

WALDPORT PLANNING COMMISSION
June 22, 2015
MEETING NOTICE AND AGENDA

THE WALDPORT PLANNING COMMISSION WILL MEET ON MONDAY, JUNE 22, 2015 AT 2:00 P.M. IN THE **CITY COUNCIL MEETING ROOM**, 125 ALSEA HIGHWAY, TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. CITIZEN COMMENTS AND CONCERNS
3. COMMISSION COMMENTS AND CONCERNS
4. MINUTES: (March 23, 2015)
5. CORRESPONDENCE
6. PUBLIC HEARING
 - A. Case File #1-PD-PC-15 Weber Investments, LLC
Application for Planned Development
7. DISCUSSION/ACTION ITEMS:
 - A. Planning Report
 - B. Other Issues*
8. ADJOURNMENT

*Denotes no material in packet

The Council Chambers are accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall at (541)264-7417 during normal business hours.

Notice given this 16th day of June 2015

City of Waldport

WALDPORT PLANNING COMMISSION
MARCH 23, 2015
MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Chair Woodruff called the meeting to order at 2:00 p.m. Chair Woodruff and Commissioners Peterson, Andrew, Hafner, Gordon and Yorks answered the roll. Commissioner Egan was excused. A quorum was present.

2. CITIZEN COMMENTS AND CONCERNS: None.

3. COMMISSION COMMENTS AND CONCERNS: Commissioner Peterson asked if the meeting time had been changed. He asserted that Mr. Lewis had given him an incorrect time. It was pointed out that the sign workshop in February had been held at 6:00 p.m. for the convenience of the business owners, but the time of the regular Commission meetings has remained unchanged.

4. MINUTES: The Commission considered the minutes from the February 23, 2014 meeting. Commissioner Hafner **moved** to approve the minutes as presented. Commissioner Andrew **seconded**, and the motion **carried** unanimously on a voice vote.

5. CORRESPONDENCE: None.

6. PUBLIC HEARING: Proposed Amendments to Development Code Section 16.76 "Signs": Chair Woodruff opened the Public Hearing. City Planner Lewis summarized the proposed changes to the code language. Sabrina Thornton, owner of "Made By the Beach" stated that she was present just to find out what the rules were before she invested in signage. There were no other public comments.

Chair Woodruff closed the Public Hearing and opened the Planning Commission meeting for deliberations. Commissioner Gordon noted that the term "blade sign" was used in the definition of size in the draft ordinance, but "blade sign" did not have a definition. Following discussion of that issue and the variance process, Commissioner Gordon **moved** to amend the definition of size to change the word "blade sign" to "projecting sign", and to amend the proposed language under variances to refer to the variance process as outlined in Chapter 16.92. Commissioner Peterson **seconded**, and the motion **carried** unanimously on a voice vote. Commissioner Gordon then **moved** to alter the wording in the first sentence of 16.76.030 (A) "Permits Required" to state "Except as herein provided, no sign shall be erected, replaced, altered or relocated without the business owner first obtaining a sign permit and the property owner (if different) granting permission for a sign permit...." Commissioner Peterson **seconded**, and the motion **carried** unanimously. After ascertaining that there were no further changes to be proposed, Commissioner Gordon **moved** to forward the proposed ordinance to the City Council with a recommendation to approve. Commissioner Hafner **seconded**, and the motion **carried** unanimously on a voice vote.

7. DISCUSSION/ACTION ITEMS:

A. Planning Report: City Planner Lewis reviewed his written report, noting that there

there had been a building permit for an ATM and night drop for Washington Federal, a building permit for a single-family dwelling, and a building permit for the new clinic on Range Drive.

B. Other Issues: None.

8. ADJOURNMENT: At 2:29 p.m., there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,



Reda Q. Eckerman
City Recorder

APPROVED by the Planning Commission this ____ day of _____, 2015.

SIGNED by the Chair this ____ day of _____, 2015.

Ray Woodruff, Chair

STAFF REPORT

Planned Development Application – The Summit at Waldport Planned Development

APPLICANT: Weber Investments, LLC

A. REPORT OF FACTS

1. Applicant's Request: The applicant requests approval of a Planned Development (The Summit at Waldport) for 6 single family homes/lots on 2.36 acres.

The subject properties are located at the south end of Skyline Terrace on the west side of the street; and further described on Lincoln County Tax Assessor's Map 13-11-19CC as tax lots 143, 147, and 148.

A private street is proposed to be constructed off of the Skyline Terrace cul-de-sac. The private street is proposed to have a 30' wide right-of-way and 20' pavement width. The street will provide access to the six lots and have a hammerhead turn-around at the western terminus.

The six lots are proposed to range between approximately 1,500 and 2,000 square feet. Zero lot line building setbacks are proposed. Each lot is surrounded by common open space. Approximately 90% of the 2.36 acre site is proposed to remain as open space. A public trail is proposed to extend from Skyline Terrace through the property to the west property line.

2. Zoning: Residential Zone R-1
3. Plan Designation: Residential
4. Lot Size: The subject property includes three tax lots totaling 2.36 acres.
5. Existing Structures: The property is undeveloped with no structures.
6. Topography and Vegetation: The southern edge of the site where the street is proposed has a moderate slope. The northern portion of the site has significant slope. The majority of the site is forested.
7. Surrounding Land Use: Single family dwellings are located on Skyline Terrace to the west/northwest and on Kelsie Lane to the south. Adjacent property to the west is undeveloped.
8. Utilities: The following utilities currently serve the subject property:
 - a. Water: City of Waldport Water
 - b. Sewer: City of Waldport Sewer
 - c. Electricity: Central Lincoln P.U.D.
10. Development Constraints: Portions of the site have significant slope.

B. EVALUATION OF REQUEST

1. Applicant's Proposal:

The applicant submitted the application form and fee, narrative describing the proposed development and the following exhibits:

- Site plan showing the existing lots and proposed street, lots, and trail
- Topography map with proposed street, lots and trail
- Proposed common open space plan
- Proposed street sections and profile
- Typical architectural style photographs

The applicant provided the following narrative:

The Summit at Waldport

This project is designed to be in a "cluster style" to minimize the coverage of the site by roads and buildings and allow building on easily sited locations, and the balance of the land in open space in a natural undisturbed condition that can be enjoyed by all...see topo... the goal is to have less than 30% impervious surface coverage by homes and driveways, but allowing fire and safety easy access.

The open space concept, very secluded and rural, in nature also lends itself to allowing a 10 foot utility easement for the city's future waterline connections, and a Floating Easement of access for the City Trail that will tie into a planned trail system that is planned for beach access.

The original plan called for delivery of sewer, water other utility services...the site plan calls for easy access due to the cluster design allowing for much less disruption of the site...see attached.

Each lot and access will be owned and maintained privately, fee simple... a domain, if you will... The common area (no buildings) will be maintained by a HOA, or as a suggested alternative the city will maintain the site by contract and funded by a tax assessment on the common area, paid the HOA, or by direct pro rata property tax to the homeowners.

There will be no phased development, and the owners anticipate moving forward with the off sites and personal residence, on the site as soon as permitted.

The CCRs will allow a rural residential, flexible lifestyle... not overburdened by detail. NO livestock or chickens, mobile home, or manufactured housing...the CCRs to be approved by the City, of course.

The HOA will be part of the architectural committee...the style calls for Timber or Log style homes as depicted by the photos attached...However, much latitude will be given to the MATERIALS used to cope with the local conditions of salt air, winds, etc...The LOOK, AND THE FEEL is the primary issue, to enhance this beautiful site!

2. Relevant Code Standards:

Relevant Waldport Development Code criteria is identified below by title only. Full descriptions of relevant criteria are included as an attachment to this staff report.

Chapter 16.12 Residential Zone R-1

Chapter 16.60 Planned Development Zone P-D (relevant sections)

Chapter 16.72.020 Off-street parking and off-street loading requirements

Chapter 16.96 Development Guidelines

Chapter 16.100 Land Division

3. Public Testimony

At the time this staff report was prepared, the City had received one letter from nearby property owners (on Kelsie Lane to the south). The neighbors state that while they have no issue with the proposed homes, they do have concerns about the development's impact on the ravine that runs on the east and north sides of their property. They hope the ravine remains undisturbed in order to continue to route storm water runoff.

4. Public Agency Comment

The Waldport Public Works Department and the Central Oregon Coast Rural Fire District (COCRFD) provided the following comments related to water service and the proposed private street.

- The 20' street width within a 30' right-of-way is good as long as "No Parking" signs are posted. If the street width is a minimum 26' then parking would be allowed on one side of the street. (The applicant prefers the 20' width and no parking.)
- The hammerhead turn-around needs to conform to the Guidelines for Application of the Oregon Fire Code in Lincoln County.
- A fire hydrant is required. The fire hydrant will likely be located near Skyline Terrace. The fire hydrant must be within 500 feet of all homes.
- Initially the Public Works Department was considering the need for a waterline from Skyline Terrace to the west property line along the southern boundary. However Public Works now has an alternative route for extending the water system therefore the waterline along the southern boundary is not needed.
- Water and sewer will be extended within the private street right-of-way from Skyline Terrace to serve the six homes. The developer shall provide a water and sewer easement to the City.

The Public Works Department and COCRFD request review and approval of engineering plans prior to construction. The developer shall be responsible for all costs the City incurs for review and approval of plans.

C. STAFF ANALYSIS

1. Planned Development Request

The applicant requests approval of a Planned Development (The Summit at Waldport) for 6 single family homes/lots on 2.36 acres. The minimum size required for a planned development is 0.5 acres. The six lots/homes are proposed to be accessed off a private street to be constructed off Skyline Terrace. Over 90% of the lot is proposed to remain as natural open space. A public trail is proposed through the property from Skyline Terrace to the western property line.

2. **Private Street.** The private street is proposed to be constructed off of the Skyline Terrace cul-de-sac. The private street is proposed to have a 30' wide right-of-way and 20' width with a compacted gravel surface. The street will provide access to the six lots and have a hammerhead turn-around at the western terminus. The Waldport Public Works Department and COCRFD approve of the 20' wide paved street within a 30' wide right-of-way as long as 'No Parking' signs are posted. The hammerhead turn-around must conform to the Guidelines for Application of the Oregon Fire Code in Lincoln County. The Waldport Public Works Department and COCRFD request review and approval of final engineering plans for the street.
3. **Lot Area, Lot Coverage and Building Setbacks.** In a Planned Development standards of the underlying zone may be reduced. The six lots are proposed to range between approximately 1,500 and 2,000 square feet. Zero lot line building setbacks are proposed. Each lot is surrounded by common open space. Each lot is located a minimum 20 feet from the private street to provide driveways between the street and the homes. An access easement and landscape easement is proposed to allow individual home owners to control and maintain their driveways and landscaping adjacent to their homes versus having the HOA assume responsibility for that. An alternative may be to extend the front lot lines to the street so the individual lot owners own their driveway.
4. **Density.**

The R-1 zone allows a maximum density of 6,000 square feet on land that is served by both public water and sewer. The 2.36 acre property allows a maximum of 17 dwellings. Six (6) dwellings are proposed. This is a density of 1 dwelling per 0.39 acres. In comparison, the adjacent Skyline Terrace and frontage properties have a higher density, i.e. approximately 1 dwelling per 0.27 acres.
5. **Building Height.** In a Planned Development no building shall exceed a height 50% greater than that of the applicable zone. The R-1 zone allows a maximum building height of 30 feet. No building is proposed to exceed a height of 30 feet.
6. **Off-Street Parking**

One covered parking space is required per dwelling. Each dwelling unit is proposed to have a garage.
7. **Water, Sewer and Storm Drainage Improvements**

Water and sewer are proposed to be placed within the private street right-of-way. A fire hydrant is required and will likely be located near Skyline Terrace. The fire hydrant must be within 500 feet of all homes. Utility easements will be provided to the City as requested by the Public Works Director.

Final engineering plans for water, sewer, storm drainage, and streets must be reviewed and approved by the City Public Works Director. The developer shall be responsible for any costs incurred by the City to have a professional registered engineer review and approve development plans. Final engineering plans for water and the street shall also be reviewed and approved by COCRFD.
8. **Open Space and Public Trail**

Chapter 16.60 Planned Developments states that the proposed development will provide the following amenities or protections at a higher level than would otherwise be provided under

conventional land development procedures: Protection of significant natural and cultural features and resources, such as historical scientific and cultural resources, fish and wildlife habitats, stream corridors, riparian areas, and wetlands; maintenance, enhancement or establishment of natural vegetation, especially indigenous plant communities; protection of scenic and aesthetic qualities; and creation of a high quality built environment which harmonizes with the natural and physical features of the site and includes design features such as suitably located open space, recreation facilities, and other public and common facilities, and also includes pedestrian oriented development which reduces reliance on automobile travel, provision of solar access or similar measures to promote energy conservation, or avoidance of risks and costs associated with environmental hazards.

Approximately 90% of the 2.36 acre site is proposed to remain as open space. The open space is proposed to remain in its natural undisturbed condition. A public trail is proposed to extend through the open space from Skyline Terrace through the property to the west property line. The trail is proposed to eventually extend through two other private properties and connect to the future Bridgeview Trail.

A park assessment fee based on the size of the planned development is required. The current park assessment fee to be charged to the developer, per Resolution No. 875, sets the fee at \$1 per square foot of 5% of the total acreage. Specifically stated: "The park assessment fee shall be assessed based upon gross acreage of the parcel to be subdivided, without deductions for rights of way or other easements, and the formula for calculating the fee is as follows: Gross parcel size (in sq. ft.) x .05 x rate per sq. ft. (\$1.00)." Five percent of the gross parcel size (102,802 square feet) equals 5,140.08 square feet therefore the park assessment fee for the proposed planned development totals \$5,140.08.

9. Slope and Geologic Hazard Reports.

Waldport Development Code Chapter 16.96 requires a geologic hazard report when development occurs on property having a 20% slope or greater. Proposed construction of the Planned Development, i.e. streets and utilities is proposed to occur on land with a slope less than 20% therefore a geologic hazard report is not required.

A geologic hazard report will be required in the future in conjunction with a building permit application for any lot/home that has a 20% slope or greater as defined by Chapter 16.96.

10. Homeowners Association (HOA)

The applicant states that the common area (no buildings) will be maintained by an HOA, or as a suggested alternative the city will maintain the site by contract and funded by a tax assessment on the common area, paid the HOA, or by direct pro rata property tax to the homeowners. (This alternative would require a request by the applicant and review by the City Council.)

The applicant states that the CC&Rs will allow a rural residential, flexible lifestyle... not overburdened by detail. No livestock or chickens, mobile home, or manufactured housing will be allowed.

The applicant states that the HOA will be part of the architectural committee. The style calls for Timber or Log style homes. However, much latitude will be given to the material used to cope with the local conditions of salt air, winds, etc... The look and the feel is the primary issue, to enhance this beautiful site!

D. CONCLUSIONS

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting. If the request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole.

If the request is approved, staff offers recommended conditions, which may be added to or amended at the Commission's discretion:

1. **Planned Development.** Development shall occur in accordance with the approved plan including six single family homes/lots on 2.36 acres. The six lots/homes are proposed to be accessed off a private street to be constructed off Skyline Terrace. Over 90% of the lot is proposed to remain as natural open space. A public trail is proposed through the property from Skyline Terrace to the western property line. Any substantial change in the plan shall require a new application to be reviewed and approved by the Planning Commission.
2. **Private Street.** The private street shall have a minimum 30' wide right-of-way and 20' pavement width. The hammerhead turn-around shall conform to the Guidelines for Application of the Oregon Fire Code in Lincoln County. Prior to construction the Waldport Public Works Department and COCRFD shall review and approve final engineering plans for the street.
3. **Lot Size, Setbacks, Building Height, and Parking.** The six lots shall range between approximately 1,500 and 2,000 square feet with zero lot line building setbacks. Each lot shall be surrounded by common open space. Each lot shall be located a minimum 20 feet from the private street in order to provide driveways between the street and the homes. Each home shall have at least one covered parking space, e.g. a garage. Building heights shall not exceed 30 feet.
4. **Water, Sewer and Storm Drainage Improvements**
Water and sewer shall be placed within the private street right-of-way. A fire hydrant shall be installed near Skyline Terrace and must be within 500 feet of all homes. Utility easements shall be provided to the City as requested by the Public Works Director.

Final engineering plans for water, sewer, storm drainage, and streets must be reviewed and approved by the City Public Works Director. The developer shall be responsible for any costs incurred by the City to have a professional registered engineer review and approve development plans. Final engineering plans for water and the street shall also be reviewed and approved by COCRFD.

All utilities shall be located underground.

5. **Open Space and Public Trail.** Approximately 90% of the 2.36 acre site shall remain as open space. The open space shall remain in its natural undisturbed condition. A public trail shall extend through the open space from Skyline Terrace through the property to the west property line. The developer shall coordinate with city staff on determination of the trail alignment.

Prior to final approval, the developer shall pay a park assessment fee of \$5,140.08 to the City of Waldport.
6. **Geologic Hazard Report(s).** Geologic hazard reports will be required in the future in conjunction with a building permit application for any lot/home that has a 20% slope or greater as defined by Chapter 16.96.

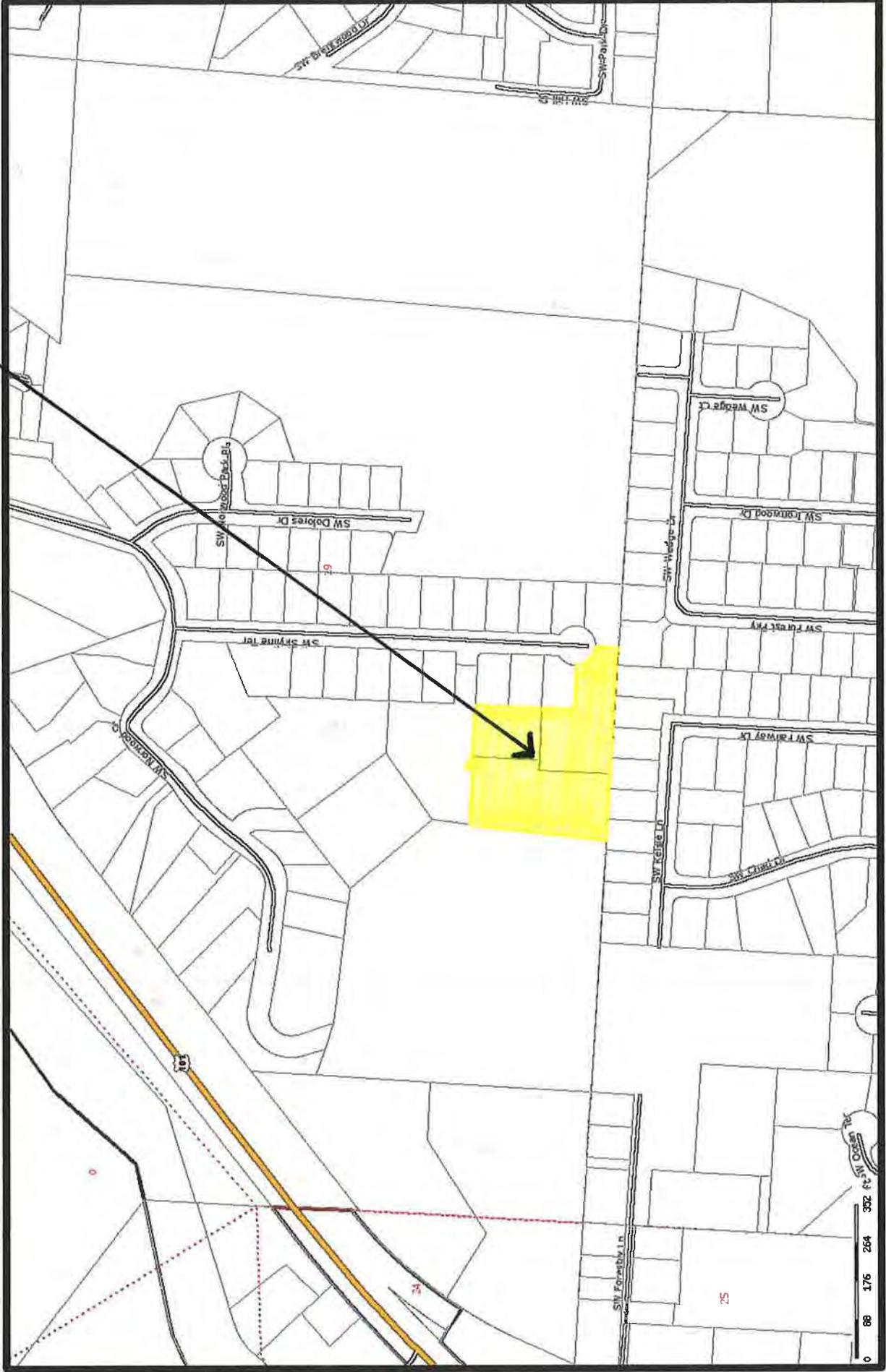
7. **Homeowners Association (HOA).** An HOA shall be established and maintain the common open space.
8. **Time Limits of Preliminary Approval.** Approval of the preliminary plan is valid for a period of two (2) year from Planning Commission approval of Findings and Conclusion.
9. **Final Plan Review Procedure.** When the city planner determines that all of the certifications set forth below have been met and that the plat conforms in all respects to the tentative plan as approved, consideration of the plat will be placed on the next practical scheduled meeting of the Planning Commission for determination that all requirements have been met. The Commission shall then approve, disapprove or, when further information is required, postpone a decision on the plat. Requests for final plan approval of a planned development shall be accompanied by the following certifications:
 - a. A certified copy of all covenants and restrictions;
 - b. Certified copies of legal documents required for dedication of public facilities or for the creation of a homeowner's association;
 - c. The certification, performance agreement or statement regarding the availability of water and sewerage services;
 - d. As-built certifications for all required roads and utilities unless otherwise guaranteed by a performance agreement;
 - e. A plat and one exact copy meeting the requirements of Section 16.100.060 of this chapter and ORS 92.050-92.100.
 - f. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than thirty (30) days prior to the date the final plat is submitted for final approval. Such a report shall also identify all easements of record.

Submitted by,

Larry Lewis
City Planner

- Enclosures:
- Vicinity Map
 - Site plan showing the existing lots and proposed street, lots, and trail
 - Topography map with proposed street, lots and trail
 - Proposed common open space plan
 - Proposed street sections and profile
 - Typical architectural style photographs
 - June 3, 2015 Letter from Raymond and Theresa Beck
 - Relevant Waldport Development Code Criteria

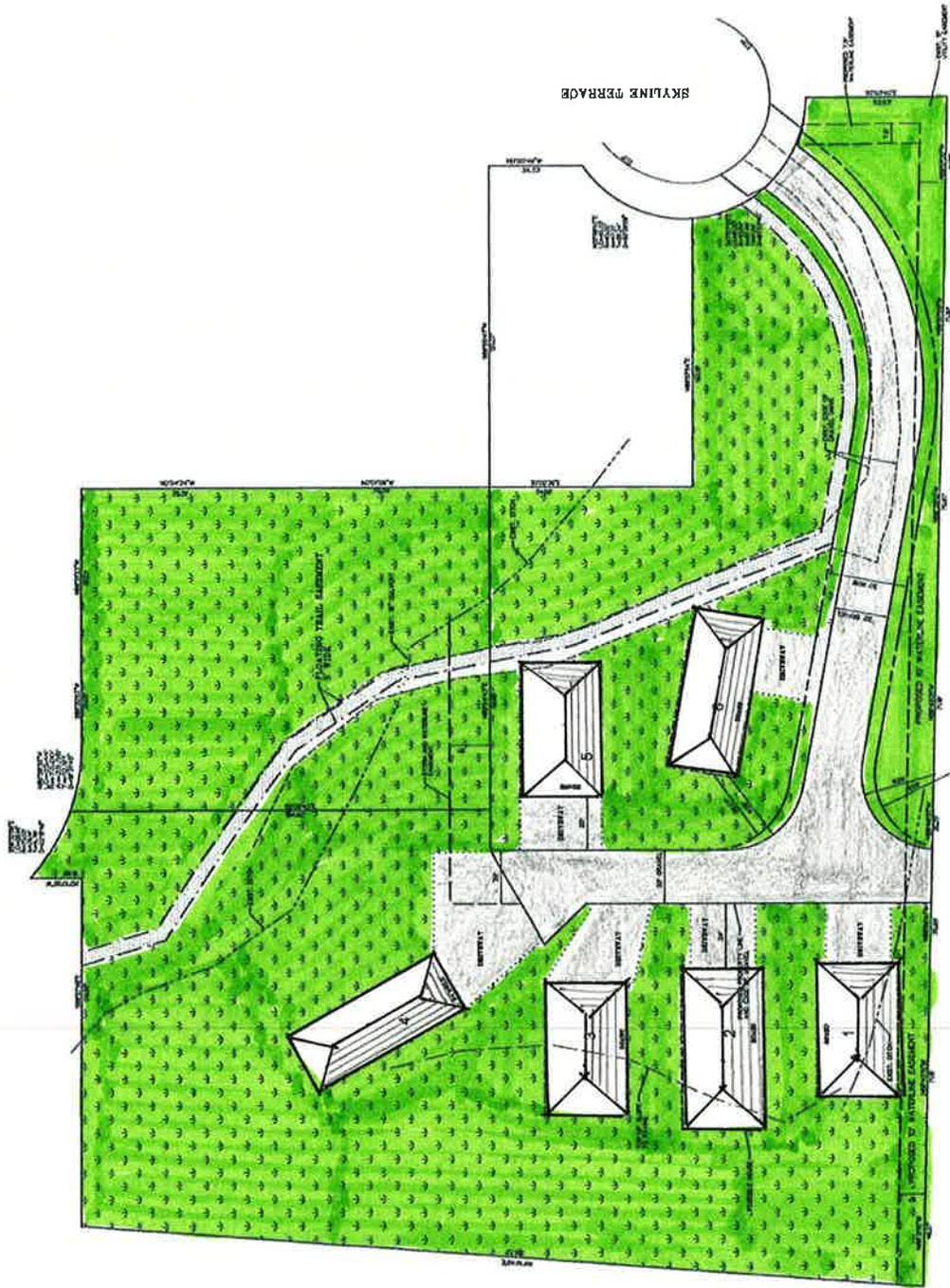
The Summit at Waldport Planned Development

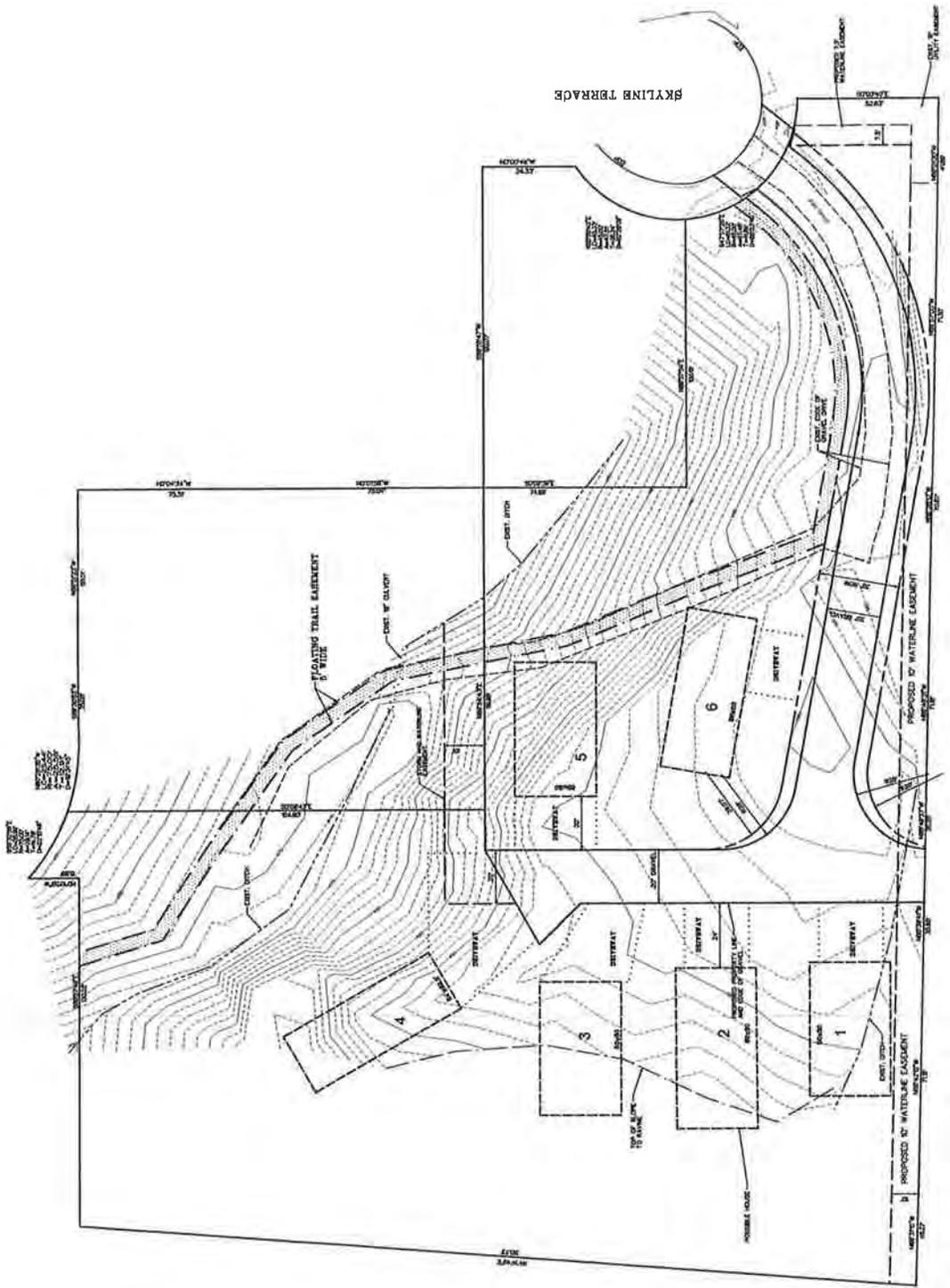


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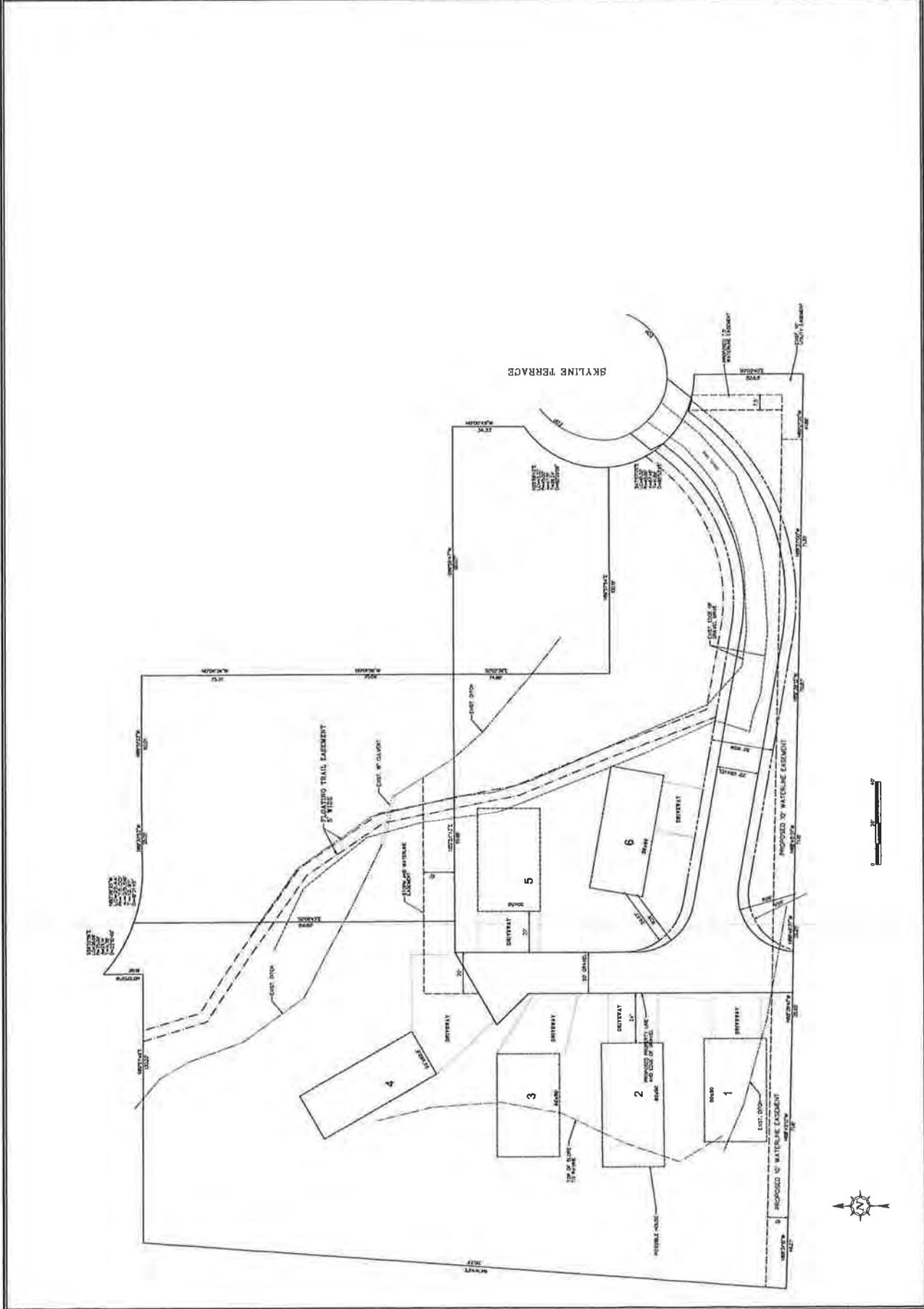


PHIL WEBBER
 P.E.
 LICENSE NO. 12172
 STATE OF OREGON
 MECHANICAL
 EXPIRES 05/23/2018

STREET IMPROVEMENTS
 FOR
 WATERSIDE TRAIL EXHIBIT
 12172
 PHIL WEBBER
 P.E.
 LICENSE NO. 12172
 STATE OF OREGON
 MECHANICAL
 EXPIRES 05/23/2018

DATE: 5/23/2018
 SCALE: 1" = 20'
 DRAWN BY: J.R.M.
 CHECKED BY: P.W.
 PROJECT: WATERSIDE TRAIL EXHIBIT
 SHEET NO.: S1 OF 6

S1 OF 6
 SHEET



PRELIMINARY

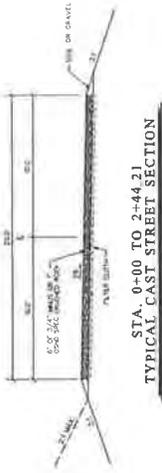
THE ENGINEERING PROFESSION
1001 LAKESHORE DRIVE
ANN ARBOR, MICHIGAN 48106
TEL: 734-769-0800
FAX: 734-769-1200

STREET IMPROVEMENTS
PHIL WEBBER
FOR
TAX MAP 13-11-10001 TAX LOTS 142, 143, 144

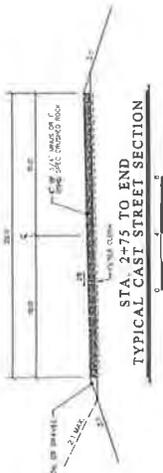
SHEET CONTENTS
PROFILES & TYPICALS

DATE	4/21/2008
SCALE	AS SHOWN
PROJECT	10136
NO.	10136

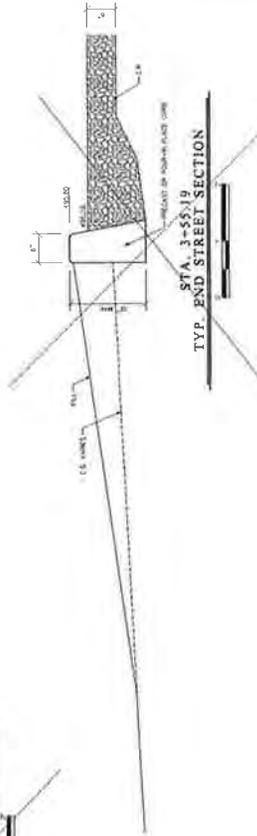
S3 of 6



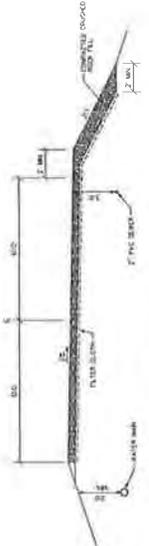
STA. 0+00 TO 2+44.21
TYPICAL CAST STREET SECTION



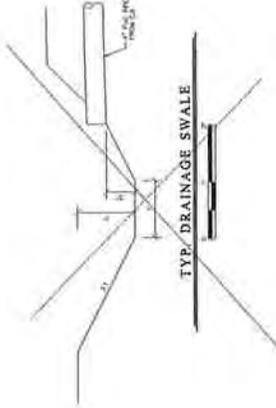
STA. 2+75 TO END
TYPICAL CAST STREET SECTION



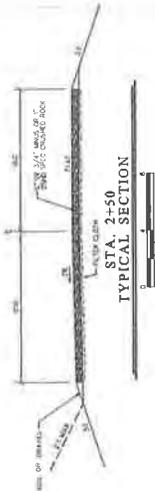
STA. 3+55.19
TYP. END STREET SECTION



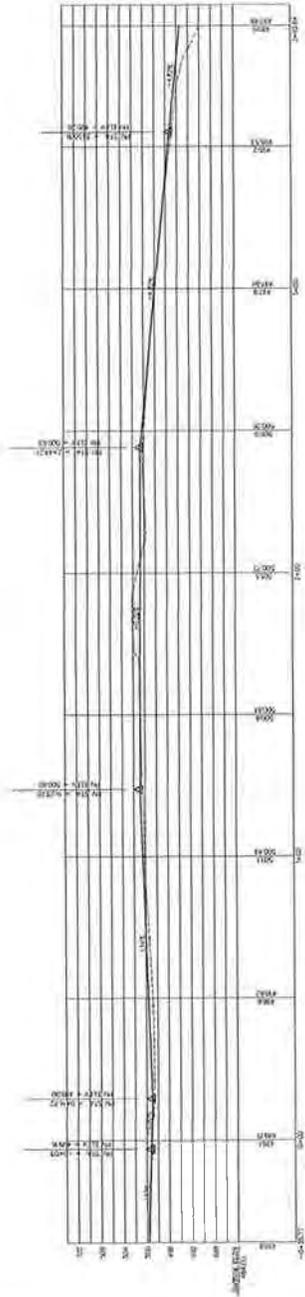
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SPECIAL FILL SECTION



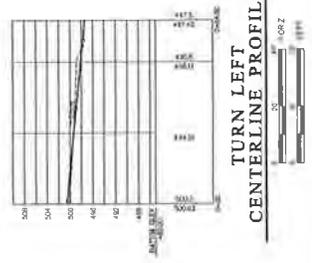
TYP. DRAINAGE SWALE



STA. 2+50
TYPICAL SECTION



ROAD
CENTERLINE PROFILE



TURN LEFT
CENTERLINE PROFILE





June 3, 2015

City of Waldport
Planning Commission
P. O. Box 1120
Waldport, OR 97394

Dear Sir:

We are responding to your Notice of Public Hearing dated June 1, 2015 regarding a Planned Development for 6 single family homes on Lincoln County Tax Assessor's Map 13-11-19CC.

While we have no issue with the proposed homes themselves, as property owners of 600 Kelsie Way, we do have concerns about the development's impact on the ravine that runs on the east and north sides of our property. It is located on the south side of the proposed development as well. This ravine is the causeway for excess rain runoff, especially during the winter months, coming primarily from Fairway Drive. Impediment of this causeway has the potential of producing flooding and property damage. Our hope is that this new proposed housing development will keep the causeway unobstructed.

Thanks you for your consideration.



Raymond and Theresa Beck
1106 Cayuse Circle SE
Salem, OR 97306

Property owners of 600 Kelsie Way, Waldport, OR

RELEVANT WALDPOR T DEVELOPMENT CRITERIA

Chapter 16.12 Residential Zone R-1 (relevant to this application)

16.12.010 Uses permitted outright.

A. One-family dwelling built on site.

16.12.030 R-1 Standards

A. Lot Size Dimensions. In the R-1 zone the following shall apply:

1. Minimum lot area:
 - a. The minimum lot area for a one- or two-family dwelling shall be 6,000 square feet for a lot served by both public water and public sewer.
2. The minimum average lot width shall be sixty (60) feet for an interior lot and sixty-five (65) feet for a corner lot.
3. The minimum lot depth shall be eighty (80) feet.
4. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open space for another use.
5. Lot area for ocean and bay front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean higher high water to the landward extent of the property.

B. Yards. The minimum yard requirements applicable in the R-1 zone shall be as follows:

1. The front yard shall be a minimum of twenty (20) feet.
2. Each side yard shall be a minimum of five (5) feet, but any part of a building exceeding fifteen (15) feet in height must have a setback from a side property line equal to or greater than one-third the height of that part. (Height is measured from grad level adjacent to the wall which is closest to the side property line.)
3. The street side yard shall be a minimum of twenty (20) feet, except on lots fifty (50) feet wide or less the street side yard shall be ten (10) feet.
4. The rear yard shall be a minimum ten (10) feet except:
 - a. An accessory structure not used for human habitation, not higher than fifteen (15) feet, and separated from the main building may be located no closer than five (5) feet from a rear property line, and
 - b. On a corner lot, the setback required from the rear property line shall be the same as required for side yards.
5. No structure shall be located closer than sixty (60) feet from the centerline of any arterial street nor forty (40) feet from the centerline of any collector street.
6. All new single-family homes are required to have a garage or carport constructed of like materials.

C. N/A

D. Decks: Unenclosed decks, unroofed landings, porches, and stairs may project into any required yard, providing the following conditions are met:

1. No portion except the guard rails shall extend above the floor level of a habitable room;
 2. No such projection shall obstruct a stairway; and
 3. No such projection shall extend into the required yard more than one-third the distance of the setback required.
- B. Lot Coverage. Buildings shall not occupy more than forty-five (45) percent of the total lot area.
- C. Yards. The apply in the R-3 zone.
- D. Building Height. No building in the R-3 zone shall exceed a height of thirty-five (35) feet.
- E. Drainage. A plan shall be submitted showing width, depth, and direction of flow of all drainage channels on property. In addition, the location, size and type of conduit used in drainage channels and drive way accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties, and shall be directed towards the street or to an on-site dry well. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.
- F. Excavation/Fill. A plan shall be submitted showing cubic yards removed or filled and a final elevation certified by a registered professional engineer for the removal of more than fifty (50) cubic yards.
- G. Building Height. No building in the R-1 zone shall exceed a height of thirty (30) feet.
- H. Lot Coverage. Buildings including accessory structures and garages shall not occupy more than forty-five (45) percent of the total lot area.
- I. Distance Between Buildings. A minimum distance of six (6) feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.
- J. Any property identified as a geological natural hazard area as listed in Section 16.96.020 of this title or any property that has a twenty (20) percent slope or greater, as defined by Section 16.96.020 shall require a geotechnical analysis of the property in accordance with Section 16.96.030(D)(4) of this title.

Chapter 16.60 Planned Development Zone P-D (relevant sections)

The purpose of the planned development procedure is to encourage and promote creativity and innovation in site planning, design and development through the application of flexible land development standards. Application of the planned development procedure is intended to:

- A. Allow for and encourage development designs which provide suitable recognition of the physical, topographic, cultural, historical and natural resource values and constraints present on a particular site;
- B. Permit greater flexibility in the siting of buildings and other physical improvements and in the mixing of housing types and other compatible non-residential uses in order to accomplish desirable design objectives; and
- C. Ensure that development occurs in a manner consistent with the intent and purpose of the goals and policies of the Comprehensive Plan.

16.60.020 General Requirements

The following requirements shall govern planned developments:

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The Summit at Waldport Planned Development
June 22, 2015 Planning Commission Meeting**

- A. Notwithstanding the provisions of the applicable use zone or zones, on land subject to an approved planned development, only those uses, structures and other forms of development which have been set forth and authorized in a preliminary development plan approved in accordance with the provisions of this section may be established.
- B. A planned development may include any uses permitted outright or conditionally in any zone, except that uses permitted only in an I-P or M-P zone shall not be permitted in an R-1, R-2, R-3, R-4, C-1 or C-2 zone.
- C. Minimum size required for a planned development shall be one-half acre.
- D. Overall residential density shall be as provided for in the applicable use zone or zones. Density shall be computed based on the total gross land area of the subject property, excluding area devoted to commercial or other nonresidential uses.
- E. No building shall exceed a height which is fifty (50) percent greater than that of the maximum building height limitation of the zone in which the planned development is proposed.
- F. For a planned development in a residential zone, the total land area devoted to commercial uses, including required off-street parking, other than hotels, motels, trailer parks, resorts, and similar accommodations, shall not exceed five (5) percent of the total land area of the development. Any commercial uses shall be directly related in purpose and function to the remainder of the planned development.
- G. In a residential zone, where commercial uses are being developed in conjunction with residential uses, construction of the commercial uses shall not be initiated until twenty-five (25) percent of the residential units have been developed.
- H. Yards, setbacks, lot area, lot coverage and similar dimensional requirements may be reduced, adjusted or otherwise modified consistent with the design objectives of the proposed development.
- I. The City may require easements necessary for orderly extension of public utilities to future adjacent developments.
- J. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon. Said association shall be formed and continued for the purpose of maintaining such common areas and structures.
- K. In the event of a conflict between any applicable use zone provision and the allowances, limitations or requirements of an approved preliminary plan, the approved preliminary plan shall control.

16.60.030 Preliminary Plan

- C. Preliminary plan approval criteria. Approval by the planning commission of a preliminary plan of a planned development shall be based on findings that the following criteria are satisfied:
 - 1. All of the applicable general requirements in Section 16.60.020 of this title are met.
 - 2. The proposed development will not be inconsistent with the comprehensive plan provisions or zoning objectives for the area.
 - 3. The proposed development will provide the following amenities or protections at a higher level than would otherwise be provided under conventional land development procedures: Protection of significant natural and cultural features and resources, such as historical scientific and cultural resources, fish and wildlife habitats, stream corridors, riparian areas, and wetlands; maintenance, enhancement or establishment of natural vegetation, especially indigenous plant communities;

protection of scenic and aesthetic qualities; and creation of a high quality built environment which harmonizes with the natural and physical features of the site and includes design features such as suitably located open space, recreation facilities, and other public and common facilities, and also includes pedestrian oriented development which reduces reliance on automobile travel, provision of solar access or similar measures to promote energy conservation, or avoidance of risks and costs associated with environmental hazards.

4. In considering a development proposal, the planning commission shall seek to determine that the development will not overload the streets outside the planned development area; and that the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area.
 5. In acting to approve a preliminary plan, the commission may impose any conditions or limitation it finds necessary to achieve compliance with any provisions of this chapter.
- D. Time limit on preliminary plan approval. Approval of a preliminary plan in accordance with this section is valid for a period of two (2) years, unless a longer period of time is specifically authorized by the commission.
- E. Time extension on preliminary plan approval. Approval of a preliminary plan of a planned development may be extended beyond the two (2) year or other approved period upon request. Requests for time extensions shall be made on a form prescribed by the city. Requests for time extensions shall be considered and acted upon in accordance with Section 16.108.020(A) of this title or may be submitted to the planning commission for their decision. In considering a request for a time extension, the city planner or the commission may consider to what extent any required improvements have been constructed or completed, whether there have been any changes in circumstances or in applicable code or statutory requirements which could have affected the original approval, and whether additional conditions or requirements could be imposed on the preliminary plan approval which would satisfactorily address any deficiencies resulting from changed circumstances or code or statutory requirements. In granting a request for a time extension, the city planner or the planning commission may impose such additional conditions or requirements as are considered appropriate. A time extension shall be for a period of one year. Not more than three time extensions of a preliminary plan approval may be granted.

16.60.040 Final Plan

Upon completion of all conditions and requirements of a preliminary plan of a planned development, application may be made for final plan approval, in accordance with the provisions of this section:

- A. Final plan review procedure. When the city planner determines that all of the certifications set forth below have been met and that the plat conforms in all respects to the tentative plan as approved, consideration of the plat will be placed on the next practical scheduled meeting of the planning commission for determination that all requirements have been met. The commission shall then approve, disapprove or, when further information is required, postpone a decision on the plat.
- B. Certifications required for final plan approval. Requests for final plan approval of a planned development shall be accompanied by the following certifications:
 1. A certified copy of all covenants and restrictions;
 2. Certified copies of legal documents required for dedication of public facilities or for the creation of a homeowner's association;

3. The certification, performance agreement or statement regarding the availability of water and sewerage services;
 4. As-built certifications for all required roads and utilities unless otherwise guaranteed by a performance agreement;
 5. If the planned development involves a division of land, the certifications required by Section 16100.050(H) of this title; and
 6. Other certifications required as a condition of the preliminary plan approval.
- C. Final plan approval criteria. The commission shall approve a final plan of a planned development, provided that:
1. The submitted final plan is in substantial conformance with the approved preliminary plan; and
 2. All of the certifications required by paragraph (B) of this subsection have been submitted in proper form.

16.72.020 Off-street parking and off-street loading requirements

- D. Off-street parking spaces shall be located on the same lot or on an adjoining lot unless otherwise approved by the planning commission.
- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- F. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid the flow of water across public sidewalks.
- I. Required off-street parking shall not be provided in the required front or street side-yard areas in a residential zone.
- J. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required and shall be enclosed or defined by a curb or bumper rail at least four inches high and set back a minimum of four and one-half (4 ½) feet from the property line.
- S. Off-street parking requirements
1. Dwelling. One (1) space for each dwelling unit.

16.96 Development Guidelines

16.96.010 Intent.

The intent of development guidelines is to provide procedures necessary to secure the desirable attributes of the city from depletion, and to protect against hazardous or otherwise undesirable development activities.

16.96.020 Scope.

Development guidelines shall apply to those areas of concern delineated on the City of Waldport zoning map and in its comprehensive plan and plan inventories or any area determined potentially hazardous by the Planning Commission and shall also apply to any property that has a 20% slope or greater.

- A. A property has a 20% slope or greater if:

1. The average slope from the highest to lowest point of the property has a slope of 20% or greater or;
 2. The average slope of the building footprint or area to be disturbed is 20% or greater.
- B. Development guidelines shall also apply to those properties where a 30% or greater slope is within 100 feet of the property.
- C. Development guidelines shall not apply to a building footprint that is over 100 feet from a 20% slope.

16.96.030 Natural hazard areas.

The following development guidelines are applicable to hazards identified above and in the State Department of Geology and Mineral Industries, Bulletin 81, Environmental Hazard Inventory, Coastal Lincoln County, Oregon, RNKR Associates, 1978. The above documents and mapping are referenced and adopted as a part of the comprehensive plan and available in the office of the CAO.

- A. Purpose. Various geological formations in the city have different characteristics with respect to suitability for development because of landslide potential, high groundwater and other characteristics. The following development guidelines have been prepared in order that geological hazards will be recognized and the losses resulting therefrom will be lessened.
- B. Areas of Concern. The primary areas of concern are those with active and potential landslides, high groundwater, weak foundation soils, coastal recession, and steep slopes.
- C. Considerations. Most important considerations with respect to natural hazard factors are:
1. That development approved is not hazardous to buildings, structures or the inhabitants thereof;
 2. That notice to unsuspecting purchasers of property having natural hazards is provided; and
 3. That unjustified expenditure of public funds or losses incurred due to natural hazards resulting in damage to development is prevented.
- D. Standards. The following shall be required in identified hazard areas:
4. Slopes greater than twenty (20) percent. A site specified geotechnical analysis by an Oregon certified engineering geologist is required. The analysis, which shall be stamped by the Oregon certified engineering geologist, shall determine the suitability of the site for development and shall recommend specific measures which may be required to safeguard life and property.

Chapter 16.100 Land Division

16.100.040 General requirements and minimum standards of design development.

The following are the minimum requirements and standards to which subdivisions and partitions must conform:

1. Conformity to the comprehensive plan. All subdivisions and partitions shall conform with all applicable portions of the comprehensive plan and development regulations for the city.
2. Performance agreement. If all improvements required by the city and this code are not completed according to specifications as required herein prior to the time the plat or map is duly submitted for consideration and approval, the City may accept in lieu of said completion of improvements a performance agreement bond, or other assurance equal to the value of the cost of the improvements, plus administrative costs and inflation amounts not to exceed the amount of twenty (20) percent of the value of the cost of the improvements, executed by the subdivider/partitioner and any surety company, conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement, pursuant to Section 16.100.010 of this chapter.

3. Relation to adjoining street system. A subdivision or partition shall provide for the continuation of existing and projected streets. If physical conditions make such continuation impractical, exceptions may be made. All new subdivisions will be required to construct public streets to city standards.
4. Access.
 - a. A subdivision or partition shall provide each lot or parcel, by means of a public street or private road, satisfactory vehicular access to an existing street.
 - b. A subdivision or partition shall consider vehicular access to the parcel off existing or proposed streets that addresses traffic congestion, speed, stop signs and turn lanes for the orderly development of traffic accessing the area.
 - c. The subdivider/partitioner shall be solely responsible for constructing all necessary or required street(s) or road(s), whether public or private, to city requirements as stated herein to serve each and every lot or parcel created by the subdivision or partition.
 - d. All public or private streets or roads established for the purpose of subdividing, partitioning or replatting land shall be surveyed and monumented.
 - e. All plans and specifications for street and road improvements, whether public or private, shall be prepared by a civil engineer licensed in the State of Oregon. Street improvements, including grades, paving, drainage and centerline radii on curves, shall at a minimum meet the applicable requirements of this title and standards set forth in the American Association of State Highway and Transportation Officials (AASHTO) manual or other design principles and construction specifications consistent with generally accepted engineering practices which are acceptable to the planning commission.
5. Private Roads.
 - a. Private road shall provide access only to abutting lots. No road providing access to other roads or to areas not abutting such streets shall be approved as a private road.
 - b. The establishment of a private road shall not be allowed if it will deny the public access to public areas such as beaches or parks.
 - c. No private road shall be approved unless the Planning Commission is satisfied that such road is not presently needed as a public street nor will it ever be extended through to adjacent property or is necessary for public street purposes in the normal growth of the area.
 - d. Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.
 - e. Private road rights-of-way may be approved of less than fifty (50) feet in width but in no instance shall the road right-of-way be less than thirty (30) feet except that a private road to two lots may be twenty (20) feet in width. In instances where the road access to more than three lots is less than fifty (50) feet in width utility/slope easements may be required.
 - f. Private road improvement standards shall be the same as those for public streets. In residential zones, roads providing access to no more than three lots shall be exempt from standards for improvements and shall be regarded as private driveways.
 - g. An approved turn-around shall be provided on all dead-end streets as required by the fire department.
7. Public Access Ways: When necessary for public convenience and safety, the City may require a subdivider to dedicate to the public access ways ten(10) to twenty (20) feet in width to connect cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans or to provide access to schools, parks, beaches or other public areas, and be of such design and location as reasonable required to facilitate public use.

8. Lots and Parcels.
 - a. Every lot/parcel shall abut a public street or private road. A flag lot with the staff that does not comply with the required minimum lot widths for the zone it is located in is permitted but shall not be less than twenty-five (25) feet minimum frontage.
 - b. Each side line shall be as close to perpendicular to the adjacent street/road or radial to a curved street/road as possible.
 - c. Lots/parcels with double frontage shall not be permitted unless, in the opinion of the city, it is unavoidable.
 - d. The staff portion of a flag lot shall not be used in computing lot size for zoning and building purposes.
9. Utility Easements: Where alleys are not provided, easements of not less than ten (10) feet in width may be required on side or rear lines if determined to be necessary for utility lines, wires, conduits, storm and sanitary sewers, gas and water.

Easements of the same or greater widths may be required along boundary lines or across lots where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.
10. Water Service: All lots/parcels shall be served by water service provided by the City or others unless the City has received and accepted:
 - a. Certification that water service has been provided to the boundary line of each lot/parcel, and utility location maps are furnished to the City; or
 - b. Certification by the owner or superintendent of a state certified public or privately owned domestic water supply system that water service has been installed to the boundary line of each lot/parcel; or
 - c. A performance agreement, bond, contract or other assurance that water service will be provided to the boundary line of each lot/parcel.
11. Sewer: No plat of a subdivision or parcel in a partition shall be approved unless the City has received and accepted:
 - a. Certification that city sewer service has been provided to the boundary line of each lot/parcel and utility location maps are furnished to the city; or
 - b. Certification by the county sanitarian for septic approval of each lot/parcel; or
 - c. A performance agreement, bond, or contract or other assurance that sewer service will be provided to the boundary line of each lot/parcel.
12. Drainage: No plat of a subdivision or parcel in a partition shall be approved unless the City has received and accepted:
 - a. Width, depth and direction of flow of all drainage channels on the property;
 - b. Names, depth and direction of flow of all drainage and approximate grade of all streets within and abutting the subdivision;
 - c. Location, size and type of conduit used in drainage channels and driveway accesses;
 - d. Inspection and approval of dry-wells installed on the property by the public works director.
 - e. Inspection and approval of drainage disposal by the public works director.

The following shall apply to subdivisions only:

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The Summit at Waldport Planned Development
June 22, 2015 Planning Commission Meeting**

1. Parks and Open Space. In subdivisions or planned developments the city shall require the subdivider to pay a park assessment fee based on the size of the subdivision. The city council shall determine by resolution, from time to time, the amount of the park assessment fee to be charged to the subdivider under this section.
2. Block Length. Blocks shall be no longer than one thousand two hundred (1,200) feet in length between street lines.
3. Partial Development. If a proposed subdivision area includes only part of the tract owned by the subdivider, the city may require a sketch of the tentative layout of streets in the remainder of that tract.
4. Phase Development. A developer of a subdivision may file a plat on a portion or phase of the approved tentative plan. If the subdivision is submitted for plat approval in phases, each phase must be able to qualify in all respects to the applicable requirements of approval of the tentative plan as well as any changes or additions to the code which may have occurred subsequent to the approval of the tentative plan. If the subdivision is a planned unit subdivision, each phase must be able to qualify for approval independently from the balance of the approved tentative plan.
5. Duplication of names: The name of a tentative plan of a proposed subdivision must not duplicate the name used in any other legally recorded subdivision in Lincoln County, except for the words "town", "city", "place", "court", "addition", or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.
6. Planned unit subdivisions. The tentative plan and plat application procedures for planned unit subdivisions are the same as for other subdivisions. A planned unit subdivision is subject to all applicable provisions contained in the Planned Development (P-D) overlay zone section of this title (Chapter 16.60).
7. Underground utilities. In any subdivision which includes the construction of new public or private streets, underground utilities shall be provided to city standards. Where a subdivision is proposed to front on existing streets which contain existing utility construction, underground utilities shall not be required unless the affected utility companies have adopted a schedule for the construction of underground utilities for the area.
8. Other street improvements.
 - a. In any subdivision which includes the construction of new private or public streets, concrete curbs, gutters, and sidewalks shall be provided. These improvements shall be of a design and location acceptable to the city for the purpose of pedestrian use and drainage control.
 - b. Residential and service driveways shall conform to standards established under city code or any amendments or other standards as established by the city council.
9. Time Extensions. If all phases are not completed within the required two year time period for tentative approval, a time extension must be applied for subject to provisions contained in Section 16.100.050(F) of this chapter.
10. Fire Protection. All proposals for a partition or subdivision shall be sent to the Central Oregon Coast Fire and Rescue District ("COCFRD" or "fire district") for review and comment. If, in the opinion of the fire district, a fire hydrant(s) is necessary for the protection of life and property on the new parcel(s) or lot(s) created by a subdivision or partition, the subdivider/partitioner shall provide the

same together with the required water line at its sole expense to the location requested on the subject property by the fire district.

16.100.050 Procedure for subdividing, partitioning or replatting land.

- A. Pre-Application Conference. Prior to submitting a tentative plan of a subdivision, partition, or replat, the applicant shall confer with the city planner regarding the requisites of the tentative plan application and the applicable standards and criteria of this chapter.
- B. Tentative plan requirements. The submitted tentative plan for a subdivision, partition, or replat shall contain all of the information listed in the applicable City of Waldport application form. If the proposal includes new access from a State highway, the applicant shall submit documentation that the Oregon Department of Transportation is willing to issue the requested road approach permits.
- C. Tentative plan application and review for subdivisions and partitions. The procedure for application and review of the tentative plan of a subdivision shall be as set forth in Section 16.108.020(C) of this title. The procedure for application and review of the tentative plan for a partition shall be as set forth in Section 16.108.020(B) of this title.
- H. Certifications required for final approval. Requests for final approval of a subdivision, partition or replat shall be accompanied by the following:
 - 1. A copy of all covenants and restrictions;
 - 2. Copies of legal documents required for dedication of public facilities or for the creation of a homeowner's association;
 - 3. The certification, performance agreement or statement regarding the installation of water and sewerage services;
 - 4. As-built certifications for all required roads and/or utilities unless otherwise guaranteed by a performance agreement;
 - 5. A plat and one exact copy meeting the requirements of Section 16.100.060 of this chapter and ORS 92.050-92.100.
 - 6. When access from a State highway or County road is proposed, a copy of the approach road permit issued by the Oregon Department of Transportation or the Lincoln County Road Department.
 - 7. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than thirty (30) days prior to the date the final plat is submitted for final approval. Such a report shall also identify all easements of record.
 - 8. Such other information as is deemed necessary by the city planner or commission to verify conformance with the conditions of tentative approval.

16.100.060 Plat requirements

- A. Requirements of survey plat. The surveys and plats of all subdivisions, partitions, and replats shall be made by a registered professional land surveyor and shall conform to the requirements of ORS 92.050-92.100 and ORS 209.250.

**City of Waldport
2015 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
For the Period <u>April 21, 2015</u> through <u>June 15, 2015</u>						
5/28/15	Planned Development	Weber Investments, LLC	R-1	13-11-19CC/143, 147, 148; South end of Skyline Tr., west side of street	Planned Development for 6 single family dwellings on 2.36 acres	Pending 6/22/15 Planning Commission meeting
6/2/15	Building Permit	John Townley	R-1	13-11-30BB/2500 1565 Ocean Terrace	Deck foundation repair	Approved 6/5/15
6/2/15	Manufactured Home Placement Permit	Northwest Homes	R-2	13-11-30BA/9600	New manufactured home	Approved 6/5/15
6/2/15	Building Permit	Northwest Homes	R-2	13-11-30BA/9600	New attached garage	Approved 6/5/15