be received from ORS 457.440 is not sufficient to meet the budgeted obligations of the plan for the tax or fiscal year, to make a special levy in the amount of the remainder upon all of the taxable property of the municipality that activated the urban renewal agency and upon all of the taxable property lying outside the municipality but included in an urban renewal area of the plan.

(b) Option Two: To make a special levy in the amount stated in the notice given under ORS 457.440 (2) upon all of the taxable property of the municipality that activated the urban renewal agency, and upon all of the taxable property lying outside the municipality but included in an urban renewal area of the plan.

(c) Option Three: To collect an amount equal to the amount stated in the ordinance adopted as provided in subsection (1) of this section by dividing the taxes pursuant to ORS 457.440, and to make a special levy upon all of the taxable property of the municipality that activated the urban renewal agency and upon all of the taxable property lying outside the municipality but within an urban renewal area of the plan. The county assessor shall adjust the amount of the total assessed value included in the certified statement filed under ORS 457.430 so that the amount collected by dividing the taxes pursuant to ORS 457.440 does not exceed the amount stated in the ordinance to be collected by dividing the taxes pursuant to ORS 457.440.

(3)(a) The total amount obtained under an option listed in subsection (2) of this section for any plan shall not exceed the maximum amount that could have been certified to the assessor for the plan under ORS 457.440 (1995 Edition) for the tax year beginning July 1, 1997.

(b) For each tax year beginning after the 1997-1998 tax year, the limitation of paragraph (a) of this subsection shall be adjusted by a percentage change equal to the percentage change in the increment within the urban renewal area from the preceding year.

(4)(a) The ordinance choosing the option referred to in subsection (1) of this section shall be adopted no later than July 1, 1998, and shall be applicable for tax years beginning on or after July 1, 1998. If not so adopted, the municipality shall be considered to have chosen Option One as its method of collection of ad valorem property taxes sufficient to pay, when due, indebtedness issued or incurred to carry out the existing urban renewal plan. An option, once chosen, may not be changed to another option. In addition, if Option Three is chosen, the amount specified in the ordinance choosing the option to be collected by dividing the taxes pursuant to ORS 457.440 shall not be changed by subsequent ordinance or amendment to the certified statement.

(b) The option chosen, together with the particulars of the option, including but not limited to any limit on the amount to be received from ORS 457.440, shall be reflected in the notice filed by the urban renewal agency with the county assessor.

(5)(a) The county assessor, or county assessors if the taxable property is in more than one county, shall extend the special levy against all of the taxable property of the municipality that activated the urban renewal agency and all of the taxable property lying outside the municipality but included in an urban renewal area of the plan.

(b) Any amounts collected from special levies made under this section shall be paid into the special fund or funds of the urban renewal agency referred to in ORS 457.440 (6) and shall be used to pay the principal and interest to finance or refinance the existing urban renewal plan or plans of the urban renewal agency.

(6) This section applies to existing urban renewal plans with respect to principal and interest on indebtedness until the indebtedness is fully paid or it is found that deposits in the special fund are sufficient to pay the principal and interest on the indebtedness issued or incurred under the existing urban renewal plan.

(7) Nothing in this section shall prevent the funding of urban renewal indebtedness as provided under ORS 457.440. [1997 c.541 §454; 1999 c.579 §32]

457.437 Consultation with municipalities; resolution requirements. (1) Prior to the establishment of a maximum amount of indebtedness for an urban renewal plan under ORS 457.190 and before an option is adopted under ORS 457.435, the urban renewal agency that is carrying out the plan shall meet with the governing bodies of the municipality that activated the urban renewal agency

and other municipalities affected by the urban renewal plan and review the proposed maximum amount of indebtedness for the plan and the agency's recommended option under ORS 457.435.

(2) After the meeting described in subsection (1) of this section, the governing bodies shall adopt resolutions in support of or opposition to the recommended option under ORS 457.435.

(3) If an affected municipality adopts a resolution in opposition to the recommended option, then the agency's recommendations may be adopted only by the adoption of a separate resolution by the municipality that activated the urban renewal agency. [1997 c.541 §454a]

457.440 Computation of amounts to be raised from property taxes; notice; rules. During the period specified under ORS 457.450:

(1) The county assessor shall determine the amount of funds to be raised each year for urban renewal within the county levied by taxing districts in accordance with Article IX, section 1c, of the Oregon Constitution, and ORS 457.420 to 457.460.

(2) Not later than July 15 of each tax year, each urban renewal agency shall determine and file with the county assessor a notice stating the amount of funds to be raised for each urban renewal area as follows:

(a) If the municipality that activated the urban renewal agency has chosen Option One as provided in ORS 457.435 (2)(a), the notice shall state that the maximum amount of funds that may be raised by dividing the taxes under Article IX, section 1c, of the Oregon Constitution, shall be raised for the agency.

(b) If the municipality that activated the urban renewal agency has chosen Option Two as provided in ORS 457.435 (2)(b), the notice shall state the amount of funds to be raised by the special levy.

(c) If the municipality that activated the urban renewal agency has chosen Option Three as provided in ORS 457.435 (2)(c), the notice shall state the amount of funds to be raised by special levy in addition to the amount to be raised by dividing the taxes as stated in the ordinance adopted under ORS 457.435 (1).

(d) For plans that are initially approved or substantially amended to increase maximum indebtedness on or after January 1, 2010, the notice must comply with ORS 457.470.

(e) If the agency limits the amount that may be raised by the division of taxes, as provided in ORS 457.455 (1), the notice shall comply with ORS 457.455 (1).

(f) If the plan is not described in paragraph (a), (b), (c), (d) or (e) of this subsection, the notice shall state that the maximum amount of funds that may be raised by dividing the taxes under Article IX, section 1c, of the Oregon Constitution, shall be raised for the agency.

(3) If a municipality has chosen Option Three pursuant to ORS 457.435, the maximum amount of funds that may be raised for an urban renewal agency by dividing the taxes as provided in Article IX, section 1c, of the Oregon Constitution, may be limited by the municipality in which the urban renewal agency is located. The decision of the municipality to limit the amount of funds to be included in the notice filed under subsection (2) of this section shall be reflected in the certified statement filed by the urban renewal agency with the county assessor.

(4) Not later than September 25 of each tax year, the assessor of any county in which a joint district is located shall provide, to the assessor of each other county in which the joint district is located, the assessed values of the property in the joint district that is located within the county, including the certified statement value and the increment for each code area containing any urban renewal area located within the joint district, and a copy of the notice filed by the urban renewal agency for the area located within the joint district under subsection (2) of this section.

(5) The maximum amount of funds that may be raised for an urban renewal plan by dividing the taxes as provided in Article IX, section 1c, of the Oregon Constitution, shall be computed by the county assessor as follows:

(a) The county assessor shall compute, in the manner required under ORS 457.445, the total consolidated billing tax rate for each code area in which an urban renewal area of the plan is located.

(b) The assessor shall determine the amount of taxes that would be produced by extending the tax rate computed under paragraph (a) of this subsection against the increment of each code area.

(c) The total amount determined for all code areas containing urban renewal areas included within the urban renewal plan is the maximum amount of funds to be raised for the urban renewal plan by dividing the taxes.

(6)(a) The county assessor shall certify to the tax collector the amount of funds to be raised for an urban renewal agency as determined under subsection (2) of this section. The tax collector shall include the amount so certified in the percentage schedule of the ratio of taxes on property prepared under ORS 311.390 and filed with the county treasurer. Notwithstanding ORS 311.395 (6), the county treasurer shall credit the amount to the urban renewal agency and shall distribute its percentage amount to the urban renewal agency as determined by the schedule at the times other distributions are made under ORS 311.395 (7).

(b) The county assessor shall notify the urban renewal agency of the amounts received under subsection (5) of this section or amounts received pursuant to the notice provided in subsection (2) of this section for each urban renewal plan area. Any amounts received by the urban renewal agency under paragraph (a) of this subsection shall be attributed to the urban renewal plan in which the urban renewal area is included, shall be paid into a special fund of the urban renewal agency for the urban renewal plan and shall be used to pay the principal and interest on any indebtedness issued or incurred by the urban renewal agency to finance or refinance the urban renewal plan.

(7) Unless and until the total assessed value of the taxable property in an urban renewal area exceeds the total assessed value specified in the certified statement, all of the ad valorem taxes levied and collected upon the taxable property in the urban renewal area shall be paid into the funds of the respective taxing districts.

(8) The agency may incur indebtedness, including obtaining loans and advances in carrying out the urban renewal plan, and the portion of taxes received under this section may be irrevocably pledged for the payment of principal of and interest on the indebtedness.

(9) The Department of Revenue shall by rule establish procedures for giving notice of amounts to be raised for urban renewal agencies and for determination of amounts to be raised and distributed to urban renewal agencies.

(10) The notice required under this section shall serve as the notice required under ORS 310.060 for the special levy described under ORS 457.435.

(11) Notwithstanding any other provision of this chapter, a city with a population of more than 500,000 on January 1, 2010, may, in lieu of its urban renewal agency, take any actions that an urban renewal agency is authorized to take under this section and any other actions that are required to certify, collect, receive, hold and apply tax revenues raised for the urban renewal agency under Article IX, section 1c, of the Oregon Constitution, and taxes authorized for the urban renewal agency by Article XI, section 11 (16), of the Oregon Constitution. [1961 c.554 §5; 1979 c.621 §26; 1981 c.804 §106; 1983 s.s. c.5 §25; 1985 c.613 §17; 1987 c.158 §87; 1991 c.459 §335a; 1997 c.541 §449; 1999 c.579 §26; 2003 c.190 §§16,17; 2007 c.537 §7; 2009 c.700 §4; 2013 c.579 §3]

457.445 Consolidated billing tax rate; election of alternative. (1)(a) The consolidated billing tax rate of the following urban renewal plans shall be determined under paragraph (b) of this subsection:

(A) An existing urban renewal plan (other than an existing urban renewal plan designated as an Option Three plan under ORS 457.435 (2)(c));

(B) An urban renewal plan that was an existing urban renewal plan on October 6, 2001, (other than an existing urban renewal plan designated as an Option Three plan under ORS 457.435 (2)(c)) and

that was substantially amended as described in ORS 457.085 (2)(i)(A) or (B) on or after October 6, 2001; and

(C) An urban renewal plan adopted on or after October 6, 2001.

(b)(A) The consolidated billing tax rate of an urban renewal plan described in paragraph (a) of this subsection equals the total of all district tax rates used to extend taxes after any adjustment to reflect tax offsets under ORS 310.105.

(B) Notwithstanding subparagraph (A) of this paragraph, the consolidated billing tax rate of an urban renewal plan described in paragraph (a) of this subsection excludes any rate derived from:

(i) An urban renewal special levy under ORS 457.435.

(ii) A local option tax, as defined in ORS 280.040, that is approved by taxing district electors after October 6, 2001.

(iii) A tax pledged to repay exempt bonded indebtedness (other than exempt bonded indebtedness used to fund local government pension and disability plan obligations that, until funded by the exempt bonded indebtedness, were described in Article XI, section 11 (5), of the Oregon Constitution), as defined in ORS 310.140, that is approved by taxing district electors after October 6, 2001.

(iv) The increase in the rate of ad valorem property tax allowable under Article XI, section 11 (5)(d), of the Oregon Constitution, for a school district with a statutory rate limit on July 1, 2003, that is greater than $4.50 per $1,000 of assessed value, to the extent that the increase is excluded from local revenues, as that term is used in ORS chapter 327, and provided that the school district notifies the county assessor of the rate to be excluded for the current fiscal year not later than July 15.

(2)(a) The consolidated billing tax rate of all other urban renewal plans equals the total of all district ad valorem property tax rates used to extend taxes after any adjustments to reflect tax offsets under ORS 310.105.

(b) Notwithstanding paragraph (a) of this subsection, the consolidated billing tax rate of urban renewal plans referred to in paragraph (a) of this subsection excludes:

(A) An urban renewal special levy rate under ORS 457.435.

(B) A new local option tax.

(3)(a) Notwithstanding subsection (2)(b)(B) of this section, the consolidated billing tax rate of urban renewal plans referred to in subsection (2)(a) of this section includes a new local option tax imposed in a fiscal year for which the urban renewal agency files with the county assessor an impairment certificate in the manner described in paragraph (b) of this subsection not later than the May 1 immediately preceding the beginning of the fiscal year.

(b) An impairment certificate must:

(A) Identify the urban renewal plan to which it relates;

(B) Instruct the county assessor to include the new local option tax in the consolidated billing tax rate for the urban renewal plan for the ensuing fiscal year;

(C) State that the urban renewal agency has reasonably determined that excluding the new local option tax from the consolidated billing tax rate for the fiscal year under this subsection would impair contracts that the agency has entered into with owners of indebtedness incurred before October 7, 2013, to carry out an urban renewal plan described in subsection (2) of this section; and

(D) Be signed by an authorized representative of the agency.

(4)(a) Notwithstanding subsection (2) of this section, the governing body of a municipality that adopted an urban renewal plan before December 5, 1996 (other than an existing urban renewal plan designated as an Option Three plan under ORS 457.435 (2)(c)), that would otherwise be required to use a consolidated billing tax rate determined under subsection (2) of this section may, by resolution or ordinance, irrevocably elect to have amounts collected by dividing the taxes for the urban renewal plan pursuant to ORS 457.440 be determined under subsection (1)(b) of this section.

(b) An election made pursuant to this subsection applies first to the assessment roll next following if the assessor has received notice of the election from the urban renewal agency before January 1.

(5) As used in this section, "new local option tax" means a local option tax, as defined in ORS 280.040, that is approved by taxing district electors after January 1, 2013. [2009 c.317 §2; 2013 c.579 §2]

Note: 457.445 was added to and made a part of ORS chapter 457 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

457.450 Notice to tax assessor; provision for debt retirement; distribution of remaining tax increment funds. (1)(a) ORS 457.440 shall first apply to the assessment roll next following the tax roll referred to in ORS 457.430 if the assessor is provided notice of a plan adoption or amendment changing area boundaries by the agency prior to January 1 before the tax year to which the plan first applies.

(b) If the assessor is not provided notice of plan adoption or amendment changing area boundaries by the agency prior to January 1 before the tax year to which ORS 457.440 would otherwise first apply, then ORS 457.440 shall first apply to the assessment roll next following the assessment roll described in paragraph (a) of this subsection.

(2) When the principal and interest on the maximum indebtedness of an urban renewal plan to which the portion of taxes is irrevocably pledged for payment under ORS 457.435 or 457.440 is fully paid, or it is found that deposits in the special fund are sufficient to fully pay principal and interest on the maximum indebtedness either through direct payment of the indebtedness or by payment of principal and interest on bonds or notes issued to finance the indebtedness, the agency shall notify the assessor of that fact.

(3) All moneys remaining unexpended from the special fund provided for in ORS 457.435 or 457.440, after payment of all the principal and interest on indebtedness is provided for, shall be turned over to the county treasurer by the agency and prorated by the treasurer back to the taxing districts in which the area, or part thereof, is located, in proportion to the amount of money in the fund attributable to each taxing district for the last fiscal year in which tax levy moneys were paid into the special fund of the agency under ORS 457.435 or 457.440. [1961 c.554 §6; 1971 c.426 §1; 1979 c.621 §27; 1991 c.459 §335b; 1997 c.541 §450; 2009 c.700 §5]

457.455 Limiting collections; notification; consultation with taxing districts. (1) If the maximum amount of funds under ORS 457.440 is not required to pay the principal and interest on indebtedness incurred for an urban renewal plan, the urban renewal agency may take formal action to limit collections under a plan for a single fiscal year, and may notify the county assessor pursuant to ORS 457.440 (2)(e) to compute the division of taxes for the urban renewal area using an assessed value that is equal to the amount specified by the agency. The assessor may not use an amount that is greater than the increment.

(2) If the maximum amount of funds under ORS 457.440 is not required to pay the principal and interest on indebtedness incurred for an urban renewal plan, the urban renewal agency may limit future collections under a plan by notifying the county assessor to permanently increase the amount of the total assessed value included in the certified statement filed under ORS 457.430. The assessed value included in the certified statement may not be subsequently decreased except in connection with boundary changes.

(3) Before taking formal action under this section, the urban renewal agency shall consult and confer with each taxing district affected by the urban renewal plan. [2009 c.700 §7]

Note: 457.455 was added to and made a part of ORS chapter 457 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

457.460 Financial report required for agency; contents; notice. (1) Not later than January 31 of each year, an urban renewal agency shall prepare a statement on the same basis on which its financial statements are prepared containing:

(a) The amount of money received during the preceding fiscal year under ORS 457.420 to 457.460 and from indebtedness incurred under ORS 457.420 to 457.460;

(b) The purposes and amounts for which any money received under ORS 457.420 to 457.460 and from indebtedness incurred under ORS 457.420 to 457.460 were expended during the preceding fiscal year;

(c) An estimate of moneys to be received during the current fiscal year under ORS 457.420 to 457.460 and from indebtedness incurred under ORS 457.420 to 457.460;

(d) A budget setting forth the purposes and estimated amounts for which the moneys which have been or will be received under ORS 457.420 to 457.460 and from indebtedness incurred under ORS 457.420 to 457.460 are to be expended during the current fiscal year; and

(e) An analysis of the impact, if any, of carrying out the urban renewal plan on the tax collections for the preceding year for all taxing districts included under ORS 457.430.

(2) The statement required by subsection (1) of this section shall be filed with the governing body of the municipality. Notice shall be published that the statement has been prepared and is on file with the municipality and the agency and the information contained in the statement is available to all interested persons. The notice shall be published once a week for not less than two successive weeks before March 1 of the year in which the statement is filed, in accordance with ORS 457.115. The notice shall summarize the information required under subsection (1)(a) to (d) of this section and shall set forth in full the information required under subsection (1)(e) of this section. [1979 c.621 §23; 1991 c.459 §335c; 1997 c.541 §451; 2009 c.700 §8]

457.470 Modification of assessed value; indexing; concurrence of taxing districts; rules. (1) As used in this section, unless the context requires otherwise:

(a) “Assumed increment” means the assessed value of the increment in the prior year, increased by the average percentage increase of the increment, if any, during the three prior years.

(b) “Large metropolitan plan” means a plan for an urban renewal area by a city with a population of more than 500,000 on January 1, 2010, that is either first approved on or after January 1, 2010, or is substantially amended to increase maximum indebtedness on or after January 1, 2010.

(c) “Maximum division of taxes” means the maximum amount of funds that may be raised for an urban renewal plan by dividing the taxes as provided in section 1c, Article IX of the Oregon Constitution, as described in ORS 457.440 (5), without regard to notices to assessors under this section or ORS 457.455 (1) or adjustments made pursuant to ORS 457.435 (2)(c).

(d) “Transition amount” means the maximum division of taxes for a plan in the year in which the plan is first substantially amended to increase maximum indebtedness on or after January 1, 2010.

(2)(a) Except as provided in paragraphs (b) and (c) of this subsection, an urban renewal agency may notify the assessor to collect the maximum division of taxes for a plan, other than a large metropolitan plan, that is first approved on or after January 1, 2010.

(b) Beginning with the later of the 11th year after the initial approval of the plan or the first year after the year in which the maximum division of taxes equals or exceeds 10 percent of the initial maximum indebtedness in the plan, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an assessed value that is not greater than the sum of:

(A) The amount of assessed value the agency estimates will produce division of tax revenues equal to 10 percent of the initial maximum indebtedness in the plan; and

(B) 25 percent of the amount by which the assumed increment exceeds the assessed value of the increment the agency estimates will produce division of tax revenues equal to 10 percent of the initial maximum indebtedness in the plan.

(c) Beginning with the first year after the year in which the division of taxes equals or exceeds 12.5 percent of the initial maximum indebtedness in the plan, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an amount of assessed value that the agency estimates will produce division of tax revenues that does not exceed 12.5 percent of the initial maximum indebtedness in the plan.

(d) After computing the assessed value as required under paragraph (b) or (c) of this subsection, an urban renewal agency shall further modify the value if, for reasons other than use of the assumed increment, the value included in the prior year's notice to the assessor resulted in division of tax revenues different from the respective target amounts under paragraphs (b) and (c) of this subsection. The modification under this paragraph may not exceed an amount that would result in the difference between the actual revenues and the target amounts.

(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, an urban renewal agency may notify the assessor to collect the maximum division of taxes for a plan, other than a large metropolitan plan, that is substantially amended on or after January 1, 2010, to increase maximum indebtedness.

(b) Beginning with the later of the year after the year in which the plan is substantially amended or the 11th year after the plan was initially approved, when the maximum division of taxes exceeds 10 percent of the initial maximum indebtedness in the plan, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an assessed value that is not greater than the sum of:

(A) The amount of assessed value the agency estimates will produce division of tax revenues equal to the greater of:

(i) 10 percent of the initial maximum indebtedness in the plan; or

(ii) The transition amount; and

(B) 25 percent of the amount by which the assumed increment exceeds the assessed value of the increment the agency estimates will produce division of tax revenues equal to the greater of:

(i) 10 percent of the initial maximum indebtedness in the plan; or

(ii) The transition amount.

(c) Beginning with the first year after the year in which the division of taxes equals or exceeds the greater of 12.5 percent of the initial maximum indebtedness in the plan or the transition amount, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an amount of assessed value that the agency estimates will produce division of tax revenues that does not exceed the greater of 12.5 percent of the initial maximum indebtedness in the plan or the transition amount.

(d) After computing the assessed value as required under paragraph (b) or (c) of this subsection, an agency shall further modify the value if, for reasons other than use of the assumed increment, the value included in the prior year's notice to the assessor resulted in division of tax revenues different from the respective target amounts under paragraphs (b) and (c) of this subsection. The modification under this paragraph may not exceed an amount that would result in the difference between the actual revenues and the target amounts.

(4)(a) Except as provided in paragraphs (b) to (d) of this subsection, an urban renewal agency may notify the assessor to impose the maximum division of taxes for a large metropolitan plan that is initially approved on or after January 1, 2010.

(b) In the first year after the year in which the maximum division of taxes equals or exceeds three percent of the initial maximum indebtedness in the plan, the agency shall notify the assessor pursuant

to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an assessed value that is not greater than the sum of:

(A) The amount of assessed value the agency estimates will produce division of tax revenues equal to three percent of the initial maximum indebtedness in the plan; and

(B) 75 percent of the amount by which the assumed increment exceeds the assessed value of the increment the agency estimates will produce division of tax revenues equal to three percent of the initial maximum indebtedness in the plan.

(c) Except as provided in paragraph (d) of this subsection, beginning with the year after the year described in paragraph (b) of this subsection, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an assessed value that is not greater than the sum of:

(A) The amount of assessed value the agency estimates will produce division of tax revenues equal to the greatest amount of division of tax revenues the agency was permitted to use in any prior year to compute assessed value under this paragraph or paragraph (b) of this subsection; and

(B) 75 percent of the amount by which the assumed increment exceeds the assessed value of the increment the agency estimates will produce division of tax revenues equal to the greatest amount of division of tax revenues the agency was permitted to use in any prior year under this paragraph or paragraph (b) of this subsection.

(d) Beginning with the first year after the year described in paragraph (c) of this subsection in which the division of tax revenues equals or exceeds 10 percent of the initial maximum indebtedness in the plan, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an amount of assessed value the agency estimates will produce division of tax revenues that does not exceed 10 percent of the initial maximum indebtedness in the plan.

(e) After computing the assessed value as required under paragraph (b), (c) or (d) of this subsection, an agency shall further modify the value if, for reasons other than use of the assumed increment, the value included in the prior year's notice to the assessor resulted in division of tax revenues different from the respective target amounts under paragraphs (b) to (d) of this subsection. The modification under this paragraph may not exceed an amount that would result in the difference between the actual revenues and the target amounts.

(5)(a) As used in this subsection, "substantial amendment" refers to the first substantial amendment to increase maximum indebtedness for the urban renewal plan after January 1, 2010.

(b) This subsection applies to an urban renewal plan that becomes a large metropolitan plan because it is substantially amended to increase its maximum indebtedness on or after January 1, 2010. This subsection applies beginning in the first year after the year in which the urban renewal plan is first amended to increase its maximum indebtedness on or after January 1, 2010. Except as provided in paragraphs (c) to (e) of this subsection, an urban renewal agency may notify the assessor to impose the maximum division of taxes.

(c) In the first year following a year that the maximum division of taxes exceeds three percent of the maximum indebtedness in effect for the plan immediately before the substantial amendment, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an assessed value that is not greater than the sum of:

(A) The amount of assessed value the agency estimates will produce division of tax revenues equal to the greater of:

(i) The transition amount; or

(ii) Three percent of the maximum indebtedness in the plan immediately before the substantial amendment; and

(B) 75 percent of the amount by which the assumed increment exceeds the assessed value of the increment the agency estimates will produce division of tax revenues equal to the greater of:

(i) The transition amount; or

(ii) Three percent of the maximum indebtedness in the plan immediately before the substantial amendment.

(d) Except as provided in paragraph (e) of this subsection, beginning with the year after the year described in paragraph (c) of this subsection, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an assessed value that is not greater than the sum of:

(A) The amount of assessed value the agency estimates will produce division of tax revenues equal to the greatest amount of division of tax revenues the agency was permitted to use in any prior year to compute assessed value under this paragraph or paragraph (c) of this subsection; and

(B) 75 percent of the amount by which the assumed increment exceeds the assessed value of the increment the agency estimates will produce division of tax revenues equal to the greatest amount of division of tax revenues the agency was permitted to use in any prior year under this paragraph or paragraph (c) of this subsection.

(e) Beginning with the first year after the year in which the division of tax revenues equals or exceeds the greater of the transition amount or 10 percent of the maximum indebtedness in effect for the plan immediately before the substantial amendment, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an amount of assessed value that is not greater than an amount the agency estimates will produce division of tax revenues equal to the greater of the transition amount or 10 percent of the maximum indebtedness in effect for the plan immediately before the substantial amendment.

(f) After computing the assessed value as required under paragraph (c), (d) or (e) of this subsection, an agency shall further modify the value if, for reasons other than use of the assumed increment, the value included in the prior year's notice to the assessor resulted in division of tax revenues different from the respective target amounts under paragraphs (c) to (e) of this subsection. The modification under this paragraph may not exceed an amount that would result in the difference between the actual revenues and the target amounts.

(6)(a) The initial maximum indebtedness for a large metropolitan plan that is initially approved after January 1, 2010, shall be established as provided in ORS 457.190 (4)(a) to (c).

(b) Beginning in 2010, the dollar amounts in this subsection may be increased on July 1 of any year by the percent change in average construction costs since July 1, 2009, according to the Engineering News-Record Northwest (Seattle, Washington) Construction Cost Index. The adjusted dollar amounts may be used only when a large metropolitan plan is initially approved.

(c) The maximum indebtedness may not be increased by more than 20 percent of the initial maximum indebtedness of the plan.

(d) The maximum indebtedness for a plan that becomes a large metropolitan plan because it is substantially amended on or after January 1, 2010, to increase its maximum indebtedness may not be increased above 20 percent of the maximum indebtedness in effect for the plan immediately before the first substantial amendment to increase maximum indebtedness that was made on or after January 1, 2010.

(7) Limitations imposed under this section and ORS 457.190 (4), 457.220 (4) and 457.455 do not apply to the extent the municipality approving a plan obtains the written concurrence of taxing districts imposing at least 75 percent of the amount of taxes imposed under permanent rate limits in the urban renewal area. For plans that are initially approved or substantially amended on or after January 1, 2010, compliance with this section is determined based on the amount of taxes imposed under permanent rate limits in the fiscal year prior to the fiscal year in which the plan is approved or amended, as applicable.

(8) For purposes of this section, a plan is treated as approved or amended on the day on which the municipality took final action to enact the nonemergency ordinance approving or amending the plan.

(9) The amounts shown in the certified statement filed under ORS 457.430 are not affected by subsections (2) to (5) of this section. If the increment for an area is less than the assessed value that the assessor is directed to use under subsections (2) to (5) of this section, the division of taxes shall be computed based on the increment and the assessor shall impose the maximum division of taxes for the plan.

(10)(a) Notwithstanding subsection (1) of this section, as used in this subsection, "transition amount" means the maximum division of taxes for the plan in the fiscal year that the first amendment made after June 1, 2008, to increase maximum indebtedness takes effect.

(b) Notwithstanding any provisions in this section to the contrary, an urban renewal plan that was first approved in 1998 and had an initial maximum indebtedness of $224,780,350 may be substantially amended after June 1, 2008, to increase maximum indebtedness by not more than $343,719,650.

(c) Except as provided in paragraph (d) of this subsection, an urban renewal agency may notify the assessor to collect the maximum division of taxes for an urban renewal plan described in paragraph (b) of this subsection that is substantially amended to increase its maximum indebtedness after June 1, 2008.

(d) Beginning with the first fiscal year after the fiscal year in which the first amendment made after June 1, 2008, to increase maximum indebtedness in the plan described in paragraph (b) of this subsection takes effect that the maximum division of taxes exceeds three percent of the maximum indebtedness in effect for the plan immediately after the first amendment made after June 1, 2008, to increase maximum indebtedness takes effect, the agency shall notify the assessor pursuant to ORS 457.440 (2)(d) to compute the division of taxes for the urban renewal area using an assessed value that is the sum of:

(A) The amount of assessed value the agency estimates will produce division of tax revenues equal to the greater of:

(i) The transition amount; or

(ii) Three percent of the maximum indebtedness in effect for the plan immediately after the first amendment made after June 1, 2008, to increase maximum indebtedness takes effect; and

(B) 75 percent of the amount by which the assumed increment exceeds the assessed value of the increment the agency estimates will produce division of tax revenues equal to the greater of:

(i) The transition amount; or

(ii) Three percent of the maximum indebtedness in effect for the plan immediately after the first amendment made after June 1, 2008, to increase maximum indebtedness takes effect.

(e)(A) To the extent permitted by law, a plan amendment described in this subsection shall provide direct economic benefits to the county in which the plan's urban renewal area is located in the following amounts:

(i) If the plan is substantially amended to increase maximum indebtedness by $343,719,650 or more, at least $35,000,000.

(ii) If the plan is amended to increase maximum indebtedness by less than $343,719,650, no less than 10.18 percent of any increase in maximum indebtedness.

(B) Benefits required under subparagraph (A) of this paragraph shall be paid as follows:

(i) $10,000,000 no later than June 30, 2014; and

(ii) The balance no later than June 30, 2021.

(11)(a) The Director of the Department of Revenue shall adopt rules necessary to apportion assessed value among tax code areas in an urban renewal area for which the urban renewal agency has notified the assessor pursuant to this section or ORS 457.440 (2)(d) or 457.455 to compute the division of taxes.

(b) The director may adopt any rule necessary or convenient for the imposition and collection of taxes under this section or ORS 457.455.

(12) The taxing districts affected by the urban renewal plan and the urban renewal agency are not liable for any amount by which amounts intended to be collected pursuant to this section differ from the targeted amounts in subsections (2) to (5) of this section. The sole remedy for any difference is the agency's modification of assessed value in subsequent years' notices as provided in subsections (2)(d), (3)(d), (4)(e) and (5)(f) of this section. [2009 c.700 §10]

TO: Lincoln City Planning Commission

DATE: July 7, 2020

SUBJECT: Roads End/Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan

---

PURPOSE

The Lincoln City Planning Commission is being asked to make a recommendation to the City Council regarding the Council's consideration and adoption of the proposed Roads End/The Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan (Plan). The Plan is designed for the Roads End/The Villages at Cascade Head Urban Renewal (Tax Increment Finance) Area (Area), an area of 500 acres that includes properties within the Roads End and The Villages at Cascade Head areas within the city limits of Lincoln City. The reason for urban renewal is to provide a financing mechanism to fund improvements, including the following categories: Transportation, Economic Development, Parks, Trails and Open Space, Public Works/Utilities, Community Connections/Appearance, Emergency Preparedness, Resiliency and Mitigation, and Plan Administration.

The focus of the Planning Commission's review is the conformance of the Plan with the Lincoln City Comprehensive Plan. This action does not require a public hearing, and the Planning Commission is not being asked to approve the Plan, but rather make a recommendation to the Lincoln City City Council on the conformance to the Lincoln City Comprehensive Plan. There are no explicit review criteria for the Planning Commission to utilize in the review of an urban renewal plan. The Oregon Revised Statute (ORS) ORS 457.085(4) states that "An urban renewal plan and accompanying report shall be forwarded to the planning commission of the municipality for recommendations, prior to presenting the plan to the governing body of the municipality for approval under ORS 457.095." The generally accepted practice is for the Planning Commission to provide input on the relationship of the Plan to the Local Goals and Objectives (Section XIII of the Plan), and particularly to its conformance to the City of Lincoln City Comprehensive Plan.

BACKGROUND

- July 24, 2017, the City Council and Urban Renewal Agency held a joint work session to broadly hear from staff and discuss Economic Development topics. At that meeting the Council requested to have staff bring back more in-depth information on the process and timeline to create a new Urban Renewal District, or Area.
- September 11, 2017, after further discussion Council requested to hear about possible new Urban Renewal Districts (Areas).
- March 26, 2018, possible new Areas were presented to Council and a mobile meeting or tour of the possible new Areas was requested.
- August 14, 2018, the Council held a Special Meeting for a mobile tour and directed staff to proceed with two feasibility studies for possible new Areas.
- December 26, 2018, staff received official approval to remove tax exempt properties from the existing Area to free up acreage in the case a new Area is formed.
- March 25, 2019, Council reviewed two Feasibility Studies and requested staff to return with additional information.
- April 25, 2019, Council approved the creation of a plan for review of the Roads End/The Villages Urban Renewal Area Plan A and B and directed staff to begin preparation and planning for Urban Growth swap and annexation for the new Urban Renewal Area in Nelscott B.
- February 24, 2020, Council received a summary of input collected through Advisory Committee meetings, public forums, and an online survey.
- March 23, 2020, Council approved a 15% underlevy on the entire tax increment area and directed staff to move forward with creating the draft Plan and Report.
- June 15, 2020, Urban Renewal Agency reviewed the draft Plan and Report and directed staff to move forward with the formal adoption process.

MAXIMUM INDEBTEDNESS

The proposed maximum indebtedness, the limit on the amount of funds that may be spent on administration, projects, and programs in the Area is $87,100,000. The maximum indebtedness does not include interest paid on any borrowing by the urban renewal agency. There is a proposed financing plan in the Report that shows that the Plan is financially feasible. It is understood that the Agency may make changes to the financing plan as needs and opportunities arise, typically during the annual budgeting process.

The Plan would be administered by the Lincoln Urban Renewal Agency (Agency). Major changes to the Plan, if necessary, must be approved by the Agency and City Council as detailed in Section VII Amendments to Plan.

RELATIONSHIP TO LOCAL OBJECTIVES

The Plan relates to local planning and development objectives contained within the Lincoln City Comprehensive Plan, the Lincoln City Municipal Code, and the Transportation System Plan. The following section describes the purpose and intent of these plans, the particular goals and policies within each planning document to which the proposed Plan relates, and an explanation of how the Plan relates to these goals and policies. The numbering of the goals, policies, and implementation strategies will reflect the numbering that occurs in the original document. Italicized text is text that *has* been taken directly from an original planning document. The Comprehensive Plan designations are shown in Figure 2 of the Plan. The proposed land uses conform to Figure 2, the comprehensive plan designations and the maximum densities and building requirements can be found in the Lincoln City Municipal Code.

This is not a comprehensive list of all parts of the Lincoln City Comprehensive Plan that are supported by this Plan. This list includes the major Goals and Policies from the comprehensive plan that are in conformance with the urban renewal Plan. However, there may be other Goals and Policies that are not listed, but are still in conformance with this Plan.

A. Lincoln City Comprehensive Plan

The analysis of how the Plan conforms to the *Lincoln City Comprehensive Plan* (Comprehensive Plan) covers the most relevant sections, but may not cover every section, of the Comprehensive Plan that relates to the Plan.

As the Comprehensive Plan is updated in the future, this document will automatically incorporate those updates without the Plan having to be formally amended. If a substantial amendment is completed in the future, this section of the Plan should be updated at that point.

Below are applicable Comprehensive Plan policies and statements of the Plan's conformance to Comprehensive Plan policies.

Citizens Involvement Goal

Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process.

Finding: The Plan conforms to the Citizens Involvement Goal as there has been citizen involvement in the preparation of the Plan. The City created a project Advisory Committee (AC) for the preparation and review of the Plan. In addition to the AC, the City met with representatives of the taxing districts to review the Plan. There were two Public Forums to present information about the Plan and to provide opportunity for input. The City presented information on two separate KBCH AM 1400 radio shows, sent an e-mail to the general contact list, provided an on-line survey, sent out public press releases, and met with the Roads End Improvement Association. A full list of outreach is show in Table 1. In addition, the Agency will complete a future Community Vision for the Area to establish project priorities.

Public Services and Utilities Goal

To plan and develop a timely, orderly, and efficient arrangement of public facility and services which complement the area and serve as a framework for urban and rural development.

Overall Public Facility Policies

3. *Lincoln City shall work with utility companies to develop and directly implement programs for placing all utilities underground. This program may be accomplished in conjunction with scheduled street repairs.*

Individual Public Facilities Policies

II. Drainage Policies:

1. *Adequate storm drainage facilities, including culverts, catch basins, natural or surface channel systems (approved by the city engineer) shall be a part of all subdivision design, planned development, City- or locally-initiated street construction or improvement, or other development and shall conform to the City's Master Drainage Plan.*

III. Parks and Recreation Policies

1. *The City shall provide recreational facilities and activities for all citizens of the city.*
3. *The City shall provide areas for high intensity recreation such as ball parks, swimming pools, tennis courts, neighborhood and community play fields.*

7. *The City's recreation committee shall encourage a bikeway plan within the city and shall cooperate with the Oregon Department of Transportation in establishment of the Oregon Coast Bikeway through Lincoln City.*

8. *The City shall work with the State Parks Department to improve the use of existing State Parks within the city.*

Finding: The Plan conforms to the Public Services and Utilities Goal as there are projects for undergrounding utilities, improving drainage, and providing new recreational facilities, bikeways, and connections in the Area.

Housing Goal

To provide for the housing needs of all citizens.

Housing Policies

4. *The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.*

Finding: The Plan conforms to the Housing Goal as there are projects proposed that will improve the existing transportation system for existing residents in the Area, improve recreational opportunities for existing residents in the Area, and help incentivize commercial development to provide services for the existing Area residents. These items will help to encourage new residential development in the Area.

Economy Goal

To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.

Economic Development Policies

4. *Lincoln City shall explore incentives for economic development in order to expand and increase the productivity of commerce and industry.*

Finding: The Plan conforms to the Economy Goal as there is a specific project category to help incentivize economic development in the Area.

Aesthetic Goal

To develop a livable and pleasing city which enhances people's activities while protecting the exceptional aesthetic quality of the area.

Aesthetic Policies

4. *The City shall establish a special study group to review the feasibility of placing utilities underground.*

Finding: The Plan conforms to the Aesthetic Goal as there is a project for undergrounding utilities in the Area.

Transportation Goal

To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.

Transportation Policies

Roadway Development

2. *Identify and develop bicycle routes through and around town that are safe, attractive and user-friendly.*
4. *Develop improved east west street connections with neighborhood needs and the direction of commercial in mind.*

Pedestrian Facilities

1. *Develop a plan for improved pedestrian crossings of 101 including signal treatments, with some crosswalk relocation and development.*
3. *Develop an off street pedestrian trail system perhaps integrated with a bike trail system to supplement on street facilities*

Bicycle Facilities

1. *Identify and develop a system of off Highway 101 bicycle routes through and around town that are safe, attractive and user friendly.*

Off Street Parking Development

1. *Refine the public off street parking development plan along Hwy 101 through the City.*
2. *Develop improved beach access parking facilities in the City.*

Transportation Financing

1. *Identify financial strategies and resources that will allow long term financing of transportation improvements in the City.*

Finding: The Plan conforms to the Transportation Goal as there are projects to improve the transportation system for all users in the Area. There is also a project for

community wayfinding to help facilitate pedestrians and bicyclists to use these systems.

Energy Goal

To conserve energy.

Energy Policies

5. *The City shall encourage the use of cluster development in multi-family and planned development in order to lower energy expense in site and building development.*

8. *The City shall locate high density development within walking distance of services and shopping areas.*

Finding: The Plan conforms to the Energy Goal as there are projects in the Plan that improve the transportation system, parks system and provide incentives for economic development that will help support new development in the Area.

Overall Environmental Goal

To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environments of the City.

Finding: The Plan conforms to the Overall Environmental Goal as the projects that improve the transportation system, parks system and provide incentives for economic development will aid in balancing the need for new development and protecting the natural environments of the City.

B. Lincoln City Economic Opportunities Analysis and Housing Needs Analysis1F[1]

Economic Development Objectives

- *Encourage local businesses that provide family-wage jobs to locate in Lincoln City.*
- *Support the growth of existing businesses and entrepreneurs.*
- *Foster Lincoln City's recreation and tourism based economy, particularly during off-peak times (e.g. pursue a regional sports complex).*

[1] *City of Lincoln City Economic Opportunities Analysis and Housing Needs Analysis,* Cogan Owens Greene, FCS Group, Fregonese Associates, April 2017.

- *Support the success of businesses that provide for the day-to-day needs of Lincoln City residents, including but not limited to the growing population of retirees.*
- *Encourage development of a local workforce with the skills that Lincoln City businesses need.*
- *Encourage the development of housing affordable to Lincoln City's workforce.*
- *Develop telecommunications and other infrastructure necessary to support home-based businesses and workers.*
- *Improve the transportation system to support economic development. Explore the use of Devils Lake for transportation purposes.*
- *Coordinate economic development efforts with local and regional partners.*

Housing Objectives

Encourage the development of affordable and workforce housing:

- *Investigate ways to reduce fees on new construction of affordable and workforce housing, while ensuring new infrastructure is not underfunded.*
- *Facilitate development of affordable housing on city-owned properties.*
- *Periodically review the development code's regulations and zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, tiny houses, big houses and senior housing.*
- *Involve employers in efforts to provide and support workforce housing.*
- *Enact strategies to ensure that sufficient appropriately zoned land is available within the city and outside the tsunami inundation zone, such as increasing densities and annexing new lands.*
- *Design attractive neighborhoods that offer housing within walking distance to schools, jobs, shopping, and services.*
- *Streamline the permitting process for affordable and workforce housing.*

Finding: The Plan conforms to the *Lincoln City Economic Opportunities Analysis and Housing Needs Analysis* as there is a specific Economic Development program to encourage and incentivize development in the Area. There are projects to improve the transportation system for all users and to improve the park system in the Area. These activities will also be key in providing Affordable Housing in the city. This Area has a

majority of residents over 55, and providing commercial services, transportation and parks improvements will support that population.

Staff recommends that the Planning Commission:

1. Review and discuss the proposed Roads End/The Villages at Cascade Head Urban Renewal (Tax Increment Finance) Plan and its conformance to the Lincoln City Comprehensive Plan, followed by a motion, second, and vote.

PLANNING COMMISSION STAFF REPORT
MEETING DATE: July 7, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

Previous Case Updates