

WALDPORT PLANNING COMMISSION
October 23, 2017
MEETING NOTICE AND AGENDA

THE WALDPORT PLANNING COMMISSION WILL MEET ON MONDAY, JUNE 26, 2017 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. MINUTES: (June 26, 2017)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE – None
5. PUBLIC HEARINGS
 - A. Planned Development File #1-PD-PC-17 Vista View Planned Development
 - B. Subdivision File #1-S-PC-05 Land & Sea Addition Subdivision (time extension request)
6. DISCUSSION/ACTION ITEMS:
 - A. Planning Report*
 - B. Waldport Development Code Amendments
 - C. Other Issues*
7. COMMISSION COMMENTS AND CONCERNS
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 17th day of October 2017

City of Waldport

**WALDPORT PLANNING COMMISSION
JUNE 26, 2017
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Chair Woodruff called the meeting to order at 2:00 p.m. Commissioners Peterson, Woodruff, Barham and Yorks answered the roll. Commissioners Andrew and Stole were absent. A quorum was present.

2. CONSIDERATION OF MINUTES: The Commission considered the minutes from the May 22, 2017 meeting. Commissioner Barham **moved** to approve the minutes as presented. Commissioner Yorks **seconded**, and the motion **carried** unanimously on a voice vote.

3. CITIZEN COMMENTS AND CONCERNS: None.

4. CORRESPONDENCE: None.

5.. PUBLIC HEARING: None.

6. PUBLIC MEETING - Conditional Use #2-CU-PC-17, Request for Extension to Construct Fence: City Planner Lewis explained that the applicant was requesting a 3-month extension to the June 30 deadline for fence installation. The applicant, Steve Brandel, was present to address the Commission. He explained that he has 25 of the required fenceposts, and the front corner fencepost is placed. He is hoping to acquire the fencing at a discounted rate at the end of July, when the supplier will be going out of business. Following a brief discussion, Commissioner Woodruff **moved** to grant a four-month extension, in order to allow the applicant sufficient time to complete the project. Commissioner Peterson **seconded**, and the motion **carried** unanimously.

7. DISCUSSION/ACTION ITEMS: The Commission reviewed the planning report. There were no other action items.

8. COMMISSION COMMENTS AND CONCERNS: Commissioner Peterson expressed concern that the Commission was setting a precedent by specifying the type of fencing materials, when the Code requirement was simply for a fence. Commissioner Barham explained that the fencing type was specified in this instance because that was what the applicant was requesting, and he didn't think that this was in any way setting a precedent for future applications.

9. ADJOURNMENT: At 2:12 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 _____, 2017.

SIGNED by the Chair this ____ day of _____, 2017.

Ray Woodruff, Chair

CASE FILE: #1-PD-PC-17
DATE FILED: Sep. 19, 2017
DATE APPLICATION DEEMED COMPLETE: Oct. 2, 2017
120-DAY COMPLETION DATE: Jan. 30, 2018
HEARING DATE: Oct. 23, 2017

STAFF REPORT

Planned Development Application

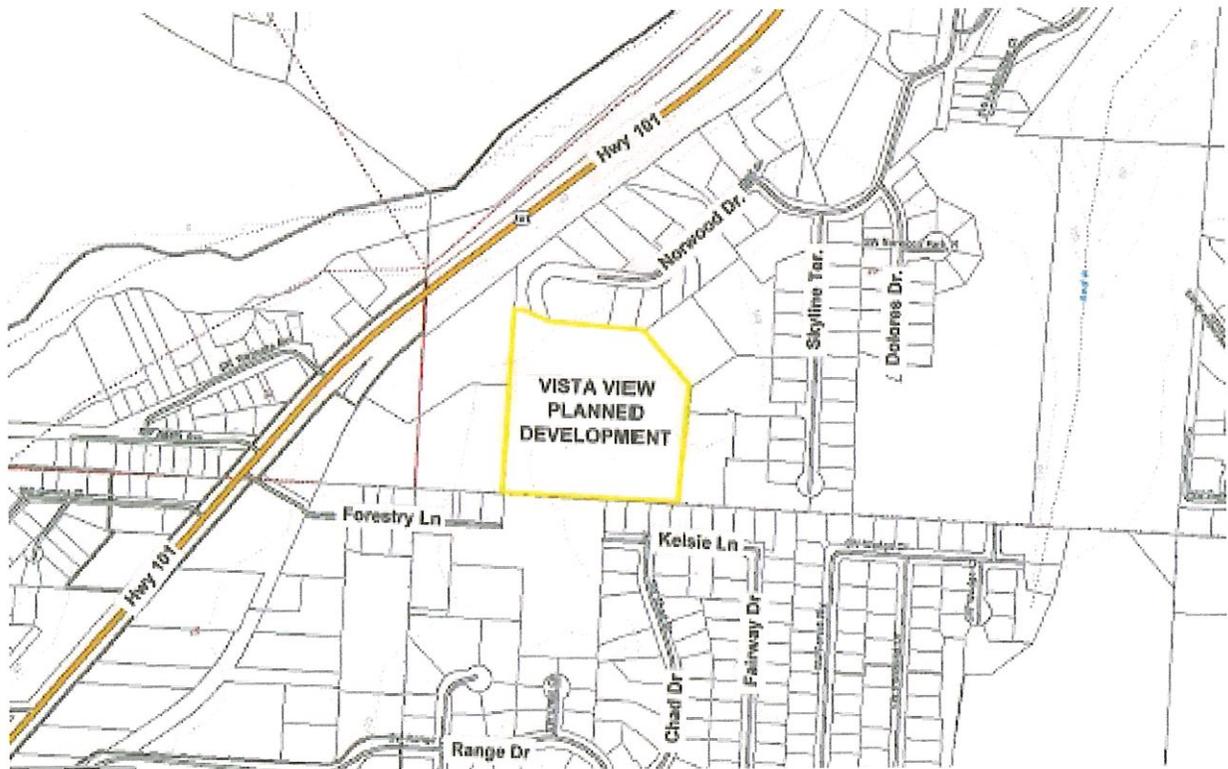
Vista View Planned Development

APPLICANT: Tidewater Development LLC

AGENT: Dennis L. Bartoldus, Attorney

A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting approval of a Planned Development (Vista View) for 34 single family homes/lots on 7.75 acres.
2. Property Location: The subject property is located at the south end of Norwood Drive; and further described on Lincoln County Tax Assessor's Map 13-11-19CC as tax lot 120.



3. Summary of Vista View Planned Development, a planned 34 single family lot development on 7.75 acres.

Access: Access to the development is proposed at the south end of Norwood Drive. This is the only legal access to the site.

A second access is planned at the south end of the site. This access is contingent upon agreement and/or development of the property to the south. This second access would provide access to Kelsie Lane.

Circulation: Within the property, a circular street system is proposed to access the lots/homes.

Lot Sizes: Lot sizes are proposed to range between 4,810 and 9,041 square feet.

Street: Streets are proposed to have a 20 pavement width within a 30 foot right-of-way with rolled curbs and gutters, and a sidewalk on one side.

Open Space & Nature Trail: A tract of land along the north and east side of the property is proposed as open space with authorization for development of a public nature trail.

Phased Development: The property is proposed to be developed in four phases over a 20 year period. The first phase is proposed to consist of 19 lots.



4. Zoning: Residential Zone R-1
5. Plan Designation: Residential
6. Lot Size: The subject property totals 7.75 acres.
7. Existing Structures: None.
8. Topography and Vegetation: The applicant provided the following description: The southeastern portion of the property is reasonably flat to gently sloping while the west side has moderate sloping. The steepest slopes are on the north end and the northeasterly portion of the property. Most of the property that has steeper slopes is proposed for open space.
9. Surrounding Land Use: Single family residential development is generally located to the north and east (Norwood Heights Subdivision) with some undeveloped residential zoned property. Undeveloped residential zoned land and single family residential development (Forest Hills Subdivision) are south of the site. The U.S Forest Service Station and limited single family development is west of the site.
10. Utilities: The following utilities are available to serve the subject property:
 - a. Water: City of Waldport Water
 - b. Sewer: City of Waldport Sewer
 - c. Electricity: Central Lincoln P.U.D.
11. Development Constraints: There is a steep ravine and drainage way along the north and a portion of the east boundaries.

B. EVALUATION OF REQUEST

1. Applicant's Proposal:

The applicant submitted the application form and fee, a narrative describing the general nature of the request and addressing the information required for a land division/replat, Declaration of Conditions, Covenants and Restriction of Vista View, and a site plan showing the proposed street and lot layout, topography, water and sewer, open space, and public access easement for a nature trail.

2. Relevant Code Standards:

Relevant Waldport Development Code and Waldport Comprehensive Plan criteria are 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

Waldport Comprehensive Plan – Yaquina John Point Land Use & Transportation Plan

3. Public Testimony

At the time this staff report was prepared, the City had received six letters from neighboring residents expressing concerns about the development. A summary of concerns is provided below. The letters are included in this staff report.

- Is Norwood Drive capable of accommodating increased traffic? (2 letters).
- Norwood Drive is narrow (4 letters).
- Norwood Drive lacks pedestrian facilities, i.e. sidewalks (4 letters).
- Concern for appropriate roadway engineering and construction.
- Concern that drainage way and ravine improvements are according to city and state standards (2 letters).
- Proposed nature trail needs to be shown and have an appropriate route (2 letters).
- Who will pay for infrastructure?
- Opinion that a south access to Kelsie Ln. is more appropriate than a north access to Norwood Dr.
- Concern that this is a burden to taxpayers of Waldport.
- Is the land stable? Have geological studies been prepared?
- How will the watershed be protected and not impact fishing and commerce directly below in the bay?
- Are there ecological surveys on the water ways and impacts of runoff and rainfall?
- Request to expand the notification of the application and hearing to surrounding property owners.

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 City recommends construction of sidewalks at the time the street is constructed versus the request for sidewalks to be installed as each house is built.
- 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 proposed Vista View Planned Development is a planned 34 single family lot development on 7.75 acres. Lot sizes are proposed to range between 4,810 and 9,041 square feet.

Access to the development is proposed at the south end of Norwood Drive. This is the only legal access to the site. A second access is planned at the south end of the site. Within the property, a circular street system is proposed to access the lots/homes. Streets are proposed to have a 20 foot pavement width within a 30 foot right-of-way with rolled curbs and gutters, and a sidewalk on one side.

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A tract of land along the north and east side of the property is proposed as open space. The applicant proposes the establishment of an easement for the City to develop a public nature trail through the open space, along the south edge of Lots 11-13, and south to Kelsie Lane.

The property is proposed to be developed in four phases over a 20 year period. The first phase is proposed to consist of 19 lots.



2. R-1 Residential Standards and Requested Planned Development Modifications

R-1 residential standards address density, lot size and dimensions, yards (building setbacks), lot coverage, building height, and other standards. The table below identifies the R-1 standards and the proposed Vista View PD; and is followed by modifications that may be requested through the Planned Development process.

	R-1 Standard	Proposed Vista View PD
Lot Size Dimensions		
Density	Lot size (337,590 sq. ft.) divided by 6,000 sq. ft. per lot allows a maximum of 56 lots	34 lots
Lot Area	Min. 6,000 sq. ft.	4,810 – 9,041 sq. ft.
Average Lot Width	Min. 60' Min. 65' for corner lot	55' (1 lot); 60'+ (33 lots) 65'+
Average Lot Depth	Min. 80'	Min. 83'
Yards (Building Setbacks)		
Front Yard	Min. 20'	20'
Side Yard	Min. 5' or 1' for every 3' of building height, whichever is greater	1' for every 3' of building height
Street Side Yard	Min 20' for lots with width of greater than 50'	20'
Rear Yard	10' Corner lots are same as side yard requirement	10'
Building Height	Max. 30'	30'
Lot Coverage	Max. 45%	45%

In a Planned Development modifications to the required standards may be requested. The orange cells in the table above identify modifications are requested for the minimum lot size and one lot with a reduced lot width (Lot #13). The applicant provides the following narrative addressing this request:

In the R-1 zone the ordinance calls for 6,000 square foot lots. While the overall development easily exceeds this standard, twenty-three (23) of the lots being proposed are less than 6,000 square feet because of the amount of area created for open space. Of the twenty-three lots under 6,000 square feet, four are under 5,000 square feet (the smallest being 4,810). The remaining 19 lots under 6,000 square feet average 5,588 square feet. In exchange for having some lots under 6,000 square feet, the applicant is creating a large open space and creating an easement for a nature trail. The easement will be available for public use.

If the size of 34 lots was calculated over the entire size of the property and the road right of way was dedicated each lot would be approximately 8,775 square feet which is well above 6,000 square feet. Therefore, the house density is well within the allowable number under R-1 provisions in the ordinance.

3. Proposed Street and Extension of Norwood Drive

The Vista View PD proposes to provide vehicular access from Norwood Drive near the northwest corner of the property. This is the only legal access to the property. The street is proposed to extend south into the property, then a circular street will provide access to the lots.

The street is proposed to have a 30' right-of-way width and a 20' pavement width. The standard per Waldport Development Code standard for a local street is a 56' right-of-way and minimum 28' pavement width. The standard street section for local streets is two 14' travel lanes, 2' curb and gutter, 5' sidewalk and 7' utility strip. This may be altered upon approval by the Waldport Public Works Department, utility companies, and the Planning Commission. The applicant provides the following narrative addressing this request:

The applicant is requesting a modification in road right of way width from 56 feet to thirty feet and in surface paved width from 28 feet to 20 feet. The reason for the request is to allow more efficient use of the developed area on the property, allow for open areas and the dedication (by easement) of a nature trail for use by the public. In consideration of the twenty foot surface width, the application will prohibit on street parking and require each lot to have at least 3 off street parking spaces not including the garage. The street would have rolled curbs and gutters and a 5 foot wide sidewalk on one side of the street, to be installed as each house was built.

The Waldport Public Works Department and the Central Oregon Coast Fire & Rescue District (COCFRD) approve of the reduced right-of-way width and pavement width provided 'No Parking' signs are posted. The applicant would be required to improve Norwood Drive from the property to the existing Norwood Drive pavement (approximately 330 feet). If the development is approved for a sidewalk on one side versus both sides, the applicant will need to work with the City to determine the best side for a sidewalk. The City recommends the sidewalk be installed when the street is constructed versus the applicant's request to install the sidewalk as each house is built.

4. Proposed Street Extension to South Property Line

The street is proposed to extend to the south property line. This is consistent with the Waldport Comprehensive Plan – Yaquina John Point Land Use & Transportation Plan which calls for a Norwood Drive Extension (Project #S4) to "provide a new north-south connection from the south terminus of Norwood Drive to the new Forestry Way-Kelsie Way extension."

The adjacent property to the south is undeveloped private property. The street would be extended south beyond the Vista View PD when the property to the south is developed unless the property owner agrees to have the street extended prior to development.

A traffic issue to consider is the capacity of Norwood Drive to adequately accommodate increased traffic from the Vista View development. Per the ITE Trip Generation Report, 8th Edition, a single family house generates 10 trips per day. The daily capacity of a two lane local street is 1,000 vehicles per day. There are 72 lots within the Norwood Heights subdivision including lots on Norwood Drive, Skyline Terrace, and Dolores Drive/Norwood Park Place. The Vista View PD plans for 34 lots which would result in 106 lots accessing Norwood Drive. Given this exceeds the recommended capacity, a consideration is to require the street extension to the south property line in Phase 2 of the Vista View Development. Phase 1 is proposed to have 19 lots which results in 91 homes accessing Norwood Drive if all lots in the Norwood Heights Subdivision and Vista View PD Phase 1 are developed.

5. Open Space and Drainage Way

The drainage way and ravine along the northern and portion of the eastern edge of the property is proposed to be open space. This totals roughly 1.93 acres which is 25% of the property. The drainage way is identified in the Waldport Local Wetlands Inventory as a drainage way with no significant wetlands or riparian area. The developer or homeowners association would be responsible for maintenance of the 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 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)." 5% of 7.75 acres is 0.3875 acres or 16,879.5 square feet. Therefore the total park assessment fee is \$16,879.50. The park assessment fee may be paid by phase.

6. Public Nature Trail

The applicant proposes establish an easement that will enable the City to develop a public nature trail through the open space that would connect the east edge of the property to the west edge, and along the south edge of Lots 11-13, and south to Kelsie Lane. This would connect to a planned trail identified in the Yaquina John Point Land Use & Transportation Plan (Project #P12) that would connect the Norwood Drive extension to Hwy 101.

The applicant and the City will need to work together to determine the best trail route given topographic constraints and future trail extensions.

7. Water, Sewer, Storm Drainage, and Other Utilities

Water and sewer are proposed to be placed within the street right-of-way. Sewer is proposed to extend west to an existing sewer pump station near Hwy 101. The applicant will need to coordinate with the City Public Works Department regarding sewer line routing and improvements. If the sewer connects to the existing pump station near Hwy 101, the applicant will need to provide upgrades to the pump station to accommodate increased flows. Water is proposed to connect to the existing city water system to the south in Kelsie Lane. Utility easements will be provided to the City as requested by the Public Works Director. All utilities shall be placed underground.

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. Off-Street Parking

WDC requires one parking space per single family dwelling. New single family homes are required to have one covered parking space, i.e. garage or carport. The applicant proposes that the Vista View PD have at least three on-site parking spaces including one covered parking spaces in order to offset the lack of on-street parking.

9. Conditions, Covenants and Restrictions (CC&Rs)

The applicant provided the Declaration of Conditions, Covenants and Restrictions of Vista View (CC&Rs) (attached to this staff report). The CC&Rs include Architectural Control and Use Restrictions. The CC&Rs recognize and are in conformance with City of Waldport provisions and provide additional restrictions, e.g. size of homes, color and materials of homes, view protection, landscaping, etc.

10. Phasing and Time Limits of a Preliminary PD Approval

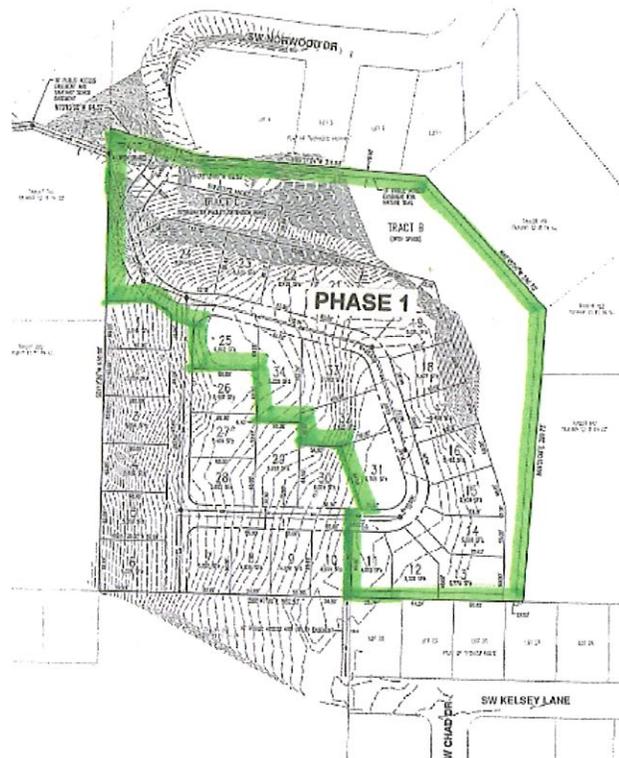
The applicant provides the following narrative regarding phasing and timing of development:

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The applicant is planning on developing the property in up to 4 phases. The first phase would consist of what are shown as lot 11-24 and 25, 34, 33, 32 and 31 (19 lots). The additional phases would all consist of a series of additional lots. The exact number of lots developed in each phase would be determined by market conditions and the rate of sale of developed lots. The applicant is requesting 20 years to complete the four phases. In the event there is demand for lots, then phases may be combined for development and the 20 year period may be shortened. However, the applicant wants to be reasonable in its expectations of how quickly the lots will sell.

Currently, WDC 16.60.030 allows a preliminary plan approval per phase for 2 years with the possibility of three one-year extensions. The City has discussed amending this time limit to better reflect typical market conditions however that amendment has not yet occurred. The timing would begin upon approval of the preliminary plan. Therefore, assuming a November 2017 preliminary plan approval, the phasing plan would be as follows with the possibility of three 1-year extensions:

- Phase 1: November 2017 – November 2019 (with 3 one-year extensions: Nov. 2022)
- Phase 2: November 2019 – November 2021 (with 3 one-year extensions: Nov. 2024)
- Phase 3: November 2021 – November 2023 (with 3 one-year extensions: Nov. 2026)
- Phase 4: November 2023 – November 2025 (with 3 one-year extensions: Nov. 2028)



11. Final Plan Review Procedure

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 16.100.050(H) of this title; and
6. Other certifications required as a condition of the preliminary plan approval.

Final plan approval criteria. The commission shall approve a final plan of a planned development, provided that the submitted final plan is in substantial conformance with the approved preliminary plan; and all of the certifications required above have been submitted in proper form.

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 a maximum 34 single family lots on 7.75 acres. Access to the development shall be from the south end of Norwood Drive. A second access shall be provided for a future extension at the south end of the site. Within the property, a circular street system shall provide access the lots/homes. Streets shall have a minimum 20 foot pavement width within a 30 foot right-of-way with rolled curbs and gutters, and a sidewalk on one side. A tract of land along the north and east side of the property shall be maintained as open space. The applicant shall authorize an easement for a public nature trail through the open space that will connect the east edge of the property to the west edge, and continue along the south edge of Lots 11-13, and south to Kelsie Lane. Any substantial change in the plan shall require a new application to be reviewed and approved by the Planning Commission.
2. **R-1 Residential Standards and Modifications.** Development shall occur in accordance with R-1 standards and the following modifications:
 - 2a. **Lot Area.** Twenty-three (23) lots may be less than 6,000 square feet including four (4) lots under 5,000 square feet. The smallest lot shall be 4,810 square feet.
 - 2b. **Lot Width.** Lot #13 is permitted to have an average lot width of approximately 54 feet vs. the minimum standard of 60 feet.
3. **Proposed Street and Extension of Norwood Drive**

The Vista View PD shall be accessed from Norwood Drive near the northwest corner of the property as shown on the submitted plan. Streets within the property shall be within public right-of-way. The street shall extend south into the property, then a circular street will provide access to the lots. The street shall have a minimum 30' right-of-way width and minimum 20' pavement width. "No Parking" signs shall be posted.

Norwood Drive shall be improved from the property to the existing Norwood Drive pavement (approximately 330 feet) and include a minimum 20 foot side pavement with curb and gutter, and 5 foot wide sidewalk on one side. The applicant shall work with the City to determine the best side for a sidewalk. The sidewalk shall be constructed when the street is constructed.

4. Proposed Street Extension to South Property Line

The street shall extend to the south property line to allow for future street extension to the south. The street extension to the south property line shall be constructed when the Vista View development exceeds 19 lots (Phase 2).

5. Open Space and Drainage Way

The drainage way and ravine along the northern and portion of the eastern edge of the property shall be dedicated as open space in accordance with the approved plan. The developer or homeowners association shall be responsible for maintenance of the open space.

- 6. Park Assessment Fee.** A park assessment fee totaling \$16,879.50 shall be paid to the City. The park assessment fee may be paid by phase. The fee per phase shall be calculated as follows: Gross area of the phase x 5% x \$1 per square foot. The park assessment fee shall be paid prior to final approval of each phase.

7. Public Nature Trail

The applicant shall authorize an easement for a public nature trail through the open space that will connect the east edge of the property to the west edge, and continue along the south edge of Lots 11-13, and south to Kelsie Lane. The applicant shall coordinate with the City to determine the best trail route given topographic constraints and future trail extensions.

- 8. Water, Sewer, Storm Drainage, and Other Utilities.** The applicant shall coordinate with the City Public Works Department on the design and construction of water, sewer, and storm drain facilities. If the sewer connects to the existing pump station near Hwy 101, the applicant shall provide required upgrades to the pump station to accommodate increased flows. Utility easements shall be provided to the City as requested by the Public Works Director. All utilities shall be placed underground.

Final engineering plans for water, sewer, storm drainage, and streets shall 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.

9. Off-Street Parking

New single family homes are required to have one on-site covered parking space, i.e. garage or carport. No parking is allowed on the street therefore each lot shall have a minimum three on-site parking spaces including the garage.

10. Phasing and Time Limits of a Preliminary PD Approval

Phase 1 shall consist of 19 lots including lot numbers 11-24 and 25, 34, 33, 32 and 31 as shown on the submitted plan. The number of lots in additional phases shall be determined by market

conditions and the rate of sale of developed lots. The street extension to the south property line shall occur in Phase 2. The phasing plan shall be as follows:

Phase 1: November 30, 2017 – November 30, 2019

Phase 2: November 30, 2019 – November 30, 2021

Phase 3: November 30, 2021 – November 30, 2023

Phase 4: November 30, 2023 – November 30, 2025

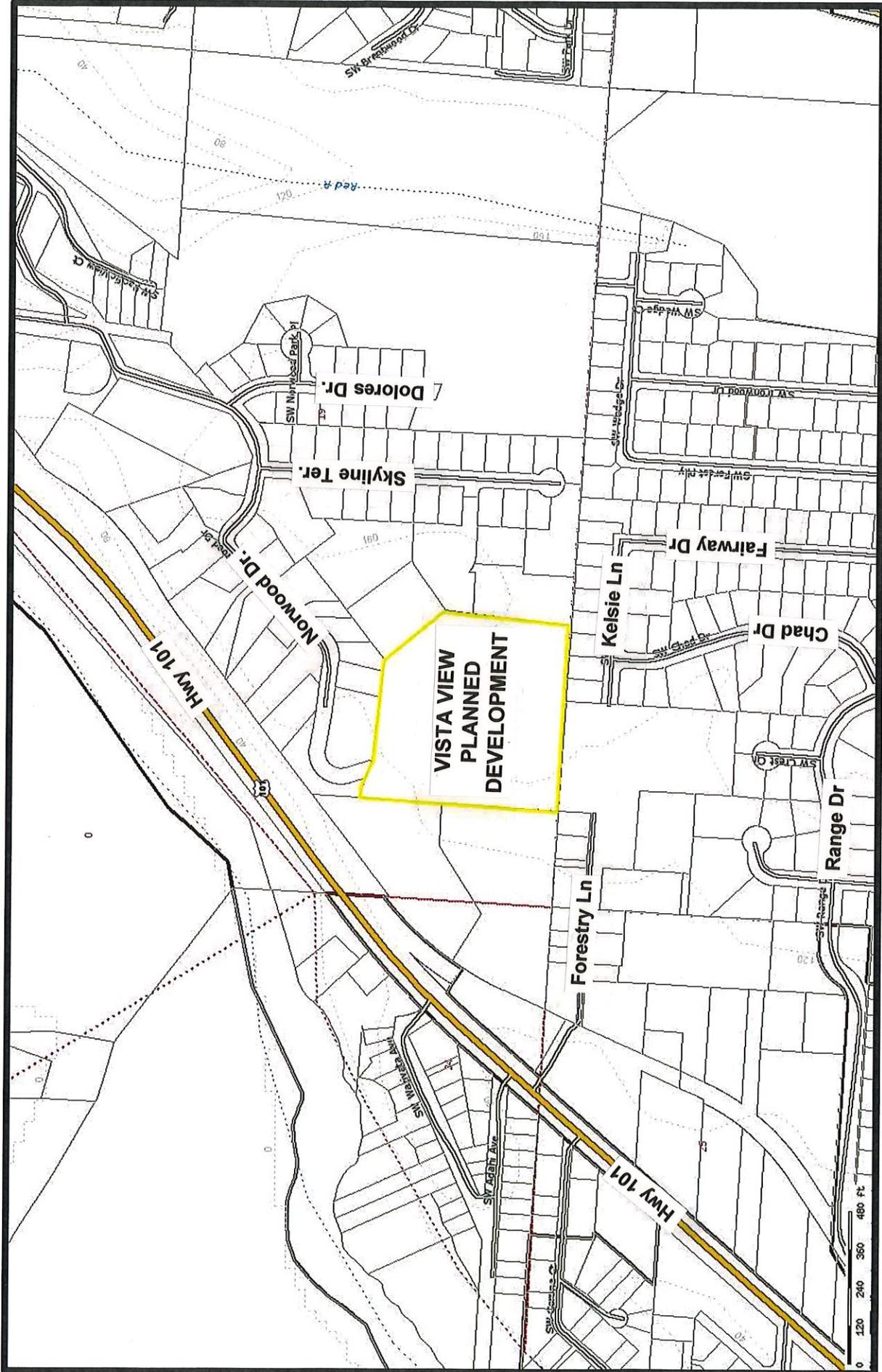
11. Final Plan Review Procedure. When the city planner determines that all of the certifications set forth below have been met and that the plat conforms in all respects to the tentative plan as approved, consideration of the plat will be placed on the next practical scheduled meeting of the Planning 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
 - Applicant Narrative
 - Six Letters (Written Testimony) (Virtue, Barham, Mugleston, Orndorff, Bregenzer, Barnett)
 - Relevant Waldport Development Code and Waldport Comprehensive Plan Criteria



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TIDEWATER DEVELOPMENT LLC is requesting approval for a Planned Development of 34 lots on 7.75 acres that is zoned R-1. The property is generally identified as Tax Lot 120 on Assessor's Map 13-11-19-CC.

The applicant and their contact information are as follows:

Tidewater Development LLC
PO Box 1510
Newport, OR 97365

The authorized representative of the applicant is:

Dennis L. Bartoldus
Attorney at Law
PO Box 1510
Newport, OR 97365
Phone: 541-265-5400
Email: dennis@bartolduslaw.com

I. **General Nature of the Request:** The applicant is requesting approval for a 34 lot Planned Development on a 7.75 acre parcel off the end of Norwood Drive.

Each lot would contain a single family residence.

The lots range in size from 4,810 to 9,041 square feet. The road right of way is 30 feet with a 20 foot paved surface with curbs and gutters. A 5 foot sidewalk on one side of the street is proposed.

The applicant is also proposing to grant to the City a 10 foot wide easement for a nature trail that the City can connect in with other walkways and trails.

The applicant is proposing to leave a tract of land along the north and east side of the property as open area. The area proposed for open areas is steeper and is not as suitable for development.

II. A right of way will be dedicated to the south line of the development so a street could continue through the development if property to the south is developed.

A. **All existing and approximate location and dimensions of all proposed parcels or lot lines.**

A diagram of the planned development is submitted with this application that shows the layout and dimensions of the 34 lots, the walking path and the open area. As noted previously, the smallest lot is 4,810 square feet and the largest is 9,041. The average lot size is approximately 5,900 square feet. The total parcel size being developed is 7.75 acres.

B. Size of all proposed parcels or lots in acres and in square feet.

This information is shown on the proposed plat that is submitted.

C. Location of all proposed streets, a street cross-section showing proposed construction standards, profiles showing approximate grades of all streets, and whether they are proposed to be public or private streets.

The location of the street serving the development is shown on the proposed plat. The street to serve the development will be extended from Norwood Drive. The street within the development will be a circular street that has a 30 foot right of way and a 20 foot paved surface with rolled curbs and gutters. The streets will meet City standards regarding base rock and paving. The street is proposed to be public. The applicant will dedicate a right of way for a street to the south line of the property so that a street could be extended to the south if property to the south is developed.

D. Relationship of proposed roads to adjoining existing and proposed streets.

The street serving the subdivision will be an extension of Norwood Drive which is a paved city street. The developer will build the extension to City standards (except as modified for width) using engineered plans.

E. All existing and proposed building and setbacks from all property lines.

There are presently no existing buildings on the property. The proposed buildings will be single family dwellings that will meet the setback requirements of the R-1 zone. However, it should be noted that the houses will be setback 35 feet from the center of the street as a 30 foot street right of way is being requested.

F. The location of water and sewer lines, septic systems, well and all existing easements.

The water lines and sewer lines will be located in the street right of ways. All lots will be on city water and sewer. The sewer lines from the development will connect to an existing city sewer line and easement that is at the northwest corner of the property. The location is shown on the plat.

G. Access to the property and whether it is a state highway, county road, public or private easement.

The access to the property will be via Norwood Drive, a city street. The developer will construct the street from where it presently terminates to serve the planned development. The developer will provide a street right of way off the main circular street to serve property to the south if that property is developed.

H. All wetland areas, areas of geologic hazard, streams and waterways, and areas subject to flood hazard.

There is a creek that runs through the northeasterly portion of the property. The area where the creek runs is common area. There are steep slopes that run down to the creek. However, for the most part this area will remain undeveloped except for a nature trail.

All buildable areas for homes are outside of the floodplain.

I. Description of the topography and vegetation.

A topographical map is submitted with this application that shows the topography of the property. As can be seen, there are variations in topography. The southeastern portion of the property is reasonably flat to gently sloping while the west side has moderate sloping. The steepest slopes are on the north end and the northeasterly portion of the property. Most of the property that has steeper slopes is proposed for open space.

Some of the property has been cleared, but the remainder has native coastal vegetation, being a mix of brush and trees.

J. The date, north point and scale of the drawing.

These items are all shown on the drawing.

K. Width, depth and direction of flow of all drainage channels on or directly adjacent to the property, and tentative plans of disposal of additional storm water generated by developing the property.

The highest area of the property is in the southeast corner of the property. From the point the property slopes fairly gradually to the west and more steeply to the northwest. The drainage of the lot is best seen from viewing the topographical map.

L. If there are to be phases of development, the identification and sequence of each phase.

The applicant is planning on developing the property in up to 4 phases. The first phase would consist of what are shown as lots 11-24 and 25, 34, 33, 32 and 31. The additional phases would all consist of a series of additional lots. The exact number of lots developed in each phase would be determined by market conditions and the rate of sale of developed lots. The applicant is requesting 20 years to complete the four phases. In the event there is demand for lots, then phases may be combined for development and the 20 year period may be shortened. However, the applicant wants to be reasonable in its expectations of how quickly the lots will sell.

M. Adjacent land owned by applicant.

No adjacent land is owned by the applicant.

N. Address any requested modifications to required development standards.

(Note: The applicant is requesting a planned development under the Waldport Development Code. The provisions governing planned developments are found in Section 16.60 of the Code. The property meets the criteria for a planned development because it is zoned R-1, is over one-half acre in size, and the overall density is within the number of units allowed on the property under R-1 zoning. No property will be devoted to commercial purposes. Under the planned development provisions of the Code, certain development standards may be modified.)

1. Lot size. In the R-1 zone the ordinance calls for 6,000 square foot lots. While the overall development easily exceeds this standard, twenty-three (23) of the lots being proposed are less than 6,000 square feet because of the amount of area created for open space. Of the twenty-three lots under 6,000 square feet, four are under 5,000 square feet (the smallest being 4,810). The remaining 19 lots under 6,000 square feet average 5,588 square feet. In exchange for having some lots under 6,000 square feet, the applicant is creating a large open space and creating an easement for a nature trail. The easement will be available for public use.

If the size of 34 lots was calculated over the entire size of the property and the road right of way was dedicated each lot would be approximately 8,775 square feet which is well above 6,000 square feet. Therefore, the house density is well within the allowable number under R-1 provisions in the ordinance.

2. Road width. The applicant is requesting a modification in road right of way width from 56 feet to thirty feet and in surface paved width from 28 feet to 20 feet. The reason for the request is to allow more efficient use of the developed area on the property, allow for open areas and the dedication (by easement) of a nature trail for use by the public. In consideration of the twenty foot surface width, the application will prohibit on street parking and require each lot to have at least 3 off street parking spaces not including the garage. The street would have rolled curbs and gutters and a 5 foot wide sidewalk on one side of the street, to be installed as each house was built.

O. State width to depth ratios of each lot.

While there is some variations in the width to depth ratios depending on the lot, the general width to depth ratio is approximately 1 ½ to 2 or 1 to 2.

P. Name, address and phone of registered surveyor to be used:

Brandt Thissell, PLS & CE
AKS Engineering
1230 S. Pennington Dr.
Newberg, OR 97132
Phone: 503-563-6151 ext. 233
Email: brandt@aks-eng.com

DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS
OF VISTA VIEW

THIS DECLARATION, made on the date hereinafter set forth by Tidewater Development LLC, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in the City of Waldport, County of Lincoln, State of Oregon, which is more particularly described as:

LEGAL DESCRIPTION TO BE INSERTED

ARTICLE VI
ARCHITECTURAL CONTROL AND USE RESTRICTIONS

Section 1. Architectural Control. No building, fence, wall, home, or other structure shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, color and location of the same have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it, approval will not be required, and this Article will be deemed to have been fully complied with. Once construction of any house, alteration to a house or other improvement is commenced it must be diligently pursued to completion and in any event must be completed within one year.

Section 2. City of Waldport Restrictions. All uses, occupancies, construction and other activities conducted on any lot shall conform with and be subject to applicable zoning, use restrictions, construction and building codes of the City of Waldport, and further to the restrictions of all other applicable public authorities and to the extent the following restrictions may be in conflict therewith, the most restrictive requirement shall control.

Section 3. Affirmative Duty of Maintenance. Each owner shall be responsible for maintaining, painting or staining and generally keeping in good order and repair the exterior of any improvement on any of the properties owned by such owner, and such owner shall be responsible for trimming and maintaining the laws, shrubbery, plantings, trees and other landscaping thereon in a neat and proper condition consistent with good, horticultural practices, it being the intention of this provision that the properties and improvements thereon shall be maintained by the owners thereof to provide for the preservation and enhancement of the property values of said community.

Section 4. Uniformity of Color and Décor. Any paint or stain applied by an owner to the exterior walls of any improvement shall be of the same color and décor as the color and décor applied to such improvement when it was originally constructed or placed on the lot in order to

maintain uniformity of color and décor among all improvements within the planned community, or of a soft color consistent with other colors in the planned community which has been approved by the Board of Directors.

Section 5. Roofs on any improvement or home within the planned community shall be composition or comparable or better material.

Section 6. No improvement on any individual lot shall exceed the height restriction set by the City of Waldport. However, the Board of the Association may impose height restrictions on individual lots. The Board may limit the height of houses or other improvements to preserve the ocean view of other lots and/or houses within the planned community. The view to be preserved shall be within the sound discretion of the Board, it being recognized that the quality of view and the amount of view is subjective.

Section 7. Use Restrictions. The following restrictions shall be applicable to the use of any of the properties subject to this declaration, and each owner is responsible hereunder with respect to any portion of the properties owned by such owner:

(a) All residences shall be built on site and have a minimum living area, exclusive of garages, decks and porches, of at least 1,200 square feet. No mobile homes or manufactured homes are allowed within the planned community. All homes must be constructed on site.

(b) Trees and other vegetation shall be trimmed and maintained to heights that preserve view from other lots as determined by the Board of Directors.

(c) No animals or fowl shall be raised, kept or permitted upon the properties or any part thereof, excepting only domestic dogs and cats, and excepting caged birds kept within the dwelling house, provided said dogs, cats and pet birds are not permitted to run at large, and are not kept, bred or raised for commercial purposes or in unreasonable numbers.

(d) No noxious or offensive activities shall be carried on upon the properties or any part thereof, nor shall anything be done or maintained which may be or become an annoyance or nuisance to the neighborhood.

(e) No trash, garbage, ashes or owner refuse, junk vehicles, underbrush or other unsightly growths or objects, shall be thrown, dumped, or allowed to accumulate on any portion of the property. No outdoor trash burning is allowed.

(f) No fence or screening structures shall be erected on any lot without the prior written approved of the Board of Directors. In no event shall any fence exceed five (5) feet in height from the finished lot grade unless an exception is approved through the Board of Directors. In no event shall rear or side lot fences referred to hereinabove be erected without written approval of the Board of Directors.

(g) No front yard will be allowed to remain without landscaping for a period to exceed nine (9) months from the date of occupancy.

(h) No motor home, recreational vehicle, camper, trailer or boat shall be parked on any lot or common area except the place designated for storage of said units for more than 72 continuous hours within any consecutive 14 day period.

(i) No signs shall be displayed to public view on any lot, except "for sale" signs. Exterior for sale signs shall not be larger than 18" x 24", and shall not extend above the ground higher than four (4) feet.

(j) Nothing shall be done or kept on a lot or on the common property which would increase the rate of insurance relating thereto without the prior written consent of the Association, and no owner shall permit anything to be done or kept on his or her lot or the common property which would result in the cancellation of the insurance on any residence, or on any part of the common property, or which would be in violation of any law.

Section 8. Declarant's Special Rights. Until all lots have been sold, the Declarant shall have the following special rights:

(a) The Declarant may maintain a sales office in the clubhouse/recreation building. The Declarant and prospective purchasers and their agents shall have the right to use and occupy the sales office during reasonable hours any day of the week.

ARTICLE VII OBLIGATION TO REBUILD

Section 1. Damage and Destruction Affecting Residences; Duty to Rebuild. If all or any portion of any residence is damaged or destroyed by fire or other casualty, it shall be the duty of the owner of said residence to rebuild, repair or reconstruct said residence, in a manner which will restore it substantially to its appearance and condition immediately prior to the casualty.

Section 2. Time Limitation. The owner or owners of any damaged residence shall be obligated to proceed with all due diligence hereunder, and shall commence reconstruction within six (6) months after the damage occurs, and complete reconstruction within twelve (12) months after the damage occurs, unless prevented by causes beyond their reasonable control.

Section 3. Mandatory Insurance. Pursuant to ORS 94.685, an owner must obtain a policy of insurance protecting the improvements on the owner's lot against loss by fire or other casualty, including extended coverage endorsement in the usual form, on a prepaid basis in an amount not less than the then full insurable value of the improvements, and in no event less than the current full replacement value thereof.

ARTICLE VIII
EXTEROR MAINTENANCE

In the event an owner of any lot in the property shall fail to maintain the premises and the improvements situated thereon in a manner consistent with this declaration, the Association, upon approval by a two-thirds (2/3) vote of the Directors, shall have the right, through its agents and employees, to enter upon said parcel and to repair, maintain and restore the lot and the exterior of the buildings and any other improvements erected thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which said lot is subject.

ARTICLE IX
GENERAL PROVISIONS

Section 1. Enforcement. The Association, or any owner, or any owner of any recorded mortgage on any part of the property shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this declaration. Failure by the Association or by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. In the event any suit or action is commenced to enforce compliance with any of the covenants, instructions, terms, or provisions of this Declaration, or any rule or regulations adopted by the Board of Directors of the Association, the prevailing party shall be entitled to recover reasonable attorney fees and costs in such suit or action, and in the event of an appeal, its reasonable attorney fees and costs on appeal.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this declaration shall run with and bind the land from the date this declaration is recorded until amended. This declaration may be amended at a regular meeting of the Association or a special meeting of the Association called for the purpose of amending the declaration, by an affirmative vote of 75% of the lots within the planned community. Each lot is entitled to one (1) vote. If the declaration is passed, the president and secretary shall the amendment and it shall be recorded in the office of the county recording office in the same manner as deeds or other documents affecting title to land.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal this _____ day of _____, 2017.

TIDEWATER DEVELOPMENT, LLC

By: _____
Terry Thissell, Member

By: _____
Patricia N. Tryon, Member

By: _____
Christopher A. Tryon, Member

Paul Virtue



465 SW Pacific View Drive • Waldport, OR 97394 • Phone: 541 220 7708
E-Mail: BigPaulVirtue@gmail.com

Date: October 9, 2017

To Waldport City Council:

I am writing in regards to the proposed housing addition on the end of SW Norwood.

I am not opposed to the developer adding these homes, on the condition that they would cover the cost of safety improvements to SW Norwood.

The road is very narrow and already there are dangerous events when pedestrians (especially teens and children) are walking up or down Norwood and are passed by motor vehicles. The restrictive nature of the road makes it a tight fit for cars going either direction and it's worse when a delivery truck, bus, or garbage truck passes a car or pedestrian on this street.

I am advocating for them to cover the costs of adding a pedestrian walk way on Norwood starting at Starr Street and extending to at least Dolores. In addition make the road safer by paying for middle striping.

Sincerely,

Paul Virtue, Waldport Resident

October 11, 2017

City of Waldport Planning Commission
PO Box 1120
Waldport, OR 97394

Dear Sirs:

RE: Vista View Planned Development

With regard to your Notice of Public Hearing dated October 2, 2017 and the proposed development and extension of Norwood Drive, I would like to make the following comments.

I expressed concern to Larry Lewis on two occasions when this area was being clear cut and was told that a person could do whatever they wanted on their property but any development would have to meet current City standards. Now that it has been clear cut, I realize it is inevitable the land will be developed; however, the access by extending Norwood Drive causes me some concerns.

1. Is the existing Norwood Drive capable of meeting the requirements for the increased traffic 34 homes will generate? Is Norwood up to current City standards for the type of roadway it will become? For example, currently there are no curbs and sidewalks.
2. Part of the proposed extension of Norwood runs around the perimeter of the north and west sides of our property, and while we were aware prior to the purchase of the property of a possibility of Norwood being extended, I am concerned that the appropriate engineering and construction of the roadway will not be carried out in such a manner as to prevent erosion and property loss. So far we have suffered over \$8,000 worth of property damage for tree removal from storm damage likely due to the clear cutting of the land being developed. I want assurance that we do not continue to suffer property damage because of this development and the roadway construction providing access to it.
3. The Norwood Drive extension will be crossing a stream that may have already been compromised from the clear cutting which was done without leaving a buffer along the stream, and may or may not have been to State standards. I want to be assured this crossing will be engineered and constructed in a manner that meets the environmental and construction standards of both the City and the State of Oregon.
4. The nature trail that is proposed does not appear to be shown on the diagram and while it may be a good idea, I am concerned of its proposed route.

Thank you for your consideration of the above concerns.

Sincerely,



June Barham
1245 SW Norwood Drive

RE: TRYON AND THISSELL ARE TIDEWATER DEVELOPMENT LLC

Vista View Development

I am a neighbor and retired developer in the Norwood Heights Subdivision. I am very concerned with the proposed access for Vista View Subdivision through Norwood Drive. The street is only 18 ½ feet wide x 1 ½ inches thick and as it curves down the hill it can become very dangerous with on- coming cars and pedestrians. The road is already breaking up in sections because of the standards when it was installed.

When Norwood Developer developed the Norwood Heights II Subdivision – Skyline was put in with a much higher standard than Norwood Drive. We limited the number of homes because the entrance from Starr to Norwood could not handle more traffic.

I would hope that if this is approved that Tidewater Development would be required to bring the Norwood Drive up to current specifications, install curb, gutters, and sidewalks.

Sincerely,



Tim Muggleston

10/12/17

12 Oct 2017

City of Waldport
Waldport Planning Commission
P.O. Box 1120
Waldport, OR 97394
(541) 264-7417

REFERENCE: Tidewater Development LLC; Lincoln Tax Assessor Map 13-11-19CC; tax lot 120

Dear City of Waldport Planning Commission (Mr. Larry Lewis),

I am submitting a response to the request from Tidewater Development LLC for approval of a planned development (Vista View) for 34 single family homes/lots at the end of SW Norwood Drive. As a homeowner and a concerned citizen of Waldport, I am against this request and ask that it be denied by the Waldport Planning Commission.

There are several factors that contribute to my concerns that I ask the Planning Commission to carefully assess and insist on adequate resolution:

- Who will pay for the infrastructure for this request, if a full utility and infrastructure plan is required, will the citizens of Waldport benefit at least equal to the cost of providing adequate access and support or will the developer pay for the infrastructure?
- Who benefits from this request, especially to complete access from SW Norwood Drive, reviewing a plan of the city shows that if this is an appropriate effort, the appropriate approach to the area is from SW Kelsie Ln vice SW Norwood Dr. I submit that the cost to connect SW Norwood is an unreasonable burden on the taxpayers of Waldport, especially when SW Kelsie Ln provides adequate approach, road clearance and other logistical benefits, or even SW Forestry Ln. How will the cost to the city to prepare access, develop access and secure access as well as maintain access for considerable construction activity to include large commercial vehicles be resolved?
- Is the land stable for development and has the risk of a geologic hazard been adequately researched and studied, will the passage requested from the existing end of SW Waldport Dr. support a road, what geologic surveys have been conducted to ensure the safety of developing in that location? (reference landslide on Cedar Rd)
- What plans have been developed to ensure that water shed from the subject site will not impact the fishing and commerce activities directly below in the bay, what is the impact to the maritime assets of Waldport? How do we know the facts of this issue when we are considering such a vital part of the overall community?

- Are there ecological surveys on the water ways that run through the area, what is the actual impact if the runoff and rainfall egress is disrupted, what is the risk of a road washout if the area is blocked by a road?
- What is the impact on the Waldport trail system which is becoming one of the treasures and attraction for tourism in Waldport, the trail at the end of SW Norwood connects a number of vacation rental homes with the beach and commerce locations, and is without question a draw for tourism, what is the economic impact to the community?
- If a tsunami or other disaster impacts Waldport, the evacuation area at the intersection of SW Norwood Dr and SW Skyline Terrance will already be congested with people that cannot connect with the East side of Waldport, increasing the population constrained by the lack of an exit route is fundamentally unwise, how will this be mitigated?

I am a homeowner on SW Norwood Dr, I have concerns about the propriety of the applicants request and most importantly I want to ensure my tax dollars are not used for personal gain for the applicant putting a considerable burden on the community with a disruptive and unnecessary housing development which could negate the efforts of many homeowners along SW Norwood to establish a wonderful living environment and amazing quality of life. Any reasonable person can determine that appropriate considerations and due diligence is lacking in this request, there are so many substantial unanswered questions, and for what motivation? I ask the Planning Commission again to deny this request and preserve what so many have worked so hard to create along SW Norwood Dr. and in the city of Waldport.

Please let me know if there are any questions or if you need any additional information at this time. I can be reached at 971-275-5007; by email at louis100@earthlink.net; or by correspondence at 1160 SW Norwood Dr, Waldport OR 97394.

Sincerely

//Signed//

Louis Orndorff



RAY BREGENZER
1080 SW. NORWOOD DRIVE
WALDPORT, OR 97394-9733
TELEPHONE 541-563-4474

OCTOBER 13, 2017

CITY OF WALDPORT PLANNING COMMISSION
P. O. BOX 1120
WALDPORT, OR 97394

REFERENCE; VISTA VIEW PLANNED DEVELOPMENT HEARING

DEAR COMMISSARS:

MY CONCERN REGARDING THE USE OF NORWOOD DRIVE AS THE MAIN ACCESS TO THE DEVELOPMENT. THIS WILL CAUSE EXCESS VEHICLE TRAFFIC ON NORWOOD DRIVE DURING THE DEVELOPMENT AND CONSTRUCTION OF NEW HOMES. NORWOOD DRIVE IS A WINDING AND CURVING DRIVE WITHOUT CURBS AND SIDEWALKS, THE EXTRA TRAFFIC WILL BE A MORE DANGEROUS CONDITION FOR THE RESIDENTS THAT WALK NORWOOD EVERY DAY. THERE ARE MANY RESIDENTS, YOUNG AND OLDER, WHO WALK TO GO DOWNTOWN OR OTHER PLACES OR JUST FOR WALKING. SOME RESIDENTS HAVE BEEN WALKING "THE HILL" FOR MORE THEN THIRTY YEARS.

ALSO A CONCERN IS THE EXIT IN THE EVENT OF A FIRE OR OTHER EMERGENCY.

VERY TRULY YOURS,

Ray Bregenzers

**City of Waldport Planning Commission
PO Box 1120
Waldport, Oregon 97394**

October 13, 2017

**RE: Tryon and Thisell, Tidewater Development LLC
Vista View Development**

Dear Commission Members,

I discovered the Planning Commission will hold a hearing regarding the proposed Vista Planned Development. I live on the street, Norwood Drive. There are 4 houses and one empty lot between my house and the easement which is proposed to be used for all access to the Vista Development.

Despite the fact that I live close and directly on the street going into the development I only discovered this fact because of a news article. I and my neighbors are concerned that something that so directly affects us did not result in notice from the city. Larry Lewis tells me I and a short list of neighbors I provided to him yesterday will receive all future notices regarding Vista Development hearings.

I know that the rule the city has adopted is to only inform owners within 250 feet of any project. Please consider changing this rule. If the intent is to give actual notice of development in a neighborhood the current rule does not do this. While you may be exceeding the statutory requirement, the truth is, the current rule does not provide notice to property that will be directly impacted. The City can change the rule to extend the distance. Please consider doing so.

The Vista Development proposal as drafted will require all access to be from Norwood Drive. The street is currently a dead end. The proposed 34 single family dwellings and all service trucks and emergency vehicles will travel on Norwood Drive.

Norwood Drive is an old street that doesn't meet the current city standards. It is less than 20 feet wide. It has no sidewalks. I am told the pavement is only 1 ½ inches thick. At present there is some damage to the pavement occurring because of the sub standard street. There are many people walking the street and if the traffic is to be increased the cities requirement of sidewalks is important for their safety. Is Vista Development required to bring Norwood Drive up to city standards before being allowed to use it to access its development? If not will the city be responsible for the bringing the street up to its current standards?

I would also request that any proposed nature trail is detailed in the Vista Development proposal. At present I cannot tell where it would be placed or how long it is.

There is a creek which runs in the path of the needed extension of Norwood Drive. When will the Commission require the developer to provide plans that meet environmental standards and engineering standards?

**Sincerely,
Bernice Barnett
1065 SW Norwood Drive**

**VISTA VIEW PLANNED DEVELOPMENT
RELEVANT WALDPOR T DEVELOPMENT CODE
AND WALDPOR T COMPREHENSIVE PLAN CRITERIA**

WALDPOR T DEVELOPMENT CODE

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. The minimum lot area shall be six thousand (6,000) square feet for a one-family dwelling with public water and sewer; fifteen thousand (15,000) square feet with public water only.
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. N/A

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.
- 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:

- 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

16.96.020 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.

Case File #1-PD-PC-17 Tidewater LLC
Vista View Planned Development
October 23, 2017 Planning Commission Meeting

- 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. N/A
6. Public Street Standards.
- a. Street Widths: The right-of-way and surface widths shall conform to the widths as specified in Section 16.100.100 of this chapter unless a modification is granted pursuant to Section 16.100.090 of this chapter.
 - b. Street Design and Improvements.
 - 1) The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.
 - c. Street Intersections.
 - 1) Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout.
 - 2) Intersections shall be designed so that no danger to the traveling public is created as a result of staggered intersections and in no case shall intersections be offset less than one hundred (100) feet.
 - 3) Any intersection that accesses an arterial street shall provide an additional turn lane access.
 - d. Cul-de-Sacs and Turn-a-Rounds.
 - 1) In general, dead end (cul-de-sac) streets in partitions or subdivisions should not exceed four hundred (400) feet in length and must terminate in a turn-a-round with a minimum property line radius of forty-five (45) feet or other type of turn-a-round approved by the planning commission.
 - 2) Approved turn-a-rounds shall be provided on all dead end streets.
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.

Case File #1-PD-PC-17 Tidewater LLC
Vista View Planned Development
October 23, 2017 Planning Commission Meeting

- 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:

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.

**WALDPOR COMPREHENSIVE PLAN CRITERIA
YAQUINA JOHN POINT LAND USE & TRANSPORTATION PLAN**

Page 66, Project Number S4

Norwood Drive Extension

Provide a new north-south connection from the south terminus of Norwood Drive to the new Forestry Way-Kelsie Way extension.

DATE FILED: Oct. 2, 2017
DATE APPLICATION DEEMED COMPLETE: Oct. 2, 2017
120-DAY COMPLETION DATE: Jan. 30, 2018
HEARING DATE: Oct. 23, 2017

STAFF REPORT

Subdivision Application

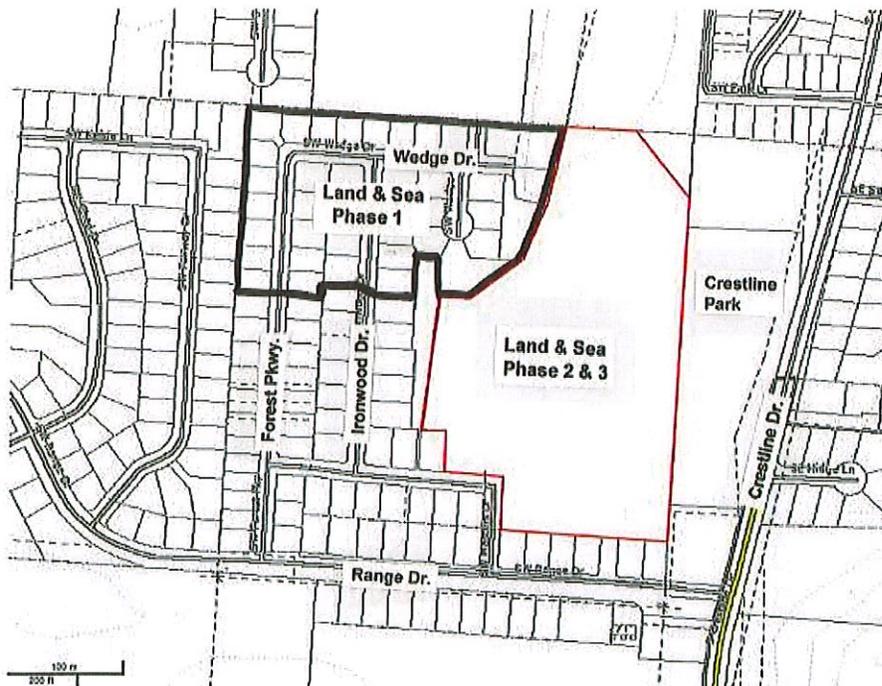
Land & Sea Addition Subdivision – Phases 2 and 3

A request to extend the tentative approval of Phases 2 and 3.

APPLICANT: Land & Sea Investments, LLC

A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting an extension of the tentative approval for Phases 2 & 3 of the Land & Sea Addition Subdivision. Phase 1 of the subdivision is nearly built-out and the applicant anticipates development of the final two phases in the future. No design changes are being requested. The applicant requests that Phase 3 may be developed before Phase 2. The applicant is requesting the time extension in accordance with subdivision tentative approval requirements, i.e. 2 years per phase with not more than three one-year extensions.
2. Property Location: The subject property is located north of Range Drive, east and south of Land & Sea Addition Subdivision Phase 1, and west of Crestline Park; and further described on Lincoln County Tax Assessor's Map 13-11-30BA as tax lot 1403.



Relevant Criteria

Relevant Waldport Development Code Criteria is identified by title only below. The complete descriptions of relevant criteria may be reviewed in the Waldport Development Code and are herein incorporated into the record.

Chapter 16.16 Residential Zone R-2

Chapter 16.100 Land Division

Public Testimony

At the time this staff report was prepared, written testimony received included two letters (attached to this staff report). In summary, the letters address concerns about the loss of trees when the property is developed and a request for a tree preservation mandate, pedestrian access from the property to Crestline Park, a request to maintain the trees in the park, disturbance during construction, a request for green space and park areas, increased traffic on Masters Drive, and emergency access.

Staff Analysis

1. History

The applicant received tentative approval for an 80-lot subdivision in 2005. Final approval was granted for 35 lots in Phase 1. Forest Parkway and Ironwood Drive were extended to the north. Wedge Drive and Wedge Court were constructed as new streets. The majority of the Phase 1 lots have been developed.

Time extensions for the tentative approval were granted for Phases 2 and 3. The final time extension for Phase 2 expired January 6, 2017.

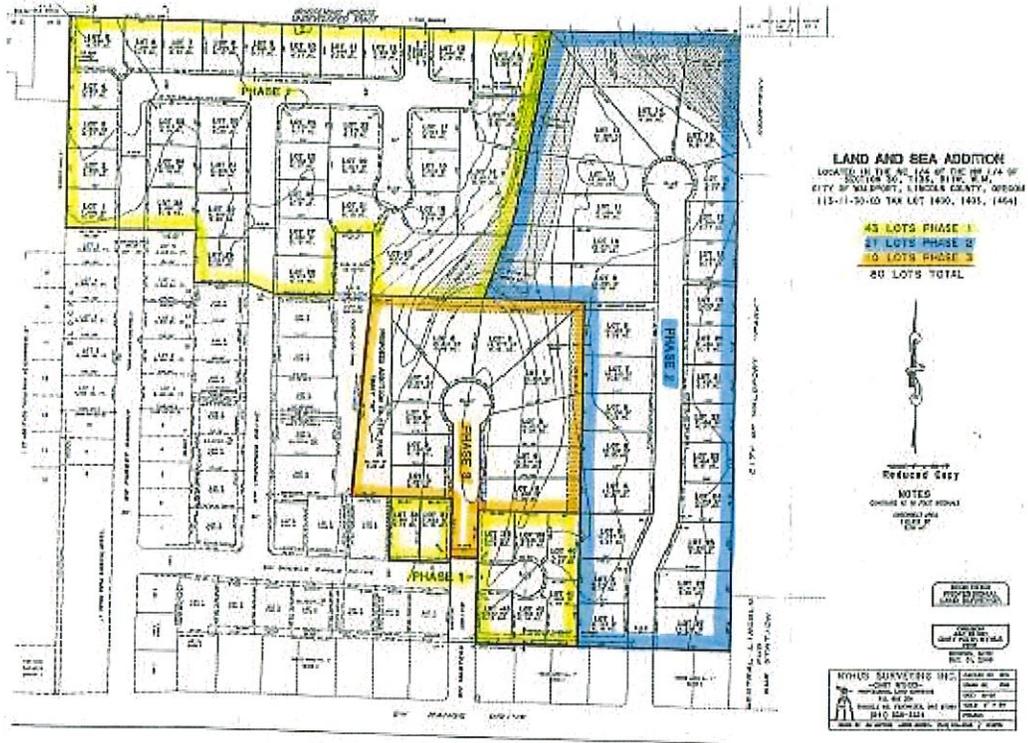
In September 2017, city staff contacted the Land & Sea owner to see if they were interested in a temporary right-of-entry to allow for the City's planned disc golf course to be routed through their Phase 2 property. At that time, the Land & Sea owner brought up their desire to have the tentative approval of the subdivision extended. They understood the last time extensions were the final extensions that the City could grant. They indicate they do not have immediate plans to continue development but they are considering additional development in the future. City staff informed them that a request to extend the tentative approval of Phase 2 and 3 would require a public hearing with the Planning Commission.

2. The Request

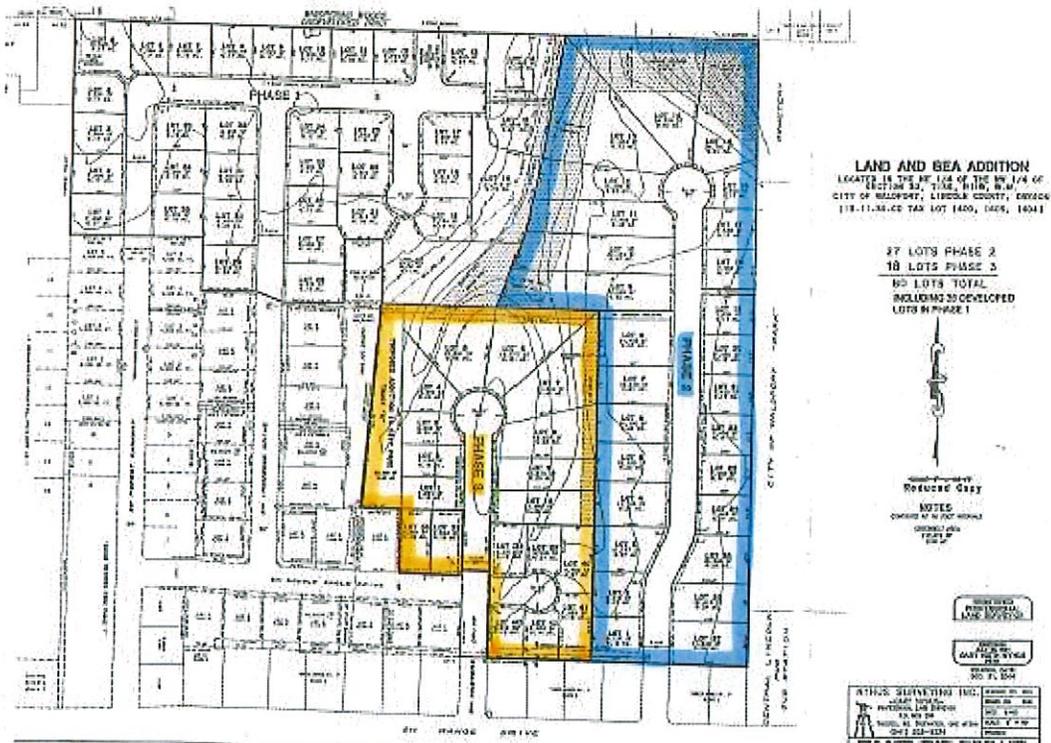
The applicant requests an extension of the tentative approval for Phases 2 and 3. They request the option to develop Phase 3 before Phase 2. Additionally, there are 8 lots in Phase 1 that have not been developed and are contiguous to Phase 3. These 8 lots are proposed to be included with Phase 3. All conditions of approval not effected by the timing and phasing are proposed to remain in place. The original phasing plan and proposed phasing plan are shown below, and followed by updated conditions of approval.

#1-S-PC-05 Land & Sea Addition Subdivision Phase 2 and 3 Extension Request
 October 23, 2017 Planning Commission Meeting

ORIGINAL 2005 PHASING PLAN



PROPOSED 2017 PHASING PLAN



**Case File #1-S-PC-05
Land & Sea Addition Subdivision
CONDITIONS OF APPROVAL**

*The existing conditions of approval are provided below. Proposed revisions are shown in ~~strikethrough~~ text and **blue bold text**.*

Order

It is ORDERED by the Waldport Planning Commission that the requested Subdivision for Case File #1-S-PC-05 be and is hereby approved. Said approval is subject to the following conditions:

1. Development shall occur in accordance with the approved 80-lot subdivision tentative plan. Any substantial change in the plan shall require a new application to be reviewed and approved by the Planning Commission.
2. All lots shall meet the R-2 Residential zone minimum lot area, width, and depth requirements.
3. Final engineering plans for street, water, sewer, and storm drainage improvements shall be reviewed and approved by both the City of Waldport Public Works Department and the Central Oregon Coast Fire & Rescue District. The developer shall be responsible for any costs incurred by the City to have a professional registered engineer review and approve development plans.
4. Public pedestrian access ways shall be constructed as identified on the approved tentative plan. This includes the connection to Crestline Park, the connection between Masters Drive and the new easterly street, and the Phase 1 connection at the northerly portion of the site from the cul-de-sac to existing parkland.
5. The one foot reserve strip for the street connecting the north property line shall be completed in accordance with approved street construction standards upon completion of development of the land adjacent to the north.
6. All utilities shall be located underground.
7. At the time final approval is given for each phase of development, but prior to construction, the developer shall be required to pay the following park assessment fee to the City of Waldport.

Phase 1:	\$25,520.11	\$19,630.60 (paid in 2006)
Phase 2:	\$18,498.15	\$18,498.15
Phase 3:	\$ 8,384.42	\$14,273.93
Total:	\$52,402.68	\$52,402.68

8. Approval of the **Phase 2 and Phase 3** tentative plan is valid for a period of two (2) years from Planning Commission approval of Findings and Conclusion. **Phases 2 and 3 are interchangeable, i.e. Phase 3 may be developed prior to Phase 2. The applicant may request up to three time extensions. Each time extension shall be for a period of one (1) year.**

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: Two Letters (Written Testimony) (Henrichsen, Behnke)

Larry Lewis

From: Rusty Henrichsen <rustyhen@gmail.com>
Sent: Friday, October 13, 2017 2:57 PM
To: Larry Lewis
Subject: Notice of hearing re; Land and Sea Investments, LLC

We live at 1460 SW Ironwood Drive in Waldport. On the plat map we received concerning phases 2 and 3 of Land and Sea Addition, we are lot 2 on the west side of Ironwood Drive. When we purchased our property, we were impressed by the trees in the area and the “woody” feeling we felt in the neighborhood. We are a bit dismayed that so many lots are planned for these new phases of development in our area.

We have noticed that whenever someone begins construction, all the trees on the lot disappear. The feel of our neighborhood would be lost if this were to happen. The extremely small lots at the end of the extended Double Eagle Drive would certainly have no room for existing trees if there are to be homes of any habitable size on them.

We also notice that there is a city park and an addition to same on the plat map. We are assuming that the park would retain the trees but there seems to be little access to it. Would there be a maintained path into this park and would it retain the trees that are there now?

We would hope that there would be some kind of tree preservation mandate for these new lots. We would also ask that the extremely small lots on the east end of Masters Drive be replatted so that they are not so small and shallow. We further ask the Commission to mandate well defined paths into the park area and have a promise from the city that they would be maintained so that people could enjoy the quiet and solitude that we value so much here in Waldport.

We live in Waldport because it is “Where the Forest Meets the Sea.” Please don’t take away our forest.

Gary Henrichsen

Georgia Henrichsen



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Larry Lewis

From: Linda Behnke <beachbehnkes@gmail.com>
Sent: Friday, October 13, 2017 3:20 PM
To: Larry Lewis
Subject: Planning Commission public hearing re: Land & Sea Addition Subdivision
Attachments: IMG_0409.JPG; ATT00001.txt; IMG_0410.JPG; ATT00002.txt; IMG_0407.JPG; ATT00003.txt

Dear Mr. Lewis,

My name is Linda Behnke. My husband Mike and I live at 1540 S.W. Masters Dr., right on the corner with Double Eagle Dr. The development that Land & Sea Investments, LLC is proposing will put us at "ground zero" of the development of phase three. I am completely heartbroken that our quiet little retirement home will be changed from a beautiful tree lined corner, to years of Construction noise, dust, trucks....and worst of all....the loss of our little forest. I am retired, and spend many happy hours watching the wildlife and birds from our windows and front porch.

Our neighbors enjoy hiking and walking their dogs through the Woodland Trail. Without these beautiful trees, our view will be the concrete towers of the substation. Please consider denying their request for approval of their plan that Phase 3 be developed before Phase 2. Please ask that they do design changes in their plans to include green space and park areas. And of course, lot #1 and #2 in phase 3 would be the death of my beloved trees...please save them!

I am also concerned about increased traffic on Masters Dr. All the proposed homes in Phase 3 will have only one way out, as they are all on caldasacs. What about a fire or earthquake?

We will be unable to attend the hearing on Oct. 23, but request to be notified of the outcome. I can't imagine my heartbreak waking up one morning to hear chainsaws and tractors across the street.

Thank you for your time, I request that my letter be included in your staff report.
Linda Behnke

[Total Control Panel](#)

[Login](#)

To: larry.lewis@waldport.org
From: beachbehnkes@gmail.com

Message Score: 1
My Spam Blocking Level: Low

High (60): **Pass**
Medium (75): **Pass**
Low (90): **Pass**

[Block](#) this sender
[Block](#) gmail.com

This message was delivered because the content filter score did not exceed your filter level.

**City of Waldport
2017 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
For the Period <u>June 20, 2017</u> through <u>October 18, 2017</u>						
6/29/17	Building Permit	Jerry & Julie Walusiak	R-1	13-11-19AA/205 725 Aalsea Hwy	New single family dwelling	Approved 6/30/17
7/6/17	Building Permit	Marty & Nancy Atkins	R-1	13-11-30BB/7800 1325 Chad Dr	New single family dwelling	Approved 7/7/17
7/21/17	Building Permit	Kody Robinson	R-1	13-11-20BC/4900 320 Rebel Rd	Upgrade single family dwelling	Approved 7/24/17
8/1/17	On-Site Waste Management Permit	Terry Thisell	RR-2	13-12-36AB/1200 Fernwood Ln	Site evaluation for septic systems	Approved 8/4/17
8/10/17	Building Permit	Dollar General	D-D	13-11-19AC/3500 380 Aalsea Hwy	2 new wall signs	Approved 8/11/17
8/10/17	Building Permit	Dollar General	D-D	13-11-19AC/3500 380 Aalsea Hwy	1 new free-standing monument sign	Approved 8/11/17
8/14/17	Building Permit	Lisa McGrath	R-1	13-11-19AC/6400 11- Hospital Hill Rd	Foundation underpinning/wall stabilization to existing single family dwelling	Approved 8/14/17
8/10/17	Building Permit	Dollar General	D-D	13-11-19AC/3500 380 Aalsea Hwy	2 new wall signs	Approved 8/11/17
8/10/17	Building Permit	Dollar General	D-D	13-11-19AC/3500 380 Aalsea Hwy	1 new free-standing monument sign	Approved 8/11/17
8/14/17	Building Permit	Lisa McGrath	R-1	13-11-19AC/6400 11Hospital Hill Rd	Foundation underpinning/wall stabilization to existing single family dwelling	Approved 8/14/17
8/24/17	Manufactured Home Placement Permit	Susan Greenough	R-1	13-11-19CD/1400 720 Norwood Park Pl	New manufactured home	Approved 8/25/17
8/24/15	Building Permit	Susan Greenough	R-1	13-11-19CD/1400 720 Norwood Park Pl	New attached garage	Approved 8/25/17

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8/25/17	Manufactured Home Placement Permit	Daniel & Barbara Martin	R-2	13-11-30BA/5800 380 Double Eagle Dr	Replace manufactured home with new manufactured home	Approved 8/25/17
8/28/17	Building Permit	Donald Lee	R-1	13-12-25AD/3500 1215 Ocean Hills Dr	New 12' tall shed on existing deck	Approved 8/28/17
8/28/17	Property line adjustment and lot consolidation	Cross Development	D-D	13-11-19AC/3000-3500 380 Hemlock St Dollar General	Property line adjustment and lot consolidation	Approved 8/28/17
8/30/17	Building Permit	Frank Howell	C-1	13-11-18DD/800 380 Ruble St	New deck and stairs	Approved 5/5/17
8/31/17	Manufactured Home Placement Permit	Kimberly & Stephen Yates	R-2	13-11-30BA/900 360 Range Dr	New manufactured home	Approved 9/1/17
8/31/17	Building Permit	Kimberly & Stephen Yates	R-2	13-11-30BA/900 360 Range Dr	New attached garage	Approved 9/1/17
9/5/17	Building Permit	Philip Spulinik	C-2	13-12-25AA/1130 956 Range Dr	Construct RV storage building at mini-storage facility	Approved 9/8/17
9/7/17	Building Permit	Dollar General	D-D	13-11-19AC/3500 380 Hemlock	Interior shelving seismic anchoring	Approved 9/8/17
9/15/17	Partition	Hormaidi Aldossary	R-3	13-11-20CA/1900 1797 & 1799 Alsea Hwy	2-lot partition	Tentative decision granted 10/6/17
9/15/17	Building Permit	Waldport Ready Mix	C-1	13-11-20BB/100 950 Hwy 101	Porch covers over both ends of existing building	Approved 9/18/17
9/18/17	Planned Development	Tidewater Development LLC	R-1	13-11-19CC/120 South end of Norwood Dr	34 lot Planned Development	Pending 10/23/17 Planning Commission hearing
9/22/17	Building Permit	Tony Lorange	R-3	13-11-29AB/5800 2055 Alsea Way Peterson Park	New detached garage	Approved 9/22/17

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9/22/17	Building Permit	Scott Severson	R-2	13-11-30BA/7200 360 Wedge Dr	New detached garage	Approved 9/25/17
9/29/17	On-Site Waste Management Permit	Veramagnus LLC	R-1	13-11-20BC/1904 315 Waldport Hts. Dr	New septic system	Approved 9/29/17
10/4/17	Manufactured Home Placement Permit	St. Anthony's Catholic Church	C-2	13-11-19AA/1900 320 Pine St	Replace manufactured home with new manufactured home	Pending additional information Approved 10/13/17
10/6/17	Land Use Compatibility Statement (LUCS)	Arthur O'Brien	D-D	13-11-19BD/7500 250 Hwy 101	New OLCC LUCS for existing marijuana dispensary	Approved 10/6/17