# City of Depoe Bay

Planning Commission Regular and Public Hearing Meeting

August 9, 2023 – Wednesday, 6:00 PM

Depoe Bay City Hall – 570 SE Shell Avenue



#### The Meeting Location is Accessible to the Public

To Join from Your Computer, Tablet, or Smartphone: https://us02web.zoom.us/j/85727774047?pwd=SHNyMUcrSTVKNIZaZjIYVIRKSIFHZz09 Meeting ID: 857 2777 4047 Passcode: 530799 **To Join from Your Phone:** Phone: (253) 215-8782 Meeting ID: 857 2777 4047 Passcode: 530799

Public comments may be made via email up to two hours before the meeting start time at info@cityofdepoebay.org

Please Note: In the event of Zoom Technical Difficulties the Telephone Conference System will be utilized. Dial (888) 204-5987, Access code 9599444

#### <u>AGENDA</u>

- I. Call Meeting to Order and Establish a Quorum
- II. Announcements
- III. Approval of Minutes: July 20, 2023, Special Meeting
- IV. Public Hearings
  - A. Case File: #2-GEO-PC-23 Applicants: Howard Sparks & Susanne Cerven Owners: Same as Applicants Application: Geotechnical Report Review Zone, Map and Tax Lot: Residential R-2, 09-11-05-CD Tax Lot #09100 Location: Approximately 230 NE Williams Avenue
  - B. Case File: #3-GEO-PC-23
     Applicants: Cameron & Megan Vasquez
     Owners: Same as Applicants
     Application: Geotechnical Report Review
     Zone, Map and Tax Lot: Residential R-5PD, 09-11-05-DC Tax Lot #05400
     Location: 173 NE Spring Avenue

- C. Case File: #1-PAR-PC-23 Applicant: Hills of Depoe Bay, LLC Owner: Same as Applicant Application: Partition Zone, Map and Tax Lot: Residential R-2PD, 09-11-05-00 Tax Lot #00100 Location: Northerly terminus of NE Lillian Lane
- D. Case File: #1-PD-PC-23 Applicant: Hills of Depoe Bay, LLC Owner: Same as Applicant Application: Amendment to Planned Development Zone, Map and Tax Lot: Retail Commercial C-1PD and Residential R-1PD, 09-11-05-B0 Tax Lot #01200 Location: 1032 N Highway 101
- V. Unfinished Business
- VI. New Business
  - A. Case File: #4-C1-PC-23 Applicant: Harry Napier Owner: Same as Applicant Application: Building Permit/Change of Use Zone, Map and Tax Lot: Retail Commercial C-1, 09-11-08-BD Tax Lots #00900 and #01000 Location: 411 S Highway 101
  - B. "Quality of Life" Code Amendment: Signs
- VII. Public Comments Items Not on Tonight's Agenda
- VIII. City Council Liaison Report (August: Sherman (8<sup>th</sup>)/Faucett (15<sup>th</sup>); September: Moreland)
- IX. City Planner and City Recorder Reports
- X. Planning Commission Concerns
- XI. Adjourn

Depoe Bay City Hall is accessible to the disabled. If special accommodations are needed, please notify City Recorder at 765-2361 48 Hours in advance of the meeting so that appropriate assistance can be provided. TTY#1-800-735-2900 "This institution is an equal opportunity provider"

Geologic Hazards Permit Application Case File: #2-GEO-PC-23 Date Filed: Jun. 20, 2023 Application Complete: Jun. 27, 2023 Meeting Date: Aug. 9, 2023, 6:00 p.m. 120-day Decision Date: Oct. 18, 2023

# **STAFF REPORT Depoe Bay Planning Commission Action**

APPLICANTS: Howard Sparks & Susanne Cerven

**OWNERS:** Same as applicants

**<u>REQUEST</u>**: The applicant requests Geotechnical Report Review for a new, single-family dwelling on NE Williams Avenue.

#### A. <u>RELEVANT FACTS:</u>

1. <u>Property Location</u>: The subject property is located at approximately 230 NE Williams Avenue, and is further identified on Lincoln County Assessor's Map 09-11-05CD as Tax Lot 09100.<sup>1</sup>



- 2. Lot Size: The property totals 0.23 acres (9,973 sq. ft.).
- 3. Zoning Designation: R-2
- 4. <u>Plan Designation</u>: Residential

<sup>&</sup>lt;sup>1</sup> Until recently, the subject property consisted of two (2) tax lots (#09100 & #09101). They were consolidated into a single tax lot through the Lincoln County Assessor's Office in July 2023.

- 5. <u>Surrounding Land Use</u>: The subject property is surrounded by developed and undeveloped residential lots to the north, south, and east; and developed commercial to the west across NE Williams Avenue.
- 6. **Topography & Vegetation:** (paraphrased from the Geotechnical Report) *The subject site consists* of two tax parcels. Both parcels are undeveloped. The site is wooded, with a relatively dense canopy of primarily deciduous trees. The site contains no structures. The decayed and rusted remnants of an old car was observed within the property. The understory contains low-laying vegetation dominated by shade-loving native plants and English Ivy. It appears that a small machine was used to clear some of the understory vegetation prior to the site visit conducted by RSS. A gap was also cut between the trees at the western margin of the site, creating a passage through the thick vegetation at the roads edge. Soils disturbed by the equipment are dark brown and organic rich. The main of the site is west-sloping; the grade is regular and with a degree of undulation typically found in wooded slopes. The slopes along the eastern and western margins of the site appear to have been artificially steepened. No standing or flowing water was observed on the subject site.
- 7. Existing Structures: The subject property is undeveloped.
- 8. <u>Utilities</u>: The following utilities currently serve the subject property:
  - a. <u>Sewer</u>: City sewer service.
  - b. Water: City water service.
  - c. <u>Electricity</u>: Central Lincoln PUD.

#### 9. <u>Development Constraints</u>:

a. Slopes exceeding 20% steepness.

#### B. EVALUATION OF THE REQUEST:

#### 1. Relevant Criteria:

- DBZO Section 152.026: Residential Zone R-2
- DBZO Section 152.058: Off-Street Parking and Off-Street Loading Requirements
- DBZO Section 152.229: Geologic Permit Required
- DBZO Section 152.232: Determination of Compliance

Complete descriptions of the relevant criteria are attached to this Staff report.

- 2. <u>Applicant's Proposal</u>: The applicant proposes to construct a single-family dwelling on the site. The applicant submitted the application form and fee/deposit for the geologic hazard report on June 27, 2023, along with the following material:
  - May 9, 2022, Geotechnical Report and June 21, 2023, Engineering Geologic Review
  - Project site plan, elevations and rendering
  - Building permit application
- 3. <u>Public Testimony:</u> Notice of this public hearing was mailed to property owners within a 250foot radius of the subject property on July 19, 2023, and was published in the Newport *News-Times* on July 21, 2023. No written testimony was received at the time this report was completed.

#### #2-GEO-PC-23 (Sparks-Cerven) August 9, 2023, Planning Commission Meeting



Site Plan



#### Elevations

C. <u>SUMMARY AND STAFF ANALYSIS</u>: The Planning Commission reviews the proposal for conformance with the appropriate standards of the Depoe Bay Zoning Ordinance (DBZO). To facilitate review, Staff provides the following analysis:

Standard	Requirement	Proposed	
Building Height	Max. 30'-0" (average)	24'-0" (average)	
Front Yard	Min. 20'-0"	58'-0''	
Rear Yard	Min. 10'-0"	10'-0"	
Side Yard (South)	Min. 5'-0"	8'-0''	
Side Yard (North)	Min. 5'-0"	42'-0"	
Off-Street Parking	2 spaces	2 garage/driveway spaces	

#### 1. R-2 Residential Standards and Parking Requirements

2. Geologic Hazards and Geotechnical Investigation Assessment. The May 9, 2022, Geotechnical Report by Rapid Soil Solutions and June 21, 2023, Engineering Geologic Review by Plateau Geoscience Group (attached), includes an introduction, scope of work, parcel location and description, site vicinity, slopes, geologic setting, geologic hazard mapping, soils observed, previous reports in vicinity, drainage, erosion, conclusions, recommendations, and report limitations. The reports provide the following recommendations:

## Foundation Design

Footings placed into the silty CLAY shall be designed for an allowable bearing capacity of 1,500 pounds per square foot (psf) between 1ft and 2ft below subgrade. **Please allow for up to 48 hours'** notice for foundation inspections by a phone call to RSS.

The recommended allowable bearing pressure can be increased by 1/3 for short-term loads such as those resulting from wind or seismic forces.

Continuous wall and isolated spread footings should be at least 16 and 24 inches wide, respectively. The bottom of interior footings should be at least 12 inches below the base of the floor slab. Based on our analysis the total post-construction settlement is calculated to be less than 1 inch, with differential settlement of less than 0.5 inch over a 50-foot span for maximum column, perimeter footing loads of less than 100 kips and 6.0 kips per linear foot.

Lateral loads on footings can be resisted by passive earth pressure on the sides of the structures and by friction at the base of the footings. An allowable lateral bearing pressure of 150 pounds per cubic foot (psf/f) below grade may be used. Adjacent floor slabs, pavements or the upper 12inch depth of adjacent, unpaved areas should not be considered when calculating passive resistance.

# Structural Fills

Fills shall be placed on level benches in thin lifts and compacted to a dry density of at least 92% of its Maximum Dry Density (MDD) as determined by the Modified Proctor Test (ASTM D-1557) when using imported rock. Compaction testing shall take place every 18in. A minimum of three days prior to the placement of any fill, please supply Engineer with a 30-pound sample (approximately a full 5-gallon bucket) of any soil or base rock to be used as fill (including native

and import materials) for testing and approval. RSS to see the foundation excavation. **Please allow** *up to 48 hours' notice for excavation inspection*.

#### **Retaining Walls and Embedded Walls**

Default lateral soil load for the design of basement and retaining walls supporting level backfill shall be 40 psf/ft for laterally unrestrained retaining walls and 60 psf/ft for laterally restrained retaining walls. For embedded building walls, a superimposed seismic lateral force should be calculated based on a dynamic force of 9H2 pounds per lineal foot of wall, where H is the height of the wall in feet and applied at 1/3 H from the base of the wall. The wall footings should be designed in accordance with the guidelines provided in the "Foundation Design" section of this report. These design parameters have been provided assuming that back-of-wall drains will be installed to prevent buildup of hydrostatic pressures behind all walls.

The backfill material placed behind the walls and extending a horizontal distance equal to at least half of the height of the retaining wall should consist of granular retaining wall backfill as specified in the "Structural Fill" section of this report. However, backfill located within a horizontal distance of 3 feet from the retaining walls should only be compacted to approximately 92 percent of the maximum dry density, as determined by ASTM D1557. Backfill placed within 3 feet of the wall should be compacted in lifts less than 6 inches thick using hand-operated tamping equipment (e.g., jumping jack or vibratory plate compactors). If flat work (e.g., sidewalks or pavements) will be placed atop the wall backfill, we recommend that the upper 2 feet of material be compacted to 95 percent of the maximum dry density, as determined by ASTM D698.

A minimum 12-inch-wide zone of drain rock, extending from the base of the wall to within 6 inches of finished grade, should be placed against the back of all retaining walls. Perforated collector pipes should be embedded at the base of the drain rock. Drain rock is classified as angular graded from 1.5" to 0.75" no fines. The perforated collector pipes should discharge at an appropriate location away from the base of the wall. The discharge pipe(s) should not be tied directly into storm water drain systems, unless measures are taken to prevent backflow into the wall's drainage system. Settlements of up to 1 percent of the wall height commonly occur immediately adjacent to the wall as the wall rotates and develops active lateral earth pressures.

Engineering values summary

Bearing capacity – soil	1,500 psf
Coefficient of friction – existing	0.28
Active pressure – with drainage	40 pcf
Passive pressure	300 pcf

#### Seismic Design Criteria

The seismic design criteria for this project found herein is based on the ASCE 7-16 from the USGS Earthquake Hazards Program. A summary of IBC seismic design criterion below using the following Lat 45.81782 and Long of -124.061423, null = see section 11.4.8

	Short Period	1 Second
Maximum Credible Earthquake Spectral Acceleration	Ss = 1.438g	S1 = 0.735g
Adjusted Spectral Acceleration	Sms = 1.725	Sm1 = null
Design Spectral Response Acceleration Perimeters	Sds = 1.15	Sdl = null

#### Excavation

The initial site preparation will consist of topsoil stripping, and the removal of trees, where applicable. Removal of trees should include removal of the root ball, and any roots greater than  $\frac{1}{2}$ -inch in diameter. Prior to backfilling an excavation with structural fill, the area should be observed by the Geotechnical Engineer to ensure that the above items have been properly removed. **Please allow 48-hour notice to call for subgrade inspections.** 

Excavations can be accomplished with conventional excavating equipment. All excavations for footings and subgrades in the fine-grained silty-clay should be performed by an excavator or backhoe equipped with a smooth-faced bucket and or one with teeth.

Because of safety considerations and the nature of temporary excavations, the Contractor should be made responsible for maintaining safe temporary cut slopes and supports for utility trenches, etc. We recommend that the Contractor incorporate all pertinent safety codes during construction, including the latest OSHA revised excavation requirements, and based on soil conditions and groundwater evidenced in cuts made during construction. **Only remove the soil and ground covers needed for the house excavation**.

- 3. Geologist Certification, Inspection and Monitoring. Prior to issuance of a building permit a certified engineering geologist shall provide a letter(s) to the City stating that final plans for site development are in conformance with the recommendations described in the May 9, 2022, Geotechnical Report and June 21, 2023, Engineering Geologic Review.
- 4. **Erosion Control and Drainage Plan.** Prior to issuance of a building permit, the City's Public Works Director shall review and approve an erosion control and drainage plan.
- 5. Archaeological Resources. All of the Depoe Bay planning area falls within the "high density" archaeological site density classification shown in the 1976 Lincoln County Statewide Inventory Historical Sites and Buildings, published by the Oregon State Historic Preservation Office, Parks and Recreation Branch, Department of Transportation. Although the property is not specifically identified as an archaeological site, the applicant needs to be aware of potential archaeological resources and take feasible action to minimize site disturbance and prevent irreversible loss of archaeological sites shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. This does not require the property owner to hire an archaeologist, however, it does require the property owner to be cognizant of archaeological resources when developing the site.
- 6. **Declaration.** The applicant/property owner shall complete and sign the Declaration of Covenants and Conditions of Responsibility and Indemnity (the "Declaration") provided by the City. Prior to issuance of a building permit, the applicant or property owner shall execute and record the Declaration in the deed records of Lincoln County, Oregon. The Declaration is required for all

geologic hazard reports pursuant to DBZO Section 152.232(B)(3). The Declaration states that the applicant shall be responsible for the consequences, including the safety of the public, of constructing and maintaining the Improvements.

- 7. **Period of Validity.** Pursuant to DBZO Section 152.232(B)(5), authorization of a geologic hazards permit shall be void after five (5) years unless substantial construction pursuant thereto has taken place.
- **D.** <u>CONCLUSIONS</u>: In evaluating the request, the Planning Commission bases its decision on compliance with the applicable code standards. If the Commission finds the request fails to satisfy the ordinance standards, it can move to deny the request, articulating the basic conclusions and rationale for the decision and directing staff to prepare findings.

If the Planning Commission finds the request satisfies the applicable criteria, it can move to approve the request and direct Staff to prepare findings. In the event of an approval, Staff suggests the following conditions of approval:

- 1. **R-2 Residential and Parking Standards.** Development shall be accomplished in accordance with the submitted plan and in conformance with all R-2 Residential and parking standards. This includes a front yard of 58'; a rear yard of 10'; a southerly side yard of 8'; and a northerly side yard of 42'. The approved average building height is 24'-0". A minimum 2 on-site parking spaces shall be provided.
- 2. **Building Permit.** The applicant shall obtain a valid building permit prior to commencement of construction.
- 3. Geologist Certification, Inspection and Monitoring. Prior to issuance of a building permit a certified engineering geologist shall provide a letter to the City stating that final plans for site development are in conformance with the recommendations described in the May 9, 2022, Geotechnical Report and June 21, 2023, Engineering Geologic Review. Any fill placed in the proposed building area must be placed only after the subgrade is properly prepared and then approved by a qualified engineering geologist or geotechnical specialist.
- 4. **Erosion Control and Drainage Plan.** Prior to issuance of a building permit, the City's Public Works Director shall review and approve an erosion control and drainage plan.
- 5. **Design and Construction Recommendations.** Development shall be accomplished in conformance with the recommendations described in the May 9, 2022, Geotechnical Report by Rapid Soil Solutions and the June 21, 2023, Engineering Geologic Review by Plateau Geoscience Group:
  - a. Foundation Design. Footings placed into the silty CLAY shall be designed for an allowable bearing capacity of 1,500 pounds per square foot (psf) between 1ft and 2ft below subgrade. Please allow for up to 48 hours' notice for foundation inspections by a phone call to RSS.

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than 1 inch, with differential settlement of less than 0.5 inch over a 50-foot span for maximum column, perimeter footing loads of less than 100 kips and 6.0 kips per linear foot.

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d. Seismic Design Criteria. The seismic design criteria for this project found herein is based on the ASCE 7-16 from the USGS Earthquake Hazards Program. A summary of IBC seismic design criterion below using the following Lat 45.81782 and Long of -124.061423, null = see section11.4.8

	Short Period	1 Second
Maximum Credible Earthquake Spectral Acceleration	Ss = 1.438g	S1 = 0.735g
Adjusted Spectral Acceleration	Sms = 1.725	Sm1 = null
Design Spectral Response Acceleration Perimeters	Sds = 1.15	Sd1=null

e. Excavation. The initial site preparation will consist of topsoil stripping, and the removal of trees, where applicable. Removal of trees should include removal of the root ball, and any roots greater than ½-inch in diameter. Prior to backfilling an excavation with structural fill, the area should be observed by the Geotechnical Engineer to ensure that the above items have been properly removed. Please allow 48-hour notice to call for subgrade inspections.

Excavations can be accomplished with conventional excavating equipment. All excavations for footings and subgrades in the fine-grained silty-clay should be performed by an excavator or backhoe equipped with a smooth-faced bucket and or one with teeth.

Because of safety considerations and the nature of temporary excavations, the Contractor should be made responsible for maintaining safe temporary cut slopes and supports for utility trenches, etc. We recommend that the Contractor incorporate all pertinent safety codes during construction, including the latest OSHA revised excavation requirements, and based on soil conditions and groundwater evidenced in cuts made during construction. **Only remove the soil and ground covers needed for the house excavation**.

- 6. Archaeological Resources. Development shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. Before and during excavation, any discovery of archaeological resources shall mean that the applicant shall cease excavation activities, notify the State Historic Preservation Office and Confederated Tribe of Siletz Indians, and meet State statutes before proceeding.
- 7. **Declaration.** The applicant/property owner shall complete and sign the Declaration of Covenants and Conditions of Responsibility and Indemnity (the "Declaration") provided by the City. Prior to issuance of a building permit, the applicant or property owner shall execute and record the Declaration in the deed records of Lincoln County, Oregon.
- 8. **Period of Validity.** This approval shall be null void after five (5) years from the effective date of the Planning Commission's approval unless substantial construction pursuant thereto has taken place.

#### #2-GEO-PC-23 (Sparks-Cerven) August 9, 2023, Planning Commission Meeting

Submitted by,

# Kit Fox, AICP

City Planner

May 9, 2022, Geotechnical Report by Rapid Soil Solutions
June 21, 2023, Engineering Geologic Review by Plateau Geoscience Group
Project site plan, elevations, and renderings
Building permit application
Relevant DBZO criteria:

- Section 152.026: Residential Zone R-2
- Section 152.058: Off-Street Parking and Off-Street Loading Requirements
- Section 152.229: Geologic Permit Required
- Section 152.232: Determination of Compliance

# **Geotechnical Report**

NE Williams Ave Tax lots: 09-11-05-CD-09100-00 and 09-11-05-CD-09101-00 Depot Bay, Oregon

> Prepared for: Howard Sparks

9 May 2022 Updated Stamp 14 June 2023



Rapid I Soil Solutions INC 503-816-3689

#### **PROJECT AND SITE DESCRIPTIONS**

#### Introduction

Rapid Soil Solutions Inc (RSS) has prepared this geotechnical report, as requested, for the proposed development of a single-family residential dwelling on the Lincoln County tax parcels assigned the state tax lot identification number of 09-11-05-CD-09100-00 and 09-11-05-CD-09101-00. These parcels are situated in the coastal city of Depoe Bay, extending from Williams Ave to Bensell Ave and positioned roughly 120 feet south of Carson Street. RSS understands that the proposed new development will be located in the northern half of the 100' by 100' property.

#### Site Location

The subject site is located on the eastern side of Williams Ave roughly 50 south of its intersection with Bechill Street and 530 feet north of its intersection with Clarke Street. The site is situated near the middle of Depoe Bay, roughly 250 feet east of Highway 101. Adjacent to the northern margin of the site is a single-family residential dwelling assigned the street address of 240 NE Williams Ave. The tax lot directly south of the subject site is vacant and undeveloped but is associated with the dwelling assigned the street address of 183 NE Bensell Ave. East of the site is a narrow, gravel, road (Bensell Place) and the property assigned the street address of 184 NE Bensell Ave. To the west the site faces 50 NE Bechill St and 209-211 NE Williams Ave. The site can be found in the southeast quarter of the southwest quarter of Section 5, Township 9-South, Range 11-West (W.M.) in Lincoln County, and can be distinguished by the lot number 9100 and 9101. The site is stated within the Sundowne Addition to Depoe Bay, occupying lots 4 and 5 in Block 2 of that subdivision (Doc 201707237). The latitude and longitude of the site are 44.814782 and -124.061423 (44°48'52.2"N, 124°03'40.2"W). The site can be found near the center of the Depoe Bay 7.5-minute quadrangle.

#### SITE CONDITIONS

#### **Surface Conditions**

#### Setting and General Description

The subject site is located in the city of Depoe Bay, north of the small harbor and south of North Point. The site overlooks narrow strip of commercial properties lining the eastern side of Highway 101. The western side of Highway 101 overlooks the Pacific Ocean. Depoe Bay is perched upon Cape Foulweather Basalt and Depoe Bay Basalt, portions of which are capped by coastal terrace deposits. The small harbor south of the subject site is accessed via a narrow chasm between tall walls of basaltic rock; these basalts protect the inner Depoe Bay from storms waves and erosion. The basin appears to have formed via stream erosion along North and South Depoe Creeks during the most recent glacial stage. Ascending slopes east of Depoe Bay contain sedimentary deposits of the Astoria Formation.

The subject site is situated on east-ascending slopes overlooking the Pacific Ocean. The local slopes are zoned Residential (R-2) generally intended for single-family residential land use applications and compatible uses. Downslope from the subject site the zoning transitions to a retail commercial zoning district (C-1). The site is generally surrounded by single-family residential dwelling and undeveloped woods. Hotels and short-term rentals are also common in the local area.

Bensell Ave extends along the eastern margin of the subject site. This street is narrow and surfaced with gravel. The street appears to have been constructed in the ascending slope with a moderate amount of grading. Fill appears to have been placed on the downslope side of Bensell Ave. William Ave extends along the western margin of the subject site. RSS understands that the future residence will be accessed from Williams Ave. The residential road is surfaced with asphalt concrete and contains a few speed bumps. There is a curb extending along the eastern side of Williams Ave; there are no sidewalks or shoulders constructed along the relatively narrow roadway.

#### General Site Conditions

The subject site consists of two Lincoln County tax parcels. Both parcels are undeveloped. The site is wooded, with a relatively dense canopy of primarily deciduous trees. The site contains no structures. The decayed and rusted remnants of an old car was observed within the property. The understory contains low-laying vegetation dominated by shade-loving native plants and English Ivy. It appears that a small machine was used to clear some of the understory vegetation prior to the site visit conducted by RSS. A gap was also cut between the trees at the western margin of the site, creating a passage through the thick vegetation at the roads edge. Soils disturbed by the equipment are dark brown and organic rich.

The main of the site is west-sloping; the grade is regular and with a degree of undulation typically found in wooded slopes. The slopes along the eastern and western margins of the site appear to have been artificially steepened.

No standing or flowing water was observed on the subject site.



Figure 1: Existing conditions at the subject site, aerial image taken in 2021 and presented by Lincoln County Web Maps.



Figure 2: Existing conditions within the subject site, image collected on April 29th, 2022 by RSS.

## Slopes

The slopes within the subject parcel descend westward at a consistent grade. 10-foot contours presented by Lincoln County suggest that the average slope within the subject site is around 30-33%. RSS observed the slopes along the eastern and western margins of the site to be steeper than those found internally within the parcel. The slopes in the eastern margin of the site appear to be comprised partially of imported rock, used in the grading of the adjacent roadway. The slops at the western margin of the stie appear to have been subjected to minor road cuts. Between the two overstepped boundaries, the slopes within the subject site contained a consistent slope, interrupted by stumps and trees. The slopes within the subject site are consistent with the slopes found in the adjacent properties north and south of the site.

# Historic Site Conditions

Historic aerial imagery dating back to 1982 was referenced as part of this investigation. All of the imagery referenced depicts the subject site as vacant and undeveloped. Observations of available aerial imagery do not yield indications of major changes within the subject site.

The existing dwellings north and south of the subject site were constructed prior to 1982. The residence east of the subject site was constructed in the early 2000s. The hotel west of the subject site was constructed between 1994 and 2000. Two residential dwellings were constructed west of the subject site between 2019 and 2021.

# **Regional Geology**

Current geologic literature classifies the slopes at the subject site as underlain by Depoe Bay Basalts. These basalts extend along the ocean-facing cliffs of Depoe Bay and extend up to the ridge line east of the subject site. Southeast of the subject site sedimentary deposits of the Astoria Formation and marine terrace deposits occupy the ascending slopes.



## Geologic History

The site is tucked along the westernmost edge of the Oregon Coast Range, just before it plunges into the ocean. The Oregon Coast Range is an uplifted belt of land spanning roughly 200 miles and comprised of moderately high mountains (averaging 1,500' in elevation with a maximum of 4,097') that occupies a roughly 30- to 40-mile-wide swath of land along the Pacific Ocean. The mountains rising above the subject site are comprised primarily of accreted oceanic sediments and synchronously deposited igneous rocks (where the sediments overlay, underlay and are intruded by the volcanic flows). After the accretion of the Siletz Terrane to the edge of North America, a thick pile of silt, sand, and mud accumulated on the adjacent sea floor. Over tens of millions of years, sediment accumulation continued alongside tectonic impacts of the Cascadia subduction zone and sea level fluctuations. Over time the sedimentary material was scraped onto the edge of the continental plate; uplift, faulting and folding (associated with margin-parallel shortening in the Cascadia subduction zone) lifted the thick stack of sedimentary rock into the heights of the modern mountain range.

The western flank of the Coast Range, which includes the area around the subject site, generally contain varied topography, typically dominated by rugged mountains, bold headlands and marine embayments. Steep canyons cut through the local uplands, emptying into the lowland areas along the coast. The lowland areas of the coastal range include marine embayments, coastal plains and dune areas built up along spits and beaches. The local stretch of coast is underlain by basalts, which extend into prominent headlands both north and south of the Depoe Bay area.

During periods of higher sea level elevation, typical erosional impacts along the coastline occurred at a higher elevation than their modern counterparts. The ongoing wave erosion at these higher elevations cut platforms and benches on the bedrock; as sea level changed these landforms were buried in sediment and abandoned as terraces. When sea level rose,

sediments were deposited atop the benches, when sea levels subsequently lowered again, the terrace was left behind. Typical terrace deposits were laid down over wave-cut benches during interglacial stages of the Pleistocene Epoch, when sea level was relatively high. Terrace deposits can be found at elevations slightly lower than the subject site, but in relatively close proximity.

#### Site Geology

The subject site is mapped as underlain by the Basalts of Depoe Bay. These basalts are described as "pillow breccia, pill flows, extrusive breccia, lapilli tuff, and columnar-jointed subaerial flows of fine- to medium-grained equigranualr tholeiitic basalt." These basalts solidified quickly as the hot lava come in contact with sea water. The local deposits have been described as a 75-foot-thick breccia deposit grading southward into a 50-foot subaerial flow. Numerous dikes and sills cut into the sedimentary deposits of the Astoria Formation directly east of Depoe Bay.

Locally these basalt form steeply sloping cliffs of around 40 feet tall at the oceans edge. In some sections trenches and small caves have formed along fracture zones.

#### **Geohazard Review**

Within the Oregon Coast there are various chronic and catastrophic hazards that can negatively impact development. Chronic hazards include those that constantly impact the region. Chronic hazard can include: beach, dune, and bluff erosion; slides, slumps, and gradual weathering of sea cliffs; and flooding of low-lying areas during major storms (DOGAMI/ Oregon's Natural Hazards Mitigation Plan). The local coast is constantly being impacted by waves, currents, tides and storms. Many coastal features, such as beaches and spits, are in a near-constant state of change. Catastrophic hazards are regional in scale and scope; these can include major earthquakes and associated ground shaking, subsidence, landsliding, liquefaction, and tsunamis. It is noted that "Human influences associated with jetty construction, dredging practices, coastal engineering, and the introduction of non-native dune grasses have all affected the shape and configuration of the beach, including the volume of sand on a number of Oregon's beaches, ultimately influencing the stability or instability of these beaches." (Oregon's Natural Hazards Mitigation Plan).

The Oregon HazVu: Statewide Geohazard Viewer was reviewed on May 7<sup>th</sup>, 2022 to investigate mapped geological hazards.

#### Ocean Shoreline Considerations

Longshore transport of sand along the coast is interrupted by the presence of natural headlands and manmade jetties along the Oregon Coast. The substantial natural barriers to longshore sediment transport create isolated segments of shoreline in respect to the erosion and accumulation of sand, known as littoral cells. The subject site is generally situated between two littoral cells, with the Lincoln City Cell (north) and the Newport Littoral Cell. A small cell between Cape Foulweather and Yaquina Head (Beverly Beach Cell) is also located south of the subject site. The shoreline downslope form the subject site contains basaltic cliffs.

A 2004 report, prepared by George R. Priest and Jonathan C. Allan (OFR O-04-09) indicate that the erosional hazard zone along the local stretch of coastline is relatively narrow. The hazard zones, as mapped by Priest and Allan, are entirely confined to the western side of Highway 101.

### Flooding Hazard Considerations

The document review conducted by RSS indicates that the subject site is situated outside the 100-year floodplain. The local coastline is backed by basaltic cliffs, resulting in a generally low risk of coastal flooding.

#### Seismic Hazard Considerations

The principal seismic geologic hazard along the Oregon Coast is that associated with a Cascadia Subdivision zone (CSZ) earthquake. A widespread rupture of the CSZ will result in violent ground shaking and substantial regional damage. Recent research suggests that these earthquakes occur in cycles with spacings between 250 and 650 years. It is generally agreed that a CSZ rupture can produce magnitudes of 8.5 to 9.5 with shaking duration exceeding several minutes. The main earthquake would likely be followed by days or weeks of strong aftershocks. These shaking and associated tsunamis will impact the subject site.

It is expected that the property will experience a few minutes of very intense ground shaking during a CSZ earthquake.

The expected earthquake-shaking hazard is classified as 'very strong' across the property. The site is additionally classified as susceptible to a 'severe' level of shaking during a Cascadia earthquake event. The site is situated above the statutory tsunami inundation line.

The morphology and geology of the subject site and surrounding slopes suggest that the property is unlikely to experience substantial soil liquefaction during a severe shaking event. Soil liquefaction can lead to the possible loss of foundation support during a severe shaking event, such as a CSZ earthquake. Liquefaction occurs when saturated deposits of loose to medium dense, fine-grained soils (often sand-silt mixtures) experience an increase in pore water pressure as the soils are subjected to strong shaking and cannot rapidly drain. In these conditions, the pore water pressure can increase to the value of the overburden pressure, reducing the shear strength of the soil to zero; in these conditions the soil deposits transitions to a liquefied state. Associated hazards include severe settlement, rupture or lateral spreading, and slope failures. DOGAMI classifies the local slopes as containing a 'low' earthquake liquefaction hazard.

# Landslide Hazard Considerations

The Oregon Coast Range mountains, and many of the slopes overlooking the Pacific Ocean, contain landslides of various scales and ages. Much of the mountainous uplands contain near ubiquitous topography indicative of historic slope failures.

No landslides are mapped on or adjacent to the subject site. Regional landslide susceptibility and slope modeling suggest that the subject site contains a high susceptibly to landslides. Detailed landslide susceptibility mapping has not been conducted within the local slopes.

#### Field Exploration and subsurface conditions

#### Surface Explorations

RSS conducted field explorations of the subject site on April 29<sup>th</sup>, 2022. RSS traversed the slopes across the entirety of the subject site. The slopes within the subject site were observed to be moderate and consistent; slopes at the eastern and western margins were observed to be slightly steeper than those observed internally. Numerous mature trees are scattered across the subject site. Conditions observed on site were consistent with referenced documentation; detailed site descriptions are available in precious sections of this report.

No surface water or erosion suggestive of intermittent surficial flow was observed. No springs or pockets of unusual vegetation were observed.

#### Subsurface Exploration

A total of two shallow hand auger borings were conducted at the subject site. Both borings contained a relatively thick accumulation of dry, soft to medium stiff top soils and organic rich silts/clays. Both borings contained rounded gravels up to at least 3" in diameter. The second boring encountered refusal on one such clast, at a depth of 3'. The deeper boring found medium to high plasticity silts at a depth of 4 feet, with a texture suggestive of decayed sedimentary rocks.

The locations of the borings are shown on Figure 2 in Appendix A. A Geologist in Training (GIT) observed the borings and logged the subsurface materials. The soil logs were reviewed by a professional engineer. The logs were created using the Unified Soil Classification and Visual Manual Procedure (ASTM-D 2488). Samples were transported to the laboratory for further classification in sealed bags. No groundwater was encountered during this investigation. Moisture content, where sampled, ranged from 37.5% to 60.4%.

#### **Foundation Design**

Footings placed into the silty CLAY shall be designed for an allowable bearing capacity of 1,500 *pounds per square foot* (**psf**) between 1ft and 2ft below subgrade. *Please allow for up to 48hours notice for foundation inspections by a phone call to RSS*.

The recommended allowable bearing pressure can be increased by 1/3 for short-term loads such as those resulting from wind or seismic forces.

Continuous wall and isolated spread footings should be at least 16 and 24 inches wide, respectively. The bottom of interior footings should be at least 12 inches below the base of the floor slab. Based on our analysis the total post-construction settlement is calculated to be less than 1 inch, with differential settlement of less than 0.5 inch over a 50-foot span for maximum column, perimeter footing loads of less than 100 kips and 6.0 kips per linear foot.

Lateral loads on footings can be resisted by passive earth pressure on the sides of the structures and by friction at the base of the footings. An allowable lateral bearing pressure of 150 *pounds per cubic foot* (**psf/f**) below grade may be used. Adjacent floor slabs, pavements or the upper 12-inch depth of adjacent, unpaved areas should not be considered when calculating passive resistance.

#### **Structural Fills**

Fills shall be placed on level benches in thin lifts and compacted to a dry density of at least 92% of its Maximum Dry Density (MDD) as determined by the Modified Proctor Test (ASTM D-1557) when using imported rock. Compaction testing shall take place every 18in. A minimum of three days prior to the placement of any fill, please supply Engineer with a 30-pound sample (approximately a full 5-gallon bucket) of any soil or base rock to be used as fill (including native and import materials) for testing and approval. RSS to see the foundation excavation. **Please allow up to 48hour notice for excavation inspection**.

#### **Retaining Walls and Embedded Walls**

Default lateral soil load for the design of basement and retaining walls supporting level backfill shall be 40 psf/ft for laterally unrestrained retaining walls and 60 psf/ft for laterally restrained retaining walls. For embedded building walls, a superimposed seismic lateral force should be calculated based on a dynamic force of 9H<sup>2</sup> pounds per lineal foot of wall, where H is the height of the wall in feet and applied at 1/3 H from the base of the wall. The wall footings should be designed in accordance with the guidelines provided in the "Foundation Design" section of this report. These design parameters have been provided assuming that back-of-wall drains will be installed to prevent buildup of hydrostatic pressures behind all walls.

The backfill material placed behind the walls and extending a horizontal distance equal to at least half of the height of the retaining wall should consist of granular retaining wall backfill as specified in the "Structural Fill" section of this report. However, backfill located within a horizontal distance of 3 feet from the retaining walls should only be compacted to approximately 92 percent of the maximum dry density, as determined by ASTM D1557. Backfill placed within 3 feet of the wall should be compacted in lifts less than 6 inches thick using hand-operated tamping equipment (e.g., jumping jack or vibratory plate compactors). If flat work (e.g., sidewalks or pavements) will be placed atop the wall backfill, we recommend that the upper 2 feet of material be compacted to 95 percent of the maximum dry density, as determined by ASTM D698.

A minimum 12-inch-wide zone of drain rock, extending from the base of the wall to within 6 inches of finished grade, should be placed against the back of all retaining walls. Perforated collector pipes should be embedded at the base of the drain rock. Drain rock is classified as angular graded from 1.5" to 0.75" no fines. The perforated collector pipes should discharge at an appropriate location away from the base of the wall. The discharge pipe(s) should not be tied directly into storm water drain systems, unless measures are taken to prevent backflow into the wall's drainage system. Settlements of up to 1 percent of the wall height commonly occur immediately adjacent to the wall as the wall rotates and develops active lateral earth pressures.

Engineering values summary

Bearing capacity – soil	1,500psf
Coefficient of friction - existing	0.28

Active pressure – with drainage	40pcf
Passive pressure	300pcf

#### Seismic Design Criteria

The seismic design criteria for this project found herein is based on the ASCE 7-16 from the USGS Earthquake Hazards Program. A summary of IBC seismic design criterion below using the following Lat 45.81782 and Long of -124.061423, null = see section 11.4.8

	Short Period	1 Second
Maximum Credible Earthquake Spectral Acceleration	Ss = 1.438g	S1 = 0.735g
Adjusted Spectral Acceleration	Sms = 1.725	Sm1 = null
Design Spectral Response Acceleration Perimeters	Sds = 1.15	Sd1= null

#### Excavation

The initial site preparation will consist of topsoil stripping, and the removal of trees, where applicable. Removal of trees should include removal of the root ball, and any roots greater than <sup>1</sup>/<sub>2</sub>-inch in diameter. Prior to backfilling an excavation with structural fill, the area should be observed by the Geotechnical Engineer to ensure that the above items have been properly removed. *Please allow 48-hour notice to call for subgrade inspections*.

Excavations can be accomplished with conventional excavating equipment. All excavations for footings and subgrades in the fine-grained silty-clay should be performed by an excavator or backhoe equipped with a smooth-faced bucket and or one with teeth.

Because of safety considerations and the nature of temporary excavations, the Contractor should be made responsible for maintaining safe temporary cut slopes and supports for utility trenches, etc. We recommend that the Contractor incorporate all pertinent safety codes during construction, including the latest OSHA revised excavation requirements, and based on soil conditions and groundwater evidenced in cuts made during construction. **Only remove the soil and ground covers needed for the house excavation**.

#### Conclusions

In RSS professional opinion there are no adverse effects of constructing this house on the site. There are no additional hazards to public and private lands by developing this lot. The area of work will be contained by a silt fence which is normal construction practices in the Pacific NW this will protect the surrounding area. A silt fence will contain construction debris and the excavator will only remove what is needed for the land development. Planting native plants is the permanent stabilization for the site. It is RSS professional opinion that the site is protected from wind erosions, undercutting, ocean flooding and storm waves.

#### **Construction Observations**

Satisfactory pavement and earthwork performance depends on the quality of construction. Sufficient monitoring of the activities of the contractor is a key part of determining that the work is completed in accordance with the construction drawings and specifications. Subsurface conditions observed during construction should be compared with those encountered during the subsurface explorations. Recognition of changed conditions requires experience. Therefore, qualified personnel should visit the site with sufficient frequency to detect whether subsurface conditions change significantly from those anticipated.

#### Limitations

This report has been prepared for the exclusive use of the addressee, and their architects and engineers for aiding in the design and construction of the proposed development. It is the addressee's responsibility to provide this report to the appropriate design professionals, building officials, and contractors to ensure correct implementation of the recommendations. The opinions, comments and conclusions presented in this report were based upon information derived from our literature review, field investigation, and laboratory testing. Conditions between, or beyond, our exploratory borings may vary from those encountered. Unanticipated soil conditions and seasonal soil moisture variations are commonly encountered and cannot be fully determined by merely taking soil samples or soil borings. Such variations may result in changes to our recommendations and may require that additional expenditures be made to attain a properly constructed project. Therefore, some contingency fund is recommended to accommodate such potential extra costs.

If there is more than 2 years time between the submission of this report and the start of work at the site; if conditions have changed due to natural causes or construction operations at, or adjacent to, the site; or, if the basic project scheme is significantly modified from that assumed, it is recommended this report be reviewed to determine the applicability of the conclusions and recommendations.

The work has been conducted in general conformance with the standard of care in the field of geotechnical engineering currently in practice in the Pacific Northwest for projects of this nature and magnitude. No warranty, express or implied, exists on the information presented in this report. By utilizing the design recommendations within this report, the addressee acknowledges and accepts the risks and limitations of development at the site, as outlined within the report.

#### References

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Library of Congress, Map Search - https://www.loc.gov/maps/

Oregon Department of Transportation, ODPT TransGIST - https://gis.odot.state.or.us/transgis/ Geologic Map of Oregon (DOGAMI) - https://www.oregongeology.org/geologicmap/index.htm Oregon State Wide Geohazard Viewer (DOGAMI, Oregon HazVu) -

https://gis.dogami.oregon.gov/maps/hazvu/

Statewide Landslide Information Layer for Oregon (DOGAMI: SLIDO) - https://gis.dogami.oregon.gov/maps/slido/

- Tsunami Inundation Map (TIM) Series https://www.oregongeology.org/pubs/tim/p-TIMoverview.htm
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# APPENDIX



Figure 1: Subject site location in the Northeastern quarter of the Depoe Bay 7.5-minute quadrangle





Lab Results

Project Name: Williams Ave - Depoe Bay

Sample Date 4/29/2022

Moisture						
	Sample number	HA#1-A	HA#1-B	HA#2-A		
1	Date and time in oven	5/2/22 4:10 PM	5/2/22 4:10 PM	5/2/22 4:10 PM		
2	Date and time out of oven	5/3/22 7:30 AM	5/3/22 7:30 AM	5/3/22 7:30 AM		
3	Depth (ft)	2	4	3		
4	Tare No.	1	2	3		
5	Tare Mass	234	234	235		
6	Tare plus sample moist	696	775	1075		
7	Tare plus sample dry	522	615	846		
8	Mass of water (g)	174	160	229		
9	Mass of soil (g)	288	381	611		
10	Water Content (%)	60.4	42.0	37.5		

#### **Atterberg Limit Test**





0 10 20 30 40 50 60

Liquid Limit (LL or wL)

70 80 90 100

Page 1 of 1







June 21, 2023

# RE: Engineering Geologic Review, Sparks Property, Two Lots Off NE Williams Avenue, Depoe Bay, Oregon

Mr. Howard Sparks POB 74672 Fairbanks AK 99707

Dear Mr. Sparks:

This letter summarizes an Engineering Geologic Review conducted by Plateau Geoscience Group (Plateau) of your building Site located in central Depoe Bay, Oregon. We understand that you are proposing to construct a single family residence on the Site that consists of two contiguous lots adjacent to the east of NE Williams Avenue. We also understand that you have commissioned a Geotechnical Report for your property (updated June 14, 2023) prepared by Rapid Soil Solutions Inc. You have provided a copy of the Geotechnical Report to be used as part of this Engineering Geologic Review.

Plateau's Engineering Geologic Review included review of publically available background information, review of the Geotechical Report, and a site visit conducted on June 14, 2023. The Geotechnical Report presents a summary of site conditions, soil conditions based on two hand auger borings with soil logs, results of laboratory analyses, and geotechnical recommendations. The site visit was made to observe conditions at the Site.

The Site proposed building lots 9100 and 9101 are in the Sundowne Addition in the uplands of central Depoe Bay east of Highway 101. The north lot (9100) abuts the property at 240 NE Williams Avenue to the north, and the south lot (9101) abuts an undeveloped lot at 183 NE Bensell Avenue to the south. The Site is bounded to the east by NE Bensell Avenue a gravelled access road. The Site is westward sloping with elevations that range from approximately 145 feet along the eastern margin to 110 feet along the east side of NE Williams Avenue. Based on geologic maps of the area the Site is underlain by Depoe Bay Basalt that in this area forms headlands and consists of breccia, localized flows, and associated basalt sills and dikes. Pleistocene terrace deposits are mapped less than a mile to the southeast of the Site.

During the site visit the following observations were made:

- Basalt, likely the Depoe Bay Basalt, is exposed along the eastern side of NE Bensell Avenue and appears brecciated consistent with the description of the Depoe Bay Basalt see photo below).
- Shallow groundwater was observed seeping from the NE Bensell Avenue cut slope, and pooling in the eastern track of the gravel road (see photo below). This seepage would be expected to increase during the winter months and to move westward to beneath the Site.
- Basalt bedrock appears to extend westward beneath the Site and to underlie the steep slopes in the eastern portion of the Site.
- The center of the Site is relatively flat then becomes steeper at the western margin in what is likely man-made cut slopes for construction of NE Williams Avenue.
- Soil exposed in the center and western portion of the site is very dark brown gravelly silt. The color of the soil is likely due in part to a high organic content.
- A mix of deciduous and evergreen trees cover most of the site with an understory composed of ferns, vines and common horsetail plants which along with the organic appearance of the soil indicates potentially wet soil during much of the year.
- No standing or flowing surface water was observed on or near the site.
- No tension cracks, slumps, or other signs of slope instability were observed on the site or along NE Bensell Avenue east and upslope from the Site.





Basalt bedrock (Depoe Bay Basalt) exposed in the cut slope on the east side of NE Bensell Avenue. Shallow groundwater seeping on the surface of the basalt bedrock and pooling on NE Bensell Avenue. View to North.

The Geotechnical Report summarizes chronic and catastrophic hazards associated with this portion of the Oregon Coastline. The following paragraphs list these hazards and their potential impact on the site and Plateau's concurrence/nonconcurrence.

COASTAL EROSION HAZARD – In this portion of the Oregon coastline the erosional hazard zone is narrow and well below in elevation and to the west of the Site. Plateau concurs that coastal erosion will not impact the Site.

FLOODING HAZARD – The Site is outside the 100-year floodplain. Plateau concurs that flooding hazard will not impact the Site.

SEISMIC HAZARD – Plateau concurs that the Site would be impacted by earthquake shaking as a result of large earthquakes that may occur along the Cascadia Subduction Zone. The recurrence interval for these large earthquakes is predicted to be 250 to 650 years. Plateau does not agree that the Site would be impacted by tsunamis that may be associated with large Cascadia earthquakes because it is located at elevations well above the local tsunami zone. Plateau concurs that liquifaction susceptibility is low because common liquifiable soil types and saturation conditions do not appear to be present on the Site.

LANDSLIDE HAZARD – No landslides are mapped on the Site although modeling for the Site area indicates a high susceptibility to landslides. Plateau considers landslide hazard to be low for the Site based on observations made during the site visit with bedrock exposed at the eastern margin and no evidence of slope instability observed on roads adjacent to the Site, or in the interior of the Site.

The following summarizes conclusions and recommendations for Site considerations and geologic hazards that may impact the Site.

- Design of the building foundation should include management of potential shallow groundwater in the central portion of the Site. Groundwater seepage was observed during the site visit along NE Bensell Avenue and may extend in the shallow subsurface into the interior of the Site with flow increasing during winter months.
- The main hazard that may impact the site is ground shaking as a result of local or regional earthquakes. Following local building codes for residential construction would be the recommended mitigation for ground shaking resulting from earthquake events.

Please let us know if you have any questions.

Sincerely,

Mars D. Kent

Mavis D. Kent Oregon Registered Engineering Geologist







# Discovery Ridge 1319



ESTIMATED GRADE FIN.

### ENTRANCE SIDE ELEVATION

**RIGHT SIDE ELEVATION** 

ELEVATIONS

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# WESTCOAST CONTEMPORARY

# Discovery Ridge 1319



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ITY of C ost Office Box 8 + E Phone (541) 765-23 TDD# 1-4	Depoe Bay, Oreg 61 + Fax (541) 76 800-735-2900	BAY on 97341 65-2129		
Zoning	Action Applicat	ion		
TO BE COMPLETED	BY OFFICE:	Deposit:	575	Receipt: Fee: \$27600 (Non-Refundable)
1. Date Received			uqeoos erb oi i	Staff Initials
1. Case File Number	o of Desoport anoisi	Zong off as flew	Actio	n: Planning Commission
2. Action Requested	C.U N Geotechnical Report	N.C.U	Variance Other	Zone Change
<ol> <li>Current Zoning</li> <li>Previous Planning /</li> <li>Existing Code Viola</li> </ol>	Curre Actions on Property ation(s)	ent Plan Design	ation	Lot Size
TO BE COMPLETED Reason For Request	BY APPLICANT: To remove t	vees from	lots	O gobess to the prop easement. <u>Note</u> E. all weltage mean, a flood hazard
Property Description	T 095 S, R 11	W, W.M., S	section <u>05</u>	Tax Lot(s) 9100 + 9101
Applicant's Name Ho	would C Sm	inks & Su	same h	Cerven
Address Po Box	74672	~	City Fein bo	MKS State AK
Zip Code 99707	Daytime Phor	ne Number (9	07) 590-4	1485
Relationship to Proper	rty Qwner	PPLICATION	1 9UOY 701	PROCESSIN
6/20/2023	(Owner, Cor	ntract Purchaser	, etc.)	
Agent (if any)	me			Signature of Phonenty Owne
	1 block east	5 Hwy 101	, next to	240 Williams Ave
Depoe Bay,	OR			
Existing Structures	DR	( RODING VIE	reche classifican	te in) theology to enularize
Existing Structures	DR None lities: Sewage Cit	y Wate	er City	le ii) fraailige fe enwang 2

INFORMATION REQUIRED

#### For Geotechnical Report Applications

### For all applications for geotechnical report review, the following minimum information must be submitted for the application to be considered complete:

- 1. Submittal of the geotechnical report. The report shall provide a statement as to how such hazards have been recognized in the proposal. The report shall also include the following:
  - A. The cause, extent and the potential of the hazards,
  - B. The provisions proposed to overcome the hazards,
  - C. A certified declaration as to the on-going responsibility of the developer should such hazards be of a nature whereby possible future danger may exist. Such declaration should include the developer's intent to continue or absolve responsibility should the development be sold.
  - D. Additional material as determined by the Planning Commission to be desirable to make a determination as to the acceptability of the statement.
  - E. The name and professional stamp of that person or persons determining the causes, extent and potential of the hazards as well as the provisions proposed to overcome the hazards
- 2. A completed building permit/manufactured home placement permit(s) filed at City Hall, which in addition to all material otherwise required for the permit application, shall include the following:

Plot plan, drawn to scale, of the subject property showing:

A. all property lines

- B. all existing and proposed buildings and setbacks from all property lines
- C. the location of sewer and water lines, (or septic system, well) and all easements
- D. access to the property, and whether it is a state highway, county road, public road or private easement. <u>Note</u>: Applicant should check to determine if an access permit is required.
- E. all wetland areas, areas of geological hazard, streams and waterways, and areas subject to flood hazard
- 3. Location of all required off-street parking and,
- 4. Other information as determined by staff.

### NOTE: ALL APPLICATIONS MUST BE COMPLETE. FAILURE TO SUBMIT A COMPLETE APPLICATION WILL DELAY THE ACCEPTANCE AND PROCESSING OF YOUR APPLICATION.

Signature of Property Owner

20/202

Date

Signature of Applicant (if other than property owner)

Date

## CITY OF DEPOE BAY

### SINGLE FAMILY DWELLING STANDARD CERTIFICATION FORM

Howard Charles & Applicant/Owner:

# Section 4.600. Design Features for Single-Family Dwelling. (added 12/6/93-ORD 194)

1. All single-family dwellings located within a residential zone (except for manufactured homes located within a manufactured home subdivision or a 'mobile home park') shall utilize at least two of the following design features:

# Please indicate which two or more features will be provided with the proposed dwelling:

- a. 
  Dormers
- b. 

  Recessed entries
- c. 🗆 Cupolas
- d. 
  Bay or bow windows
- e. D Window shutters
- f. K Off-sets on building face or roof (minimum 12 inches)
- g. D Gables
- h. 🕱 Covered porch entry or unenclosed deck
- i. D Pillars or posts
- j. I Tile, shake or elongated (not corrugated) metal roofing
- k. 🖾 Horizontal lap siding or shakes.
- 2. Individual lots shall be residentially landscaped and maintained similar to surrounding neighborhood development. Use of native vegetation shall be encouraged wherever possible.
- 3. A driveway having a durable and dustless surface shall be provided.
- 4. Single-family dwellings and other improvements shall be developed in compliance with applicable provisions set forth in the City Zoning Ordinance.

As the Applicant for a Building Permit to construct a new single family dwelling, I hereby certify that the proposed dwelling will comply with the applicable standards of Sections 4.600.

Signature of Applicant

# SECTION B, BUILDING PERMIT REVIEW FEE

BY AUTHORITY OF CITY OF DEPOE BAY ORDINANCE #245, A DEVELOPMENT REVIEW FEE IS ASSESSED WITH EACH BUILDING PERMIT APPLICATION FOR CONSTRUCTION WITHIN THE CITY. THIS FEE IS DETERMINED BY THE GROSS SQUARE FOOTAGE OF THE AREA OF NEW CONSTRUCTION OR RECONSTRUCTION COVERED BY THE PERMIT. GROSS SQUARE FOOTAGE IS DETERMINED BY EXTERIOR DIMENSIONS OF EACH TYPE OF CONSTRUCTION FOR WHICH A PERMIT IS SOUGHT. PLEASE NOTE GROSS SQUARE FOOTAGE DOES INCLUDE DECKS, GARAGES, PORCHES, ETC.

THE FEE SHALL BE DETERMINED BY THE FOLLOWING SCHEDULE:

TYPE OF CONSTRUCTION	SQUARE FOOTAGE	FEE	TOTAL
RESIDENTIAL: NEW OR REMODEL	2701	X \$.04	108.04
COMMERCIAL: NEW OR REMODEL	* ************************************	X \$.07	43 

\* \* \* MINIMUM FEE: \$10.00 \* \* \*

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS OF SQUARE FOOTAGE ARE TRUE AND ACCURATE

HC Sa

"This institution is an equal opportunity provider"

# CITY OF DEPOE BAY APPLICATION FOR WATER AND SEWER SERVICE P.O. BOX 8, DEPOE BAY, OR 97341 • 541-765-2361

	OFFICE USE ONLY:     Residential / Commercial       Account # -     Former Owner -
	Service address: 260 Williams Ave, Depse Boy, OR
	I, Havand Charles Spanks, certify that I am the owner of the above
	property as of 6/10/23 (date), and hereby request water and sewer service be
	provided
	I agree to comply with the rules and regulations of the City of Depoe Bay, and to pay such rates/charges for water and sewer as established by the City Council. I understand that as the owner of the property to which the service is provided, I shall be legally liable to pay all the service and usage charges and fees, whether service is supplied to the owner, renter, or othe occupant.
	I agree to comply with the rules and regulations of the City of Depoe Bay, and to pay such rates/charges for water and sewer as established by the City Council. I understand that as the owner of the property to which the service is provided, I shall be legally liable to pay all the service and usage charges and fees, whether service is supplied to the owner, renter, or othe occupant. Signature: Active CSource Date: 6/10/23
10911/2	I agree to comply with the rules and regulations of the City of Depoe Bay, and to pay such rates/charges for water and sewer as established by the City Council. I understand that as the owner of the property to which the service is provided, I shall be legally liable to pay all the service and usage charges and fees, whether service is supplied to the owner, renter, or othe occupant. Signature: Across Complex Date: 6/10/23 Mailing Address: PO Box 74672, Fbks AK 99707
10911/2 Ater 9/1	I agree to comply with the rules and regulations of the City of Depoe Bay, and to pay such rates/charges for water and sewer as established by the City Council. I understand that as the owner of the property to which the service is provided, I shall be legally liable to pay all the service and usage charges and fees, whether service is supplied to the owner, renter, or othe occupant. Signature: Across C Sparks Date: 6/10/23 Mailing Address: Po Box 14672, Foks Ak 99707 City, State, Zip: Po Box 1502, Depse Boy, or 97341
to 9/1/2 Ater 9/1	I agree to comply with the rules and regulations of the City of Depoe Bay, and to pay such rates/charges for water and sewer as established by the City Council. I understand that as the owner of the property to which the service is provided, I shall be legally liable to pay all the service and usage charges and fees, whether service is supplied to the owner, renter, or othe occupant.  Signature: Accord C Spates Date: 6/12/23  Mailing Address: Po Box 74672, Fbts, AK 99757  City, State, Zip: Po Box 1502, Depse Boy, of 97341  Home Phone: (907) 590 4495 Work Phone:
to 9/1/2 2 ster 9/1	I agree to comply with the rules and regulations of the City of Depoe Bay, and to pay such rates/charges for water and sewer as established by the City Council. I understand that as the owner of the property to which the service is provided, I shall be legally liable to pay all the service and usage charges and fees, whether service is supplied to the owner, renter, or othe occupant.  Signature: Across Complex Date: 6/12/2  Mailing Address: Po Box 74672, Fbks, Ak 99727  City, State, Zip: Po Box 1502, Depse Boy, OR 97341  Home Phone: (907) 590 4495 Work Phone: Email: Neurod Space Boy Hot mail.com

The following information is requested by the Federal Government in order to monitor compliance with Federal Laws prohibiting discrimination against applicants seeking to participate in this program. You are not required to furnish this information, but are encouraged to do so. This information will not be used in evaluating your application or to discriminate against you in any way. However, if you choose not to furnish it, we are required to note the race/national origin of individual applicants on the basis of visual observation or surname.

Race: (Mark one or more)

White 🗙

Black or African American\_\_\_\_\_

American Indian/Alaska Native

Asian\_\_\_\_

Native Hawaiian or other Pacific Islander

Ethnicity:

Hispanic or Latino

Not Hispanic or Latino\_\_\_\_\_

Date: 6/10/2023



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#### § 152.026 RESIDENTIAL ZONE R-2.

In an R-2 Zone, the following regulations shall apply.

(A) Uses permitted outright. In an R-2 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136 where applicable:

(1) A single-family dwelling built on the site;

(2) Manufactured home;

(3) A temporary manufactured dwelling or recreational vehicle used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, provided the temporary manufactured dwelling or recreational vehicle:

(a) Is located during the time the construction is underway; and

(b) Will not remain more than one year from date of placement or 30 days following substantial completion, whichever is earlier.

(4) Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further than no commercial structure shall be constructed or maintained on the premises;

- (5) Recreational vehicle (unoccupied) or boat, stored on a lot in combination with an approved building;
- (6) Two-family dwelling;
- (7) Pre-fab heated or modular dwelling;
- (8) Residential homes;
- (9) Family day care provider;
- (10) Transparent occupation; and

(11) Commercial fishing gear storage at the gear owner's dwelling or adjacent lot under the same ownership. The gear must be stored in a neat and orderly manner and must be non-toxic, non-hazardous, and cause no odor off-site.

(B) Conditional uses permitted. In an R-2 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, 152.130 through 152.136, and 152.225 through 152.235 where applicable.

- (1) Cemetery;
- (2) Church;
- (3) Community center;
- (4) Day nursery, nursery school, kindergarten, or similar facility;
- (5) Governmental structure or use of land;
- (6) Home occupation;
- (7) Golf course or country club, but excluding golf driving range, miniature golf course, or similar facility;

(8) Private non-commercial recreation club, such as tennis, swimming, or archery club, but excluding commercial amusement or recreation enterprises;

- (9) Public park, playground, or swimming pool;
- (10) Public school or private school offering curricula similar to public school;
- (11) Public or private utility facility;
- (12) Radio or television transmitter or tower; and
- (13) Solid waste disposal transfer station.

(C) Standards. Except as provided in §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136 in an R-2 Zone, the following standards shall apply.

- (1) Lot size and dimension. The minimum lot size and dimensions in an R-2 Zone shall be as follows:
  - (a) The lot area shall be 5,000 square feet for a one-family dwelling and 10,000 square feet for a two-family dwelling;

(b) The minimum lot width at the front lot line shall be 50 feet for an interior lot and 55 feet for a corner lot, except flag lots. The staff of a flag lot shall have a minimum width and frontage of not less than 25 feet;

(c) The minimum lot depth shall be 80 feet; and

(d) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property.

(2) Yards. The minimum yard requirements in the R-2 Zone shall be as follows:

(a) The front yard shall be a minimum of 20 feet;

(b) Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater;

(c) The street side yard shall be a minimum of 20 feet. except this may be reduced by one foot for each foot the average lot width is less than 60 feet, however, no street side yard shall be less than ten feet (see *LOT WIDTH* in § 152.003 of this chapter for method of calculation);

(d) The rear yard shall be a minimum of ten feet, except that on a corner lot, it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater; and

(e) No structure shall be located closer than 60 feet from the center line of any state highway.

(3) Building height. No building in the R-2 Zone shall exceed a height of 30 feet.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 187, passed 2-16-1993; Ord. 236, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 268, passed 11-2-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

#### § 152.058 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS.

At the time a new structure is erected or the square footage is increased, or the use of the structure is changed, off-street parking spaces, loading areas, and access thereto shall be provided as set forth in this section.

(A) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(B) In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the several uses computed separately.

(C) Owners of two or more uses, structures, or parcels of land may agree to jointly utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use and hours of operation.

(D) Off-street parking spaces for dwellings, hotels, motels, resorts, and time-shares shall be located on the same lot or on a lot immediately adjacent to the lot served by such parking.

(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 adequately for all-weather use, and shall be adequately maintained. Drainage shall conform to the city's storm water master plan and a drainage plan shall be approved the city field superintendent.

(G) Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones, or adjacent to Highway 101, or residential uses shall be designed to minimize visual impacts by use of landscaping or by a fence screened by landscaping.

(H) Parking areas used for public or private parking lots under the conditional use in an R-4 Zone must have garbage containers available for garbage which may be generated by users of the parking lot. Such garbage containers must be emptied on a regular basis and not less than weekly. Parking lots shall be posted with the following sign: "no camping or overnight use" and shall have their hours posted. Parking lot hours shall not extend beyond 10:00 p.m. or open earlier than 4:00 a.m. If the property fails to enforce the parking prohibitions, the Planning Commission may review and consider whether or not to revoke the conditional use permit.

(I) Parking spaces along the outer boundaries of a lot shall contain a curb or bumper rail at least four inches high and set back four feet from the front of the space.

(J) Artificial lighting may be used in parking areas provided it is of low intensity, is pointed generally downward, and is shielded if necessary so as to not create light or glare off-site.

(K) Except with respect to approved driveways, required off-street parking areas shall not be provided in the required front or street side yard areas in a residential zone.

(L) 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.

(M) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(N) Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain offstreet loading berths of sufficient numbers and size to handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this section may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

(O) All spaces shall be permanently and clearly marked. Markings which guide safe and efficient traffic flow shall also be permanently and clearly marked. All markings shall be replaced regularly to remain visible.

(P) All improvements, including surfacing, storm water management, striping, and landscaping shall be fully maintained for the life of the parking facility. Failure to maintain such improvements shall constitute a violation of this chapter.

(Q) All parking lots shall be designed with spaces for handicapped drivers as provided for in the Building Code.

(R) The clear vision requirements set forth in §152.055 of this subchapter shall apply to all parking lots at the intersection of two streets or a street and an alley.

(S) For C-1 Retail Commercial Zoned properties, off-street parking requirements shall be located on the same lot or within 500 feet (as measured by a direct line from the nearest property line to the nearest property line of the parking lot).

(1) On-street parking spaces that front the lot and are adjacent (on the same side of the street) may be counted in the required parking. Over one-half of the parking space shall be directly within the street frontage of the lot in order to be counted in the required parking.

(2) When the square footage of a business or structure is increased, or the use is changed, only the spaces associated

with the increased square footage or area of change must be added.

(3) No person who works or resides in properties fronting Highway 101 shall park a vehicle on Highway 101 while in his or her place of employment, or in his or her residence between 9:00 a.m. and 5:00 p.m. on any day. Single-family dwellings are exempt.

(4) Parking on Highway 101 is limited to four hours between 6:00 a.m. and 6:00 p.m.

(5) All parking shall be general purpose parking/public parking with the exception of residential uses which may have designated off-street parking spaces. If required parking is off-site but within 500 feet, the applicant must provide written documentation from the property owner authorizing the parking. If a variance to parking requirements is pursued, the applicant shall demonstrate that off-site parking is not available within 500 feet.

(T) Off-street parking space requirements:

Animal hospital or kennel	1 space per 500 square feet
Any single- or multi-family residential use, including condominium or time share	2 spaces per unit
Church, auditorium, meeting place, theater, gymnasium, mortuary, or similar place of assembly	1 space for each 50 square feet of floor area used for assembly
Dance hall, skating rink, pool hall, aquarium, bowling alley, or similar commercial amusement enterprise	1 space for each 100 square feet of floor area
Day care, nursery school, kindergarten, elementary and middle schools, and similar uses	2 spaces per classroom or instructional area, plus requirements for offices, places of assembly, and the like
Financial institution, laboratory, or office	1 space for each 300 square feet of floor area
Golf courses	5 spaces per hole, plus the 75% the ancillary parking requirements
High schools	8 spaces per classroom or instructional area, plus requirements for offices, places of assembly, and the like
Hospital	3 spaces for each 2 beds
Laundromat	1 space per three machines
Library or similar facility	1 space for each 300 square feet of floor area
Manufacturing, fabrication, assembly, processing, cabinetry, or similar use	1 space for each 1,000 square feet of floor area
Marina or other moorage facility	1 space per boat mooring space
Medical or dental clinic	1 space for each 200 square feet of floor area
Miniature golf	1.5 spaces per hole
Nursing home, residential facility, residential home, or retirement home	1 space for each 3 beds
Personal or business service	1 space per 250 square feet
Public or private swimming pool	1 space per 100 square feet
Recreational vehicle park	3 spaces for each two RV spaces
Restaurants and bars	1 space for each 100 square feet of serving area (total floor area where public is allowed, excluding restrooms and other specified uses, such as designated retail space)
Retail store not handling bulky merchandise	1 space for each 350 square feet of floor area
Service or repair shop; retail store handling bulky merchandise, such as automobiles, furniture, boats, marine equipment, and the like; automobile service station, feed and seed; heavy equipment; lumber or building supplies; or similar uses	1 space for each 600 square feet of sales, storage, or repair area
Tourist accommodation	1 space for each guest accommodation
Warehouse, storage, and wholesale business	1 space for each 2000 square feet of area

(U) The required size of parking spaces, aisles, driveways, and similar design features are set forth in Diagram A. Required landscaping areas are not shown.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 92, passed 7-7-1982; Ord. 124, passed 7-1-1985; Ord. 130, passed 4-6-1987; Ord. 145, passed 1-3-1989; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 234, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 279, passed - -2007)

#### **DEVELOPMENT GUIDELINES**

#### § 152.225 PURPOSE.

Some areas of the city are located on steep slopes, have erosion or landslide potential, or are otherwise of concern. The purpose of this section is to minimize hazards and threats to life and property by regulating building, grading, land clearing, and other human activities in areas identified with landslide topography, steep slopes, areas subject to erosion, high groundwater table, and other hazards. It is also the intent of this subchapter to protect life and property by reducing building density in these areas, by requiring special construction techniques, and by requiring the study of such areas by a state-registered engineering geologist prior to any activity.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.226 WEAK FOUNDATION SOILS.

(A) Many areas within the city are located on areas described by the soil conservation service as containing "weak foundation soils" or other soils limitations.

(B) Construction techniques, through the Building Code, require the effect of weak foundation soils or other soil limitations to be considered in the construction process.

(C) Construction of structures on areas of weak foundation soils or other soils limitations is not deemed to pose a significant hazard to life or property outside the property boundaries. The manner provided in the Building Code to address problems arising from weak foundation soils or other soils limitations is deemed to be an adequate means of protection of life and property. This statement serves as a warning for development on weak foundation soils.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.227 DISCHARGE OF SEDIMENT OR WATER.

(A) Property owners or other persons in charge of property shall not cause, or permit to be caused, the discharge of sediment or water onto adjoining property or the public right-of-way unless the permit application is accompanied by a drainage plan accepted by the affected property owners, or the applicant has demonstrated compliance with state laws regarding discharge of sediment or water.

(B) The following measures are suggested as possible means to prevent such discharges:

- (1) Minimal removal of vegetative cover, particularly trees;
- (2) Temporary measures for controlling run-off, such as berms or holding ponds;

(3) The planting of vegetative cover as soon as possible after each phase of construction, including excavation, grading, and/or land clearing; and

(4) Design of the site to avoid steep areas or other hazards.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.228 AFFECTED AREAS.

The following areas and activities shall be subject to the requirements of this subchapter:

(A) Areas identified as being geologically hazardous by *Environmental Geology of Lincoln County, Oregon, 1973*, Oregon Department of Geology and Mineral Industries, or *Environmental Hazard Inventory, Coastal Lincoln County Oregon,* RNKR Associates, 1978. These documents are referenced as part of the Comprehensive Plan and are available in the office of the City Recorder;

(B) Areas identified by the Natural Resource Conservation Service as having high groundwater;

(C) Areas containing slopes in excess of 20%. (Areas generally containing significant slopes are identified on the attached map. Sites in this area are "affected" unless shown otherwise per § 152.233 of this subchapter); and

(D) Areas fronting the ocean or coastal bluff that are seaward from the line set by the coastal setback requirements of § 152.234 of this subchapter.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.229 GEOLOGIC PERMIT REQUIRED.

A geologic permit shall be obtained for any development within the affected areas. For subsequent building permits, such as for decks or room additions, the original geologic permit is acceptable, if it is no older than five years and the report author evaluates the new building permit plans and sends a letter to the city that bears the stamp of the licensed geologist or

engineering geologist, acknowledging that the submitted plans have been reviewed and that such building activity can be safely accomplished. In areas having slopes greater than 20%, a geologic permit shall also be obtained before removing vegetation from or grading an area in excess of 20,000 square feet or adding or removing 90 cubic yards of earth in an area of 5,000 square feet. Minimal accessory uses that do not require a building permit (playground equipment, small gazebo, and the like) are excluded from the requirements of this subchapter.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.230 PERMIT PROCEDURES.

In order to obtain a geologic permit, the applicant shall submit, along with the appropriate fee, a geologic hazard report which shall be prepared by a registered geologist or a certified engineering geologist recognized by the state and dated no more than one year prior to the application date. The report shall explain fully the activity for which the permit is being sought. If the purpose of the geologic hazard report is for a building permit, then the report shall accompany and address final building plans. Any activities not specifically covered in the report will not be covered by the permit. The report shall also identify the nature, extent, and location of all geologic hazards associated with the proposed site and activity. Finally, the report shall detail exact measures to be taken so as to avoid the occurrence of landslides, erosion, sloughing, puddling, or other identified geologic hazards on the subject and surrounding property or any prohibited activity identified above. For uses requiring removal of vegetation or excavation, plans for the legal disposal of such materials shall be submitted.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.231 SPECIFIC REQUIREMENTS FOR GEOLOGIC HAZARD REPORTS.

Geologic hazard reports provided pursuant to this subchapter shall conform to the following requirements from the *Guidelines for Preparing Engineering Geologic Reports in Oregon* The geologist's report shall have reviewed these specific requirements and the applicant shall address the applicable conditions in the proposal. Sections that are not applicable shall be identified as not applicable.

#### (A) General information.

(1) Client or party that commissioned the report;

(2) Name(s) of geologist(s) who did the mapping and other investigation on which the report is based, and dates when the work was done;

(3) Location and size of area, and its general setting with respect to major or regional geographic and geologic features, including a statement of existing surrounding and on-site land uses and public facilities, utilities, and easements. The location shall be identified by the tax map, tax lot number, and the street address to eliminate confusion in identifying the property;

(4) Purpose and scope of the report and geologic investigation, including the proposed use of the site. Also, identify the level of the study, such as, feasibility, preliminary, final, and the like;

(5) Topography and drainage within or affecting the area;

(6) General nature, distribution, and abundance of exposures of earth materials within the area;

(7) Nature and source of available subsurface information and geologic reports or maps. Suitable explanations of the available data should provide a technical reviewer with the means of evaluating the reliability. Reference to cited works or field observations should be made, to substantiate opinions and conclusions;

(8) Disclosure of known or suspected geologic hazards affecting the area, including a statement regarding past performance of existing facilities (such as, buildings or utilities) in the immediate vicinity;

(9) Locations of test holes and excavations (drill holes, test pits, and trenches) shown on maps and sections described in the text of the report. The actual data, or processed data upon which interpretations are based, should be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation;

(10) All field and laboratory testing procedures (by ASTM designation, if appropriate) and test results; and

(11) The signature and seal of the certified engineering geologist who prepared the report.

(B) Geologic mapping and investigation.

(1) Geologic mapping of the area should be done at a scale which shows sufficient detail to adequately define the geologic conditions present.

(a) For many purposes, available published geologic maps are unsuitable to provide a basis for understanding the site conditions, so independent geologic mapping is needed.

(b) If available published geologic maps are used to portray site conditions, they must be updated to reflect geologic or topographic changes which have occurred since map publication.

(c) It may be necessary for the geologist to extend mapping into adjacent areas to adequately define significant geologic conditions.

(2) Mapping should be done on a suitable topographic base or aerial photograph, at an appropriate scale with satisfactory horizontal and vertical control. The date and source of the base should be included on each map or photo.

(3) The geologist doing the investigation and preparing the map should report the nature of bedrock and surficial materials, the structural features and relationships, and the three-dimensional distribution of earth materials exposed and inferred within the area. A clear distinction should be made between observed and inferred features and relationship.

(4) The report should include one or more appropriately positioned and scaled cross-sections to show subsurface relationships that cannot be adequately described in words alone. Fence or block diagrams may also be appropriate.

#### (C) Geologic descriptions.

(1) The report should contain brief but complete descriptions of all natural materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for such interpretations should be clearly stated. Describe all field mapping and exploration procedures (surface geologic reconnaissance, drilling, trenching, geophysical survey, and the like).

(2) The following checklist may be useful as a general, though not necessarily complete, guide for descriptions:

- (a) Bedrock.
  - 1. Identification of rock types;
  - 2. Relative and absolute age and, where possible, correlation with named formations and other stratigraphic units;
  - 3. Surface and subsurface expression, areal distribution, and thickness;
  - 4. Pertinent physical characteristics (such as, color, grain size, nature of stratification, strength, and variability);
- 5. Distribution and extent of zones of weathering; significant differences between fresh and weathered rock; and

6. Special engineering geologic characteristics or concerns (such as, factors affecting proposed grading, construction, and land use).

(b) Structural features: stratification, faults, discontinuities, foliation, schistosity, and folds.

1. Occurrence, distribution, dimensions, orientation, and variability; both within and projecting into the area;

2. Relative ages, where pertinent;

3. Special features of faults (such as, topographic expression, zones of gouge and breccia, nature of offsets, age of movements, youngest faulted unit, and oldest unfaulted unit); and

4. Other significant structural characteristics or concerns.

(c) Surficial deposits: alluvial, colluvial, eolian, glacial, lacustrine, marine, residual, mass movement, volcanic (such as, cinders and ash), and fill.

1. Identification of material, grain size, relative age, and degree of activity of originating process;

2. Distribution, dimensional characteristics, variations in thickness, degree of soil development, and surface expression;

3. Pertinent physical and engineering characteristics (such as, color, grain size, lithology, compactness, cementation, strength, thickness, and variability);

4. Special physical or chemical features (such as, indications of volume change or instability, such as expansive clays or peat); and

5. Other significant engineering geologic characteristics or concerns.

(d) Surface and shallow subsurface hydrologic conditions, including groundwater, springs, and streams and their possible effect on site. Indicate how conditions may be affected by variations in precipitation, temperature, and the like:

1. Distribution, occurrence, and variations (such as, drainage courses, ponds, swamps, springs, seeps, and aquifers);

2. Identification and characterization of aquifers; depth to groundwater and seasonal fluctuations, flow direction, gradient, recharge, and discharge areas;

3. Relationships to topographic and geologic features;

4. Evidence for earlier occurrence of water at localities now dry (such as, vegetation, mineral deposits, and historic records); and

5. Other significant engineering geologic characteristics or concerns, such as fluctuating water table and the effects

of proposed modifications on future hydrologic processes.

(e) Seismic considerations.

1. Description of the seismotectonic setting of the area (including size, frequency, and location of historic earthquakes), current seismic zoning, and expected seismic risk;

2. Potential for area to be affected by surface rupture (including sense and amount of displacement, and width of surface deformation zone);

- 3. Probable response of site to likely earthquakes (estimated ground motion);
- 4. Potential for area to be affected by earthquake-induced landslides or liquefaction; and
- 5. Potential for area to be affected by regional tectonic deformation (subsidence or uplift).

(D) Assessment of geologic factors.

(1) Assessment of existing geologic conditions and processes with respect to intended use of the site constitutes the principal contribution of the report. It involves the effects of the geologic features upon the proposed grading, construction, and land use; and the effects of these proposed modifications upon future geologic conditions and processes in the area.

(2) The following checklist includes topics that ordinarily should be considered in discussions, conclusions, and recommendations in geologic reports:

(a) General suitability of proposed land use to geologic conditions.

- 1. Areas to be avoided, if any, and mitigation alternatives;
- 2. Topography and slope;
- 3. Stability of geologic units;
- 4. Flood and tidal inundation, erosion, and deposition;
- 5. Problems caused by geologic features or conditions in adjacent properties;
- 6. Problems related to coastal erosion; and
- 7. Other general problems.

(b) *Identification and extent.* Identification and extent of known or probable geologic conditions which may result in risk to the proposed land use (such as, flood inundation, shallow groundwater, storm surge, surface and groundwater pollution, snow avalanche, landslide, debris flow, rock fall, expansive soil, collapsible soil, subsidence, erosion, deposition, earthquake shaking, fault rupture, tectonic deformation, liquefaction, seiche, tsunami, and volcanic eruption).

- (c) Recommendations for site grading.
  - 1. Prediction of what materials and structural features will be encountered in proposed cuts;

2. Prediction of stability based on geologic factors; recommended avoidance or mitigation alternatives to cope with existing or potential landslide masses;

- 3. Excavation considerations (hard or massive rock and groundwater flows);
- 4. General considerations of proposed fill masses in canyons or on hillsides;
- 5. Suitability of on-site material for use as compacted fill;

6. Recommendations for positioning fill masses, provision for subdrainage, buttressing, and the need for erosion protection on fill slopes; and

7. Other recommendations required by the proposed land use, such as the angle of cut slopes, position of drainage terraces, need for rock-fall, and/or erosion protection on cut slopes.

- (d) Drainage considerations.
- 1. Protection from inundation or wave erosion along shorelines;
- 2. Soil permeability and suitability for septic systems; and
- 3. Protection from sheet flood or gully erosion, and debris flows or mud flows.

(e) *Limitations of study and recommendations for additional investigations*.Considering the scope of work and intended use of the site, provide a statement of the limitations of the study and the need for additional studies outside the stated scope of work.

- 1. Borings, test pits, and/or trenches needed for additional geologic information;
- 2. Percolation tests needed for design;

3. Program of subsurface exploration and testing that is most likely to provide data needed by the soils or civil engineer; and

4. Program for long-term monitoring of the site to evaluate geologic conditions (survey hubs, inclinometers, extensometers, and the like).

(E) Conclusions and recommendations. The reports shall provide a concise set of conclusions and recommendations, including specifics regarding the acceptable locations of structures (addressing setbacks where appropriate) and the acceptable nature and density of development.

(F) Inspection and monitoring. Reports shall specify inspections and/or monitoring required to verify that the development and construction on the site have been completed according to the recommendations contained in the report. Inspection records and/or "as built" certifications shall be provided for all geologic hazard reports.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.232 DETERMINATION OF COMPLIANCE.

(A) Geologic hazard reports submitted for review in accordance with §§152.200 through 152.210 of this chapter, shall be reviewed by the Planning Commission, which shall determine whether the report addresses the provisions of this subchapter as it reviews the entire application. Land use applications before the Planning Commission shall not be approved until such a determination has been made. Regardless of approval by the city, liability remains with the report signator and the applicant, who must conform with the report's requirements. Signed acceptance of this liability shall accompany the permit application.

(B) In determining compliance, the Planning Commission shall evaluate:

(1) If the report appears to adequately recognize the causes, extent, and potential of the hazards and conforms substantively with the requirements found in § 152.231 of this subchapter;

(2) If the recommendations to overcome the recognized hazards are set out clearly and specifically and are included in the engineered plans of the development;

(3) If the geologic hazard report indicates that possible future danger may exist from a hazard, the applicant or property owner shall complete and sign the declaration of covenants and conditions of responsibility and indemnity (the declaration) provided by the city. Prior to issuance of a building permit, the applicant or property owner shall execute and record the declaration in the deed records of the county;

(4) If the geologic hazard report and the associated plans contain the signature and professional stamp of a licensed geologist or engineering geologist qualified to certify such reports and plans; and

(5) Authorization of a geologic hazards permit shall be void after five years unless substantial construction pursuant thereto has taken place.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.233 PROVISIONS FOR ADDITIONAL INFORMATION.

There may be instances in which specific sites within the area mapped "as having significant slopes" may have topography not exceeding the 20% criterion. Property owners who can demonstrate, through a survey completed within a calendar year of the date of application by a surveyor registered in the state, that their property, or the specific site to be developed, has slopes of less than 20%, shall be exempt from any requirements pertaining to that specific characteristic.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.234 CALCULATION OF COASTAL SETBACKS.

Two areas shall be considered in establishing coastal setback requirements and may simultaneously apply to a given piece of property.

(A) Areas of coastal erosion.

(1) The following categories of coastal erosion are recognized (coastal erosion rates and the methodology used are outlined in the document entitled *Geologic Hazards Associated with Lincoln County Coastal Shoreline*, prepared by CH2M Hill, Inc., and RNKR Associates, 1977):

Less than 2.8 inches/year	Slight
2.8 to 11.3 inches/year	Moderate
More that 11.3 inches/year	Severe

(2) The following coastal setbacks are required for the categories listed above in order to limit the need for structural solutions to coastal erosion. All setbacks shall be measured from the mean higher high water line and/or the base of the bank, whichever requires the greater setback.

Slight erosion	1 foot of setback for each 1 foot of bank height
Moderate erosion	2.15 feet of setback for each 1 foot of bank height
Severe erosion	2.75 feet of setback for each 1 foot of bank height

Example of How to Determine Geologic Setback

(B) Areas of visual concern. This is an area 25 feet landward from the top of a coastal bluff measured on the horizontal, where the top of bluff is the uppermost break in slope (see diagram in division (A) above). Where there is no coastal bluff or no clear break in slope, for example on a smoothly sloping lot, the area of visual concern is an area 25 feet landward (measured on the horizontal) from the line of mean higher high water or the line of non-aquatic vegetation, whichever is the furthest landward.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

### § 152.235 PROHIBITED ACTIVITIES IN COASTAL SETBACKS.

(A) (1) In the areas of coastal erosion, no excavating, filling, or placement of retaining walls, deck posts, or other permanent structures is allowed, unless based on a geological hazard report approved by the Commission.

(2) Vegetation removal is also prohibited except as allowed in division (A)(2) below with prompt replacement with plants that will stabilize the ground. In this area, such vegetation removal must be in accordance with any required geological hazard report and with a landscaping plan adequately addressing ground stabilization.

(3) In the areas of visual concern, no grading, excavating, or filling that changes the profile of the top of the bluff or the slope seaward from its top; vegetation removal; or placement of a building is allowed except for:

(a) Minor pruning to maintain views;

(b) Removal of brush and trees smaller than six inches in diameter measured four feet above ground in preparation for prompt landscape replanting in the area landward from the top of the bluff;

- (c) Removal of vegetation within ten feet of a building allowed per division (A)(1) above;
- (d) Placement of benches, tables, and chairs; and
- (e) Placement of a single gazebo, provided such a structure is less than 100 square feet in size.

(B) If a geological hazard report is required per division (A)(1) above, any vegetation removal or gazebo placement must comply with this section and recommendations of the geological hazard report.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

Geologic Hazards Permit Application Case File: #3-GEO-PC-23 Date Filed: Jun. 28, 2023 Application Complete: Jun. 28, 2023 Meeting Date: Aug. 9, 2023, 6:00 p.m. 120-day Decision Date: Oct. 26, 2023

# **STAFF REPORT Depoe Bay Planning Commission Action**

APPLICANTS: Cameron & Megan Vasquez

### **OWNERS:** Same as applicants

**<u>REQUEST</u>**: The applicant requests Geotechnical Report Review for a new, single-family dwelling on NE Spring Avenue in the *View of the Bay* planned development.

### A. <u>RELEVANT FACTS:</u>

1. <u>Property Location</u>: The subject property is located at 137 NE Spring Avenue, and is further identified on Lincoln County Assessor's Map 09-11-05DC as Tax Lot 05400.



- 2. Lot Size: The property totals 0.21 acres (9,280 sq. ft.).
- 3. Zoning Designation: R-5PD
- 4. **<u>Plan Designation</u>**: Residential
- 5. <u>Surrounding Land Use</u>: The subject property is surrounded by developed and undeveloped residential lots in the *View of the Bay* planned development to all sides.

#### #3-GEO-PC-23 (Vasquez) August 9, 2023, Planning Commission Meeting

- 6. **Topography & Vegetation:** (paraphrased from the Geotechnical Report) *The subject site consists* of a single Lincoln County tax parcel. The site is vacant and undeveloped. A curb extends along the southern edge of the site, separating the parcel from NE Spring Ave. The vegetation on site consists of recently mowed vegetation including salal, evergreen huckleberry, and blackberry vines. Large bunches of grasses, likely a Pampas grass, have been cut into isolated mounds. One very small evergreen shrub or young tree is located centrally within the site. The slopes on the subject site ascend gradually northwards. Some grading has been conducted within the parcel, including a pair of 2' cuts. The northern cut is located along the northern flank of the proposed building envelope. The second cut is about 4' in front of the upper cut. Other grading has likely impacted the property, but bare soils do not remain as testament. The lot adjacent to the west of the site is also undeveloped and contains a similar morphology. The lot north and east of the subject site have been developed. Adjacent to the northern property boundary, a stacked block wall ascends at last 6 feet to the north-adjacent driveway. The east-adjacent dwelling is a twostory structure without a basement. Minor grading appears to have been conducted in the northadjacent parcel, in association with the site development. No standing or flowing water is present or mapped on the subject site.
- 7. <u>Existing Structures</u>: The subject property is undeveloped.
- 8. <u>Utilities</u>: The following utilities currently serve the subject property:
  - a. <u>Sewer</u>: City sewer service.
  - b. <u>Water</u>: City water service.
  - c. <u>Electricity</u>: Central Lincoln PUD.

### 9. <u>Development Constraints</u>:

a. Slopes exceeding 20% steepness.

# B. EVALUATION OF THE REQUEST:

### 1. Relevant Criteria:

- DBZO Section 152.029: Residential Zone R-5
- DBZO Section 152.058: Off-Street Parking and Off-Street Loading Requirements
- DBZO Section 152.229: Geologic Permit Required
- DBZO Section 152.232: Determination of Compliance

Complete descriptions of the relevant criteria are attached to this Staff report.

- 2. <u>Applicant's Proposal</u>: The applicant proposes to construct a single-family dwelling on the site. The applicant submitted the application form and fee/deposit for the geologic hazard report on June 28, 2023, along with the following material:
  - February 1, 2023, Geotechnical Report and April 3, 2023, Engineering Geologic Review
  - Project site plan, building plans, and elevations
  - Building permit application
- <u>Public Testimony:</u> Notice of this public hearing was mailed to property owners within a 250foot radius of the subject property on July 19, 2023, and was published in the Newport *News-Times* on July 21, 2023. No written testimony was received at the time this report was completed.

#### #3-GEO-PC-23 (Vasquez) August 9, 2023, Planning Commission Meeting

DocuSign Envelope ID: F31D894E-18CE-4A58-9F39-A9399A071D55 ADAIR HOMES 2.0 Revised 3/16/23 CAMERON VASquez & Megan Edgeworth PLOT PLAN The information on this Plan has been provided and reviewed by the property owner who by signing below: i) Acknowledges and Accepts full responsibility for its accuracy and completeness: 2) is responsible to ensure that the improvements to the site take place in conformance with this plan: 3) Will establish all the corner irons, lot lines and code required setbacks required of this property, any change(s) to this plan must be pre-approved by the governmental agencies with jurisdiction, the mortgage lender, the contractor and documented. 4/26/2023 Date Cameron Vasquey Signature 4/26/2023 Date Signature Megor Vacque 94.95' 10' set Back 10 64 10'64 setBack SetBack SAle 1:20 North 54 11 46.84 13' Purposed New 2 story Home 2,080 sq. ft. 1 2 2 2 2 2 E 664 SetBAL 10'64 10.24 NE SPRING AVE NE Depoe BAY setBack 10,0 PARONS Nr5 NTS = Not to scale Approx. location of power vault \* City sower - Could Not Bad sever lateral marker \* City water - Could Not find a water meter

Site Plan





Elevations

C. <u>SUMMARY AND STAFF ANALYSIS:</u> The Planning Commission reviews the proposal for conformance with the appropriate standards of the Depoe Bay Zoning Ordinance (DBZO). To facilitate review, Staff provides the following analysis:

Standard	Requirement	Proposed
Building Height	Max. 40'-0" (average)	31'-65/8" (average)
Front Yard	Min. 20'-0"	20'-0''
Rear Yard	Min. 10'-0"	54'-0''
Side Yard (West)	Min. 10'-6¼"	11'-0''
Side Yard (East)	Min. 10'-6¼"	11'-0"
Off-Street Parking	2 spaces	2 garage/driveway spaces

## 1. R-5 Residential Standards and Parking Requirements

2. Geologic Hazards and Geotechnical Investigation Assessment. The February 1, 2023, Geotechnical Report by Rapid Soil Solutions and April 3, 2023, Engineering Geologic Review by Plateau Geoscience Group (attached), includes an introduction, scope of work, parcel location and description, site vicinity, slopes, geologic setting, geologic hazard mapping, soils observed, previous reports in vicinity, drainage, erosion, conclusions, recommendations, and report limitations. The reports provide the following recommendations:

# Foundation Design

The building foundations can be installed into the hard SILT. This depth may be locally variable and should be confirmed by a geotechnical engineer or their representative at the time of construction, from 0.5ft to 1ft below existing grade. Please allow for up to 48hours for foundation excavation inspections by a phone call to the number on this report.

Continuous wall and isolated spread footings should be at least 16 and 24 inches wide, respectively. The bottom of exterior footings should be at least 16 inches below the lowest adjacent exterior grade. The bottom of interior footings should be at least 12 inches below the base of the floor slab.

Footings placed into the SILT shall be designed for an allowable bearing capacity of 2,000 pounds per square foot (psf). The recommended allowable bearing pressure can be increased by 1/3 for short-term loads such as those resulting from wind or seismic forces.

# Structural Fills

Fills shall be placed on level benches in thin lifts and compacted to a dry density of at least 92% of its Maximum Dry Density (MDD) as determined by the Modified Proctor Test (ASTM D-1557). Compaction testing shall take place every 18in. A minimum of three days prior to the placement of any fill, please supply Engineer with a 30-pound sample (approximately a full 5-gallon bucket) of any soil or base rock to be used as fill (including native and import materials) for testing and approval.

# **Retaining Walls and Embedded Walls**

Default lateral soil load for the design of basement and retaining walls supporting level backfill shall be 40 psf/ft for laterally unrestrained retaining walls and 60 psf/ft for laterally restrained retaining walls.

For embedded building walls, a superimposed seismic lateral force should be calculated based on a dynamic force of 5H2 pounds per lineal foot of wall, where H is the height of the wall in feet and applied at 1/3 H from the base of the wall. The wall footings should be designed in accordance with the guidelines provided in the "Foundation Design" section of this report. These design parameters have been provided assuming that back-of-wall drains will be installed to prevent buildup of hydrostatic pressures behind all walls.

The backfill material placed behind the walls and extending a horizontal distance equal to at least half of the height of the retaining wall should consist of granular retaining wall backfill as specified in the "Structural Fill" section of this report. The wall backfill should be compacted to a minimum of 95 percent of the maximum dry density, as determined by ASTM D698. However, backfill located within a horizontal distance of 3 feet from the retaining walls should only be compacted to approximately 92 percent of the maximum dry density, as determined by ASTM D698. Backfill placed within 3 feet of the wall should be compacted in lifts less than 6 inches thick using hand-operated tamping equipment (e.g., jumping jack or vibratory plate compactors). If flat work (e.g., sidewalks or pavements) will be placed atop the wall backfill, we recommend that the upper 2 feet of material be compacted to 95 percent of the maximum dry density, as determined by ASTM D698.

A minimum 12-inch-wide zone of drain rock, extending from the base of the wall to within 6 inches of finished grade, should be placed against the back of all retaining walls. Perforated collector pipes should be embedded at the base of the drain rock. The drain rock should meet the requirements provided in the "Structural Fill" section of this report. The perforated collector pipes should discharge at an appropriate location away from the base of the wall. The discharge pipe(s) should not be tied directly into storm water drain systems, unless measures are taken to prevent backflow into the wall's drainage system. Settlements of up to 1 percent of the wall height commonly occur immediately adjacent to the wall as the wall rotates and develops active lateral earth pressures.

Engineering values summary

Bearing capacity – silt	2,000 psf
Coefficient of friction – existing	<i>32 deg</i>
Active pressure – with drainage	40 pcf
Passive pressure	300 pcf

# Seismic Design Criteria

The seismic design criteria for this project found herein is based on the Oregon Structural Specialty Code OSSC 2011, Section 1615, and from the USGS Earthquake Hazards Program. A summary of seismic design criterion below using Lat 44.814047 and Long of -124.056423 site class D, where null= see section 11.4.8

	Short Period	1 Second
Maximum Credible Earthquake Spectral Acceleration	Ss = 1.434g	S1 = 0.733g
Adjusted Spectral Acceleration	Sms = 1.721	Sm1 = null
Design Spectral Response Acceleration Perimeters	Sds = 1.147	Sdl = null

### Settlement

Based on our knowledge of the project scope, and for footings designed as described in the preceding paragraphs, maximum settlement should not exceed 0.5 inches due to rock. Differential settlement should be on the order of 50 to 75% of the maximum settlement over 50 feet. Our settlement estimate assumes that no disturbance to the foundation soils would be permitted during excavation and construction, and that footings are prepared as described in the preceding paragraphs.

- 3. Geologist Certification, Inspection and Monitoring. Prior to issuance of a building permit a certified engineering geologist shall provide a letter(s) to the City stating that final plans for site development are in conformance with the recommendations described in the February 1, 2023, Geotechnical Report and April 3, 2023, Engineering Geologic Review.
- 4. **Erosion Control and Drainage Plan.** Prior to issuance of a building permit, the City's Public Works Director shall review and approve an erosion control and drainage plan.
- 5. Archaeological Resources. All of the Depoe Bay planning area falls within the "high density" archaeological site density classification shown in the 1976 Lincoln County Statewide Inventory Historical Sites and Buildings, published by the Oregon State Historic Preservation Office, Parks and Recreation Branch, Department of Transportation. Although the property is not specifically identified as an archaeological site, the applicant needs to be aware of potential archaeological resources and take feasible action to minimize site disturbance and prevent irreversible loss of archaeological resources. DBZO Section 152.075(B)(1) states that development on identified archaeological sites shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. This does not require the property owner to hire an archaeologist, however, it does require the property owner to be cognizant of archaeological resources when developing the site.
- 6. **Declaration.** The applicant/property owner shall complete and sign the Declaration of Covenants and Conditions of Responsibility and Indemnity (the "Declaration") provided by the City. Prior to issuance of a building permit, the applicant or property owner shall execute and record the Declaration in the deed records of Lincoln County, Oregon. The Declaration is required for all geologic hazard reports pursuant to DBZO Section 152.232(B)(3). The Declaration states that the applicant shall be responsible for the consequences, including the safety of the public, of constructing and maintaining the Improvements.
- 7. **Period of Validity.** Pursuant to DBZO Section 152.232(B)(5), authorization of a geologic hazards permit shall be void after five (5) years unless substantial construction pursuant thereto has taken place.
- **D.** <u>CONCLUSIONS</u>: In evaluating the request, the Planning Commission bases its decision on compliance with the applicable code standards. If the Commission finds the request fails to satisfy

the ordinance standards, it can move to deny the request, articulating the basic conclusions and rationale for the decision and directing staff to prepare findings.

If the Planning Commission finds the request satisfies the applicable criteria, it can move to approve the request and direct Staff to prepare findings. In the event of an approval, Staff suggests the following conditions of approval:

- 1. **R-5 Residential and Parking Standards.** Development shall be accomplished in accordance with the submitted plan and in conformance with all R-5 Residential and parking standards. This includes a front yard of 20'; a rear yard of 54'; a westerly side yard of 11'; and an easterly side yard of 11'. The approved average building height is 31'-6<sup>5</sup>/<sub>8</sub>". A minimum 2 on-site parking spaces shall be provided.
- 2. **Building Permit.** The applicant shall obtain a valid building permit prior to commencement of construction.
- 3. Geologist Certification, Inspection and Monitoring. Prior to issuance of a building permit a certified engineering geologist shall provide a letter to the City stating that final plans for site development are in conformance with the recommendations described in the February 1, 2023, Geotechnical Report and April 3, 2023, Engineering Geologic Review. Any fill placed in the proposed building area must be placed only after the subgrade is properly prepared and then approved by a qualified engineering geologist or geotechnical specialist.
- 4. **Erosion Control and Drainage Plan.** Prior to issuance of a building permit, the City's Public Works Director shall review and approve an erosion control and drainage plan.
- 5. **Design and Construction Recommendations.** Development shall be accomplished in conformance with the recommendations described in the February 1, 2023, Geotechnical Report by Rapid Soil Solutions and the April 3, 2023, Engineering Geologic Review by Plateau Geoscience Group:
  - a. **Foundation Design.** The building foundations can be installed into the hard SILT. This depth may be locally variable and should be confirmed by a geotechnical engineer or their representative at the time of construction, from 0.5ft to 1ft below existing grade. Please allow for up to 48hours for foundation excavation inspections by a phone call to the number on this report.

Continuous wall and isolated spread footings should be at least 16 and 24 inches wide, respectively. The bottom of exterior footings should be at least 16 inches below the lowest adjacent exterior grade. The bottom of interior footings should be at least 12 inches below the base of the floor slab.

Footings placed into the SILT shall be designed for an allowable bearing capacity of 2,000 pounds per square foot (psf). The recommended allowable bearing pressure can be increased by 1/3 for short-term loads such as those resulting from wind or seismic forces.

b. **Structural Fills.** Fills shall be placed on level benches in thin lifts and compacted to a dry density of at least 92% of its Maximum Dry Density (MDD) as determined by the Modified Proctor Test (ASTM D-1557). Compaction testing shall take place every 18in. A minimum of three days prior to the placement of any fill, please supply Engineer with a 30-pound sample (approximately a full 5-gallon bucket) of any soil or base rock to be used as fill (including native and import materials) for testing and approval.

#### #3-GEO-PC-23 (Vasquez) August 9, 2023, Planning Commission Meeting

c. **Retaining Walls and Embedded Walls.** Default lateral soil load for the design of basement and retaining walls supporting level backfill shall be 40 psf/ft for laterally unrestrained retaining walls and 60 psf/ft for laterally restrained retaining walls.

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A minimum 12-inch-wide zone of drain rock, extending from the base of the wall to within 6 inches of finished grade, should be placed against the back of all retaining walls. Perforated collector pipes should be embedded at the base of the drain rock. The drain rock should meet the requirements provided in the "Structural Fill" section of this report. The perforated collector pipes should discharge at an appropriate location away from the base of the wall. The discharge pipe(s) should not be tied directly into storm water drain systems, unless measures are taken to prevent backflow into the wall's drainage system. Settlements of up to 1 percent of the wall height commonly occur immediately adjacent to the wall as the wall rotates and develops active lateral earth pressures.

Bearing capacity – silt	2,100 psf
Coefficient of friction – existing	32 deg
Active pressure – with drainage	40 pcf
Passive pressure	300 pcf

Engineering values summary

d. Seismic Design Criteria. The seismic design criteria for this project found herein is based on the Oregon Structural Specialty Code OSSC 2011, Section 1615, and from the USGS Earthquake Hazards Program. A summary of seismic design criterion below using Lat 44.814047 and Long of -124.056423 site class D, where null= see section 11.4.8.

	Short Period	1 Second
Maximum Credible Earthquake Spectral Acceleration	Ss = 1.434g	S1 = 0.733g
Adjusted Spectral Acceleration	Sms = 1.721	Sm1 = null
Design Spectral Response Acceleration Perimeters	Sds = 1.147	Sd1=null

- e. Settlement. Based on our knowledge of the project scope, and for footings designed as described in the preceding paragraphs, maximum settlement should not exceed 0.5 inches due to rock. Differential settlement should be on the order of 50 to 75% of the maximum settlement over 50 feet. Our settlement estimate assumes that no disturbance to the foundation soils would be permitted during excavation and construction, and that footings are prepared as described in the preceding paragraphs.
- 6. Archaeological Resources. Development shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. Before and during excavation, any discovery of archaeological resources shall mean that the applicant shall cease excavation activities, notify the State Historic Preservation Office and Confederated Tribe of Siletz Indians, and meet State statutes before proceeding.
- 7. **Declaration.** The applicant/property owner shall complete and sign the Declaration of Covenants and Conditions of Responsibility and Indemnity (the "Declaration") provided by the City. Prior to issuance of a building permit, the applicant or property owner shall execute and record the Declaration in the deed records of Lincoln County, Oregon.
- 8. **Period of Validity.** This approval shall be null void after five (5) years from the effective date of the Planning Commission's approval unless substantial construction pursuant thereto has taken place.

Submitted by,

# Kit Fox, AICP

City Planner

Attachments: February 1, 2023, Geotechnical Report by Rapid Soil Solutions April 3, 2023, Engineering Geologic Review by Plateau Geoscience Group Project site plan, building plans, and elevations Building permit application Relevant DBZO criteria:

- Section 152.029: Residential Zone R-5
- Section 152.058: Off-Street Parking and Off-Street Loading Requirements
- Section 152.229: Geologic Permit Required
- Section 152.232: Determination of Compliance

2.0 Revised 3/16/23

#### **PLOT PLAN**

CAMERON VASquez & Megan Edgeworth

The information on this Plan has been provided and reviewed by the property owner who by signing below: 1) Acknowledges and Accepts full responsibility for its accuracy and completeness: 2) is responsible to ensure that the improvements to the site take place in conformance with this plan: 3) Will establish all the corner irons, lot lines and code required setbacks required of this property, any change(s) to this plan must be pre-approved by the governmental agencies with jurisdiction, the mortgage lender, the contractor and documented.

Signature	Cameron Vasquez	Date 4/26/2023
Signature	Megor Vacque	Date 4/26/2023



\* City server - Could Not Bad server lateral marker \* City water - Could Not find a mater meter

# THE VASQUEZ RESIDENCE - CUSTOM (2015

# **PROJECT DESCRIPTION**

AREAS: TOTAL LIVING - 2,015 SF MAIN FLOOR - 1,040 SF UPPER FLOOR - 975 SF GARAGE - 403 SF COVERED EXTERIORS - 137 SF STORIES: 2 CONSTRUCTION: WOOD, LIGHT FRAME SITE ADDRESS: 137 NE SPRING AVE DEPOE BAY DEPOE BAY, OR 97341 LINCOLN CITY

# CODE INFORMATION

2021 ORSC 2021 ORSC - CHAPTER 11 ENERGY CODE

# **DESIGN CRITERIA**

SEISMIC DESIGN CATEGORY: D2 WIND SPEEDS: < OR = TO 105mph Vasd / 135mph Vult EXPOSURE CATEGORY: C SOILS BEARING CAPACITY: 1500# ROOF SNOW LOAD: 25# FROST DEPTH: 18"



# **GENERAL NOTES**

1) CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS AND THE CONSTRUCTION DRAWINGS PRIOR TO COMMENCING WORK. CONTRACTOR TO NOTIFY ADAIR HOMES IMMEDIATELY OF ANY DISCREPANCIES, ERRORS OR OMISSIONS.

2) DO NOT SCALE DRAWINGS. USE DIMENSIONS SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CROSS CHECK DETAILS AND DIMENSIONS SHOWN ON THE ARCHITECTURAL DRAWINGS WITH RELATED REQUIREMENTS ON THE STRUCTURAL AND OTHER DRAWINGS AS APPLICABLE. NOTIFY ADAIR HOMES OF ANY DISCREPANCIES BEFORE COMMENCING WORK

3) WHERE NO SPECIFIC STANDARDS ARE APPLIED TO A MATERIAL OR METHOD OF CONSTRUCTION TO BE USED IN THE WORK, ALL SUCH MATERIALS AND METHODS ARE TO MAINTAIN THE STANDARDS OF THE INDUSTRY.

4) ALL CONSTRUCTION WORK SHALL BE DONE IN COMPLIANCE WITH THE LATEST EDITION OF THE APPLICABLE BUILDING CODE AS AMENDED BY THE STATE AND ALL OTHER STATE AND LOCAL REQUIREMENTS THAT APPLY.

5) MATERIALS, EQUIPMENT, ETC. , NOT INDICATED ON DRAWINGS OR SPECIFIED HEREIN BUT REQUIRED FOR THE SUCCESSFUL COMPLETION OF THE INSTALLATION SHALL BE HELD TO BE IMPLIED AND SHALL BE FURNISHED BY THE CONTRACTOR FOR NO ADDITIONAL COST.

6) ERRORS OR OMISSIONS IN ANY SCHEDULE OR DRAWING DO NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR THE WORK INTENDED IN THE DRAWINGS OR SPECIFICATIONS.

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D	RAWINGS INDEX		023	ES
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TYPICAL	ABBREVI	ATIONS
	<b>IDDICL VI</b>	

È	CENTER LINE	CPT	CARPET
,	DEGREE(S)	CTP	CENTER
	INCH(ES)	CTSK	COUNTERSINK
	FOOT (FEET)	DED	DEDICATED
1	NUMBER OR POUND	DLD	DIAMETER
	BY (2 x 4)	DIM	DIMENSION
АВ	ANCHOR BOLT	DN	DOWN
VC	AIR CONDITIONING	DW	DISHWASHED
ADJ	ADJUST(ABLE)	Dw EA	EACH
AFF	ABOVE FINISHED FLOOR	ENT	EACH
UT	AI TERNATE AI TERNATIVE	EAI	ENISTED EL COD
		FF	FINISHED FLOOK
		FDN	FOUNDATION
	BLOCK	FLR.	FLOOR
	BLOCK	FO	FACE OF
SLKG	BLOCKING	FOC	FACE OF CONCRETE
BS	BOTH SIDES	FOF	FACE OF FINISH
CL	CENTER LINE	FOS	FACE OF STUD
CLG	CEILING	GYP	GYPSUM
CLO	CLOSET	GYP BD	GYPSUM BOARD (SHEETROCK)
CLR	CLEAR(ANCE)	HDW	HARDWARE
CMFT.	COMFORT HEIGHT	HT	HEIGHT
CONC.	CONCRETE		

HVAC	HEATING, VENTILATION & AIR	SYM
	CONDITIONING	T&B
LTBD	LOCATION TO BE DETERMINED	T&G
MAX	MAXIMUM	TEMP
MIN	MINIMUM	TKC
MTL	METAL	ТО
NTS	NOT TO SCALE	TOD
OBS	OBSCURE	TOS
OC	ON CENTER	TOW
OPP	OPPOSITE	TYP
OPT.	OPTIONAL	UM.
OSB	ORIENTED STRAND BOARD	UNO
PL	PLATE	VERT
PT	PRESSURE TREATED	VIF
PWD	PLYWOOD	$\mathbf{W}/$
QTY	QUANTITY	WD
REQ'D	REQUIRED	WH
RM	ROOM	W/O
RO	ROUGH OPENING	
RS	ROUGH SAWN	
STN	STONE VENEER	
SIM	SIMILAR	

SYMBOL OR SYMMETRICAL
TOP AND BOTTOM
TONGUE AND GROOVE
TEMPERED OR TEMPORARY
TIGHT KNOT CEDAR
TOP OF
TOP OF DECK
TOP OF SLAB
TOP OF WALL
TYPICAL
UNDERMOUNT
UNLESS NOTED OTHERWISE
VERTICAL
VERIFY IN FIELD
WITH
WOOD
WATER HEATER
WITHOUT

ENGINEERED		FRAMING NOTES	FLOOR JOIST NOTES	ELECTRICAL NOTES	OI			
<ol> <li>THIS PLAN IS LATERALLY AND VERTICALLY ENGINEERED.</li> <li>ENGINEERED REQUIREMENTS AND DETAILS (SEE 'S' SHEETS) SUPERSEDE ARCHITECTURAL DETAILS FOR SAID ELEMENTS OR PLAN.</li> <li>ALL MANUFACTURER'S INSTALLATION INSTRUCTIONS SHALL BE AVAILABLE ON THE JOB SITE AT THE TIME OF INSPECTION FOR THE INSPECTOR'S USE AND REFERENCE.</li> <li>FOUNDATION NOTES</li> </ol>		<ol> <li>ALL EXTERIOR WALL STUDS, HOUSE AND GARAGE, SHALL BE 2x6 @ 16" OC.</li> <li>WALL STUDS SHALL BE DF/L #2, UNLESS NOTED OTHERWISE.</li> <li>STRUCTURAL MEMBERS (POSTS, BEAMS, ETC) SHALL BE A MIN OF DF/L #2, UNLESS NOTED OTHERWISE. ALL STUDS AT WHERE HOLDOWNS ATTACH SHALL BE DF-L #2.</li> <li>WOOD IN CONTACT WITH CONCRETE SHOULD BE PRESERVATIVE-TREATED (PT) WOOD IN ACCORDANCE WITH AWPA UI AND M4 STANDARDS.</li> <li>PROVIDE MIN. A SINGLE OR MULTIPLE STUDS UNDER GIRDER BEARING POINTS TO MATCH THE NUMBER OF MEMBERS IN THE</li> </ol>	<ol> <li>SEE PLANS FOR JOIST LAYOUT.</li> <li>FLOOR JOISTS SHALL BE BLOCKED PER THE JOIST MANUFACTURER'S INSTRUCTIONS.</li> <li>FULL DEPTH BLOCKING SHALL BE PROVIDED AT INTERMEDIATE JOIST SUPPORTS,</li> <li>LATERAL RESTRAINT OF FLOOR JOISTS AT JOIST ENDS TO BE PROVIDED PER DETAIL 1/D1 AND PER THE ENGINEER OF RECORD.</li> <li>JOISTS TO BE HUNG TO BEAMS HELD UP IN FLOOR SYSTEM WITH APPROVED JOIST HANGERS.</li> <li>PENETRATIONS THROUGH JOIST WEBS TO BE PERMITTED PER MANUFACTURER'S SPECIFICATIONS ONLY.</li> <li>DOEST LAYOUT</li> </ol>	<ol> <li>ACTUAL LOCATION OF ELECTRICAL OUTLETS, ELECTRIC RESISTANCE HEATERS, THERMOSTATS, AND ALL ELECTRICAL</li> <li>COMPONENTS SHALL BE DETERMINED BY THE ELECTRICIAN AND INSTALLED TO CODE.</li> <li>ALL HABITABLE ROOMS, BATHROOMS, HALLWAYS, STAIRWAYS AND GARAGES TO HAVE A MINIMUM OF ONE WALL SWITCH-CONTROLLED LIGHTING FIXTURE OR OUTLET.</li> <li>STAIRWAYS MUST BE ILLUMINATED IN ONE OF TWO WAYS: a) ARTIFICIAL LIGHTING IN THE VICINITY OF EACH LANDING (TOP, BOTTOM, AND INTERMEDIATE).</li> </ol>				
I) MIN. COMPRESSIVE STRENGTH OF CONCRETE (TABLE U.N.O. PER ENGINEER:     TYPE/LOCATION     WEATHERING POTENTIAL	R402.2)	TRUSS, UNLESS NOTED OTHERWISE. 6) DOOR ROUGH OPENINGS SHALL BE A MINIMUM OF 3" FROM THE FACE OF ADIACENT WALLS	AND/OR MANUFACTURER'S SPECIFICATIONS. OFFSETS SHALL NOT EXCEED 3".	<ul><li>b) ARTIFICIAL LIGHTING OVER EACH INDIVIDUAL STAIRWAY SECTION.</li><li>4) STAIRWAYS SHALL HAVE HAVE A CONTROL SWITCH AT EACH</li></ul>	4) ST			
FOUNDATIONS,	EVERE	7) PROVIDE SOLID HEADERS IN OPENINGS IN INTERIOR BEARING WALLS.	FLOOR PLAN NOTES	FLOOR. 5) AT LEAST ONE WALL-SWITCH-CONTROLLED LIGHTING OUTLET SHALL BE INSTALLED TO PROVIDE ILLUMINATION ON	FLOO 5) AT			
BASEMENT WALLS, CONCRETE NOT EXP. TO WEATHER	AIR VTRAINED	8) BEAMS SHALL BE ATTACHED TO POSTS AND POSTS TO FOOTINGS/SUPPORT MEMBERS WITH APPROPRIATE FASTENERS. FASTENERS INSTALLED IN PRESERVATIVE-TREATED (PT) WOOD	1) BEDROOMS, HABITABLE ATTICS, AND BASEMENTS SHALL HAVE AT LEAST ONE EMERGENCY EGRESS WINDOW, WHERE	THE EXTERIOR SIDE OF EACH OUTDOOR EGRESS DOOR HAVING GRADE LEVEL ACCESS, INCLUDING OUTDOOR EGRESS DOORS FOR ATTACHED GAPAGES AND DETACHED GAPAGES WITH	THE GRA			
BASEMENT SLABS 2500 PSI 2500 PSI E	2500 PSI AIR NTRAINED	SHALL BE HOT-DIPPED ZINC COATED GALVANIZED WITH MIN. COATING WEIGHT COMPLYING WITH ASTM A 153. THIS INCLUDES NUTS AND WASHERS.	BASEMENTS HAVE MULTIPLE BEDROOMS, EACH BEDROOM SHALL HAVE AN EGRESS WINDOW. EGRESS WINDOWS SHALL MEET THE FOLLOWING REQUIREMENTS:	FOR A FLACHED GARAGES AND DETACHED GARAGES WITH ELECTRIC POWER. 5) RANGE HOOD EXHAUST FAN RATE TO BE MIN. 150 CFM.	FOR ELEC 5) RA			
BASEMENT WALLS, OTHER VERT CONC EXPOSED TO WEATHER	6000 PSI AIR VTRAINED	FASTENERS OTHER THAN NAILS AND TIMBER RIVETS ARE PERMITTED TO BE MECHANICALLY DEPOSITED ZINC-COATED WITH COATING WEIGHTS COMPLYING WITH ASTM B 695, CLASS 55	- SILL HEIGHT NOT MORE THAN 44" AFF - CLEAR NET OPENING AREA OF 5.7 SF - CLEAR NET OPENING HEIGHT OF 24"	RANGE HOODS CAPABLE OF EXHAUSTING MORE THAN 400 CFM REQUIRE MAKE UP AIR (IRC M1503.6) 6) BATHROOM EXHAUST FAN RATE TO BE MIN. 80 CFM 7) PROVIDE (1) CONTINUOUSLY OPER ATING EXHAUST FAN REP.	6) BA 7) PR HOM			
GARAGE FLOOR SLABS, PORCHES & STEPS EXP. TO WEATHER 2500 PSI AIR ENTRAINED E	500 PSI AIR VTRAINED	MIN. PLAIN CARBON STEEL FASTENERS IN PT WOOD WITH SBX/DOT OR ZINC BORATE ARE NOT REQUIRED TO BE GALVANIZED.	- CLEAR NET OPENING WIDTH OF 20" 2) WHERE THE OPENING OF AN OPERABLE WINDOW IS MORE THAN 72" ABOVE GRADE, THE SILL SHALL NOT BE LESS THAN 24"	HOWLSEE PLANS FOR LOCATION. 8) RECEPTACLE OUTLETS SHALL BE DISTRIBUTED IN EVERY HABITABLE ROOM (KITCHEN, BEDROOM, LIVING ROOM, DINING	HAB ROO			
<ul> <li>2) FOUNDATIONS WITH STEM WALLS SHALL HAVE REINFORER.</li> <li>3) BOTTOM REINFORCEMENT SHALL BE PLACED A MIN OI THE BOTTOM OF THE FOOTING.</li> <li>4) MUDSILLS AT EXTERIOR WALLS, INTERIOR BEARING W PLATES, AND INTERIOR BRACED WALL PLATES THAT ARI SUPPORTED ON CONTINUOUS FOUNDATIONS SHALL BE A TO THE FOUNDATION WITH MIN. 5/8" ANCHOR BOLTS (@ 4) ANCHOR BOLTS AT BOARD ENDS ARE TO BE A MAX. OF 12 LESS THAN 7 BOLT DIAMETERS FROM EACH END OF THE I SECTION. ANCHOR BOLTS TO HAVE MIN. 7" EMBEDMENT CONCRETE FOUNDATION. OTHER INTERIOR BEARING WA DENOTED ON THE PLANS AS REQUIRING ANCHOR BOLTS, CONNECTED TO FOOTINGS WITH APPROVED FASTENERS. R403.16.1)</li> <li>5) CONCRETE PAD FOOTINGS SHALL HAVE REINFORCEME ENGINEER.</li> <li>6) A PLATE WASHER CONFORMING TO SECTION R602.11.1 SPROVIDED FOR ALL ANCHOR BOLTS. PLATE WASHER TO 10 OF 0.229 INCH &amp; 3 INCHES &amp; 3 INCHES.</li> <li>7) ADJUST FOOTING DEPTH AS NECESSARY PER FROST DE REQUIREMENTS.</li> <li>8) CRAWL SPACE VENTILATION SHALL BE PROVIDED AT / 1/300 PER IRC R408.1. A FOUNDATION VENT SHALL BE PROVIDED 12" AT SEAMS AND EXTEND MIN. 12" UP FOUNDA' WALLS).</li> </ul>	JPSI3000 PSI AIR PSI AIR PSI TRAINED3500 PSI AIR AIR AIRMIN.JPSIAIR AIR AIR PSITAINEDMIN.MIN.LS SHALL HAVE REINFORCEMENT L. BE PLACED A MIN OF 3" ABOVE S, INTERIOR BEARING WALL SOLE ALL PLATES THAT ARE NDATIONS SHALL BE ANCHORED S" ANCHOR BOLTS @ 4-0" OC. MIN. RE TO BE A MAX. OF 12" AND NOT NTERIOR BEARING WALLS NOT IRING ANCHOR BOLTS. @ 4-0" OC. MIN. RE TO BE A MAX. OF 12" AND NOT NTERIOR BEARING WALLS NOT IRING ANCHOR BOLTS. @ 4-0" OC. MIN. RE TO BE A MAX. OF 12" AND NOT NTERIOR BEARING WALLS NOT IRING ANCHOR BOLTS. GH 4-0" OC. 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SMOKE DETECTORS SHALL NOT BE INSTALLED WITHIN 3 FEET HORIZONTALLY FROM THE DOOR OR OPENING OF A BATHROOM THAT CONTAINS A BATHTUB OR SHOWER UNLESS THIS WILL PREVENT THE PLACEMENT OF A REQUIRED SMOKE ALARM.</li> <li>4) PROVIDE INSULATION DAMS AT ALL CEILING MOUNTED HEATER LOCATIONS (IF APPLICABLE).</li> <li>5) NATURAL LIGHT TO BE PROVIDED AT A RATIO OF 8% OF FLOOR AREA OF HABITABLE ROOMS. NATURAL VENTILATION TO BE PROVIDED AT A RATIO OF 4% OF FLOOR AREA OF HABITABLE ROOMS.</li> <li>6) ALL INTERIOR WALL SURFACES AND CEILINGS TO BE SHEETROCKED WITH 1/2" GYP BD, OR AS REQUIRED PER LOCAL JURISDICTIONAL REQUIREMENTS. THIS WILL INCLUDE ANY ACCESSIBLE UNDER-STAIR LOCATIONS. ALL TUB/SHOWER ENCLOSURES SHALL HAVE WATER RESISTANT GYP BD.</li> <li>7) ACCESS HATCHES &amp; DOORS FROM CONDITIONED SPACES TO UNCONDITIONED SPACES (ATTIC AND CRAWL SPACES) SHALL BE WEATHERSTRIPPED &amp; INSULATED TO A LEVEL EQUIVALENT TO THE INSULATION ON THE SURROUNDING SURFACES (R402.2.4) 8) APPLY 1/2" GYP BD TO GARAGE WALLS AND CEILING. IF THERE IS HABITABLE SPACE ABOVE THE GARAGE, THE LID SHALL HAVE 5/8" TYPE 'X' GYP BD, AND ALL SUPPORTING WALLS 1/2" GYP BD (LOCAL JURISDICTIONAL REQUIREMENTS MAY SUPERSEDE THESE REQUIREMENTS - CHECK WITH LOCAL JURISDICTIONY</li> </ul></td><td colspan="2"><ul> <li>HABITABLE ROOM (KITCHEN, BEDROOM, LIVING ROOM, DINING ROOM, ETC) SO THAT NO POINT MEASURED HORIZONTALLY</li> <li>ALONG THE FLOOR LINE IN ANY WALL SPACE IS MORE THAN 6</li> <li>FEET FROM A RECEPTACLE OUTLET.</li> <li>9) COUNTERTOP RECEPTACLES SHALL BE INSTALLED AT EVERY</li> <li>WALL COUNTERTOP SPACE THAT IS 12" OR WIDER AND SO THAT</li> <li>NO POINT ALONG THE WALL LINE IS MORE THAN 24" FROM AN OUTLET IN THAT SPACE.</li> <li>10) AT LEAST ONE RECEPTACLE OUTLET SHALL BE INSTALLED</li> <li>AT EACH ISLAND OR PENINSULAR COUNTERTOP SPACE WITH A LONG DIMENSION OF 24" OR GREATER AND A SHORT</li> <li>DIMENSION OF 12" OR GREATER.</li> <li>11) AT LEAST ONE RECEPTACLE OUTLET SHALL BE INSTALLED</li> <li>IN BATHROOMS AND SUCH OUTLET SHALL BE LOCATED WITHIN</li> <li>36" OF THE OUTSIDE EDGE OF EACH LAVATORY BASIN. THE</li> <li>RECEPTACLE OUTLET SHALL BE LOCATED ON A WALL OR</li> <li>PARTITION THAT IS ADJACENT TO THE LAVATORY BASIN</li> <li>LOCATION.</li> <li>12) ALL BATHROOM, GARAGE, OUTDOOR, UNFINISHED</li> <li>BASEMENT AND KITCHEN COUNTERTOP RECEPTACLE OUTLETS</li> <li>SHALL HAVE GFCI PROTECTION (IRC E3902).</li> <li>13) ALL RECEPTACLES THAT ARE LOCATED WITHIN 6' OF THE</li> <li>OUTSIDE EDGE OF A SINK SHALL HAVE GFCI PROTECTION (IRC E3902.7).</li> <li>14) THE RECEPTACLE SUPPLYING THE DISHWASHER SHALL</li> <li>HAVE GFCI PROTECTION (IRC E3902.10).</li> <li>15) ALL BRANCH CIRCUITS THAT SUPPLY 120-VOLT, SINGLE</li> <li>PHASE, 15- AND 20-AMP OUTLETS INSTALLED IN KITCHENS, FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, GREAT</li> <li>ROOMS, DENS, BEDROOMS, CLOSETS, LAUNDRY ROOMS, HALLWAYS AND OTHER SIMILAR ROOMS OR AREAS SHALL</li> <li>HAVE ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION PER SECTION E3902.16.</li> </ul></td></br<>	<ul> <li>MATTA THE DELEMENT OF LEAST HARVAY, THE WINDOW SHALL</li> <li>BE EQUIPPED WITH AN OPENING CONTROL DEVICE COMPLYING WITH ASTM F 2090.</li> <li>3) PROVIDE A SMOKE DETECTOR IN EVERY BEDROOM, PROVIDE A COMBINATION CARBON MONOXIDE / SMOKE DETECTOR TO THE COMMON SPACE (HALLWAY, BONUS ROOM, ETC) ON EACH FLOOR. 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OREGON ELECTRICAL NOTES			
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<ul> <li>AND INSTALLED TO CODE.</li> <li>2) ALL HABITABLE ROOMS, BATHROOMS, HALLWAYS, STAIRWAYS AND GARAGES TO HAVE A MINIMUM OF ONE WALL SWITCH-CONTROLLED LIGHTING FIXTURE OR OUTLET.</li> <li>3) STAIRWAYS MUST BE ILLUMINATED IN ONE OF TWO WAYS: <ul> <li>a) ARTIFICIAL LIGHTING IN THE VICINITY OF EACH LANDING (TOP, BOTTOM, AND INTERMEDIATE).</li> <li>b) ARTIFICIAL LIGHTING OVER EACH INDIVIDUAL STAIRWAYS SHALL HAVE HAVE A CONTROL SWITCH AT EACH FLOOR.</li> </ul> </li> <li>5) AT LEAST ONE WALL-SWITCH-CONTROLLED LIGHTING OUTLET SHALL BE INSTALLED TO PROVIDE ILLUMINATION ON THE EXTERIOR SIDE OF EACH OUTDOOR EGRESS DOOR HAVING GRADE LEVEL ACCESS, INCLUDING OUTDOOR EGRESS DOORS</li> </ul>	2021 ORSC	SCALE: DATE: 05/19/2023	DRAFTED BY: ES REV:
FOR ATTACHED GARAGES AND DETACHED GARAGES WITH ELECTRIC POWER. 5) RANGE HOOD EXHAUST FAN RATE TO BE MIN. 150 CFM 6) BATHROOM EXHAUST FAN RATE TO BE MIN. 80 CFM 7) PROVIDE (1) CONTINUOUSLY OPERATING EXHAUST FAN PER HOME. SEE PLANS FOR LOCATION. 8) RECEPTACLE OUTLETS SHALL BE DISTRIBUTED IN EVERY HABITABLE ROOM (KITCHEN, BEDROOM, LIVING ROOM, DINING ROOM, ETC) SO THAT NO POINT MEASURED HORIZONTALLY ALONG THE FLOOR LINE IN ANY WALL SPACE IS MORE THAN 6 FEET FROM A RECEPTACLE OUTLET. 9) COUNTERTOP RECEPTACLES SHALL BE INSTALLED AT EVERY WALL COUNTERTOP SPACE THAT IS 12" OR WIDER AND SO THAT NO POINT ALONG THE WALL LINE IS MORE THAN 24" FROM AN		JOB NUMBER: LO-31482	
<ul> <li>NOTOTI TI THAT SPACE.</li> <li>10) AT LEAST ONE RECEPTACLE OUTLET SHALL BE INSTALLED</li> <li>AT EACH ISLAND OR PENINSULAR COUNTERTOP SPACE WITH A</li> <li>LONG DIMENSION OF 24" OR GREATER AND A SHORT</li> <li>DIMENSION OF 12" OR GREATER.</li> <li>11) AT LEAST ONE RECEPTACLE OUTLET SHALL BE INSTALLED</li> <li>IN BATHROOMS AND SUCH OUTLET SHALL BE LOCATED WITHIN</li> <li>36" OF THE OUTSIDE EDGE OF EACH LAVATORY BASIN. THE</li> <li>RECEPTACLE OUTLET SHALL BE LOCATED ON A WALL OR</li> <li>PARTITION THAT IS ADJACENT TO THE LAVATORY BASIN</li> <li>LOCATION.</li> <li>12) ALL BATHROOM, GARAGE, OUTDOOR, UNFINISHED</li> <li>DASEMET AND KUTCUEN COUNTERTOP BEGEDTACLE OUTLETS</li> </ul>	Z	PLAN ORIENTATION: STANDARD	
<ul> <li>BASEMENT AND KITCHEN COUNTERTOP RECEPTACLE OUTLETS</li> <li>SHALL HAVE GFCI PROTECTION (OESC 210.8(A)(1)).</li> <li>13) ALL RECEPTACLES THAT ARE LOCATED WITHIN 6' OF THE</li> <li>OUTSIDE EDGE OF A SINK SHALL HAVE GFCI PROTECTION (OESC 210.8(A)(7)).</li> <li>14) ALL BRANCH CIRCUITS THAT SUPPLY 120-VOLT, SINGLE</li> <li>PHASE, 15- AND 20-AMP OUTLETS INSTALLED IN KITCHENS,</li> <li>FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, GREAT</li> <li>ROOMS, DENS, BEDROOMS, CLOSETS, LAUNDRY ROOMS,</li> <li>HALLWAYS AND OTHER SIMILAR ROOMS OR AREAS SHALL</li> <li>HAVE ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION PER</li> <li>(OESC 210.12(A).)</li> <li>15) SOLAR READY REQUIREMENTS:ALL NEW CONSTRUCTION</li> <li>SHAALL BE SOLAR READY. A SQUARE METAL JUNCTION BOX NOT</li> <li>LESS THAN 4" x 4" WITH A METAL BOX COVER SHALL BE</li> </ul>	VASQUE	GARAGE CONFIGURATION: SIDE	NOTES
PROVIDED WITHIN 24" HORIZONTALLY OR VERTICALLY OF THE MAIN ELECTRICAL PANEL. A MINIMUM 3/4" NON FLEXIBLE METAL RACEWAY SHALL EXTEND FROM THE JUNCTION BOX TO A CAPPED ROOF TERMINATION OR TO AN ACCESSIBLE LOCATION IN THE ATTIC WITH A VERTICAL CLEARANCE OF NOT LESS THAN 36". WHERE THE RACEWAY TERMINATES IN THE ATTIC, THE TERMINATION SHALL BE LOCATED NOT LESS THAN 6" ABOVE THE INSULATION. THE END OF THE RACEWAY SHALL BE MARKED AS RESERVED FOR SOLAR. ORSC SECTION N1107.4	HOMES INC. DPYRIGHT 2023	, INC VAL COURT	WA 98683
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# ENERGY EFFICIENCY - 2021 ORSC CHAPTER 11

PRES	PRESCRIPTIVE ENVELOPE REQUIREMENTS - TABLE N1101.1(1)									
OPTION	GLAZING AREA: % OF FLOOR	GLAZING U-FACTOR	SKYLIGHT U-FACTOR	DOOR INSULATION BASEMENT INS. U-FACTOR CEILING WALL FLOOR WALL SLAB DUCTS					DUCTS	
STD. BASE CASE	UNLIMITED	0.27	0.50	0.20	R-49*	R-21 W/ INS. HEADERS	R-30	R-15 (CONT.)/ R-21 (FRAME)	R-15 2'	R-8

ALL CONDITIONED SPACES WITHIN RESIDENTIAL BUILDINGS SHALL COMPLY WITH TABLE N1101.1(1) (ABOVE) AND ONE ADDITIONAL MEASURE FROM TABLE N1101.1(2) (BELOW)

#### ADDITIONAL MEASURES - TABLE N1101.1(2):

#### HIGH EFFICIENCY HVAC SYSTEM

1

- a. Gas-fired furnace or boiler AFUE 94 percent, or
- b. Air source heat pump HSPF 10.0/14.0 SEER cooling, or
- c. Ground source heat pump COP 3.5 or Energy Star rated

#### HIGH EFFICIENCY WATER HEATING SYSTEM 2

- Natural gas/propane water heater with minimum UEF 0.90, or a.
- Electric heat pump water heater with minimum 2.0 COP, or b.
- Natural gas/propane tankless/instantaneous heater with minimum 0.80 UEF Drain c. Water Heat Recovery Unit installed on minimum of one shower/tub-shower

\*-TABLE 1101.1(1) VAULTED CEILING SURFACE AREA EXCEEDING 50 PERCENT OF THE TOTAL HEATED SPACE FLOOR AREA SHALL HAVE A U-FACTOR NO GREATER THAN U-0.026 (EQUIVALENT TO R-38 RAFTER OR SCISSOR TRUSS WITH R-38 ADVANCED FRAMING)

N1104 5.2 INTERMEDIATE FRAMING FOR WALLS. INTERMEDIATE FRAMING FOR WALLS IS AN OPTIONAL CONSTRUCTION METHOD INTERMEDIATE FRAMING WHEN USED TO ACHIEVE IMPROVED WALL PERFORMANCE UNDER THE REQUIREMENTS OF TABLE 1101.1(1) OR TABLE N1104.1(2), SHALL MEET THE FOLLOWING REOUIREMENTS:

- WALLS. WALLS SHALL BE FRAMED WITH 2 X STUDS AT 16 INCHES (406 MM) ON CENTER AND SHALL INCLUDE THE FOLLOWING, AS DETAILED IN ITEMS 2 AND 3.
- 2 CORNERS AND INTERSECTIONS. EXTERIOR WALL AND CEILING CORNERS SHALL BE FULLY INSULATED THROUGH THE USE OF THREE-STUD CORNERS CONFIGURED TO ALLOW FULL INSULATION INTO THE CORNER, OR TWO-STUD CORNERS AND DRYWALL BACKUP CLIPS OR OTHER APPROVED TECHNIQUE. INTERSECTIONS OF INTERIOR PARTITION WALLS WITH EXTERIOR WALLS SHALL BE FULLY INSULATED THROUGH THE USE OF SINGLE BACKER BOARDS, MID-HEIGHT BLOCKING WITH DRYWALL CLIPS OR OTHER APPROVED TECHNIQUE.
- HEADERS. VOIDS IN HEADERS 1 INCH (25.4 MM) TO 2 INCHES (51 MM) IN THICKNESS SHALL BE INSULATED WITH INSULATION THAT HAS A VALUE OF R-4 OR GREATER PER 1 INCH (25.4 MM) THICKNESS. VOIDS IN HEADERS GREATER THAN 2 INCHES (51 MM) IN DEPTH SHALL BE INSULATED TO A MINIMUM LEVEL OF R-10. NONSTRUCTURAL HEADERS (SUCH AS IN GABLE-END WALLS) SHALL BE ELIMINATED AND REPLACED WITH INSULATION TO ACHIEVE THERMAL PERFORMANCE LEVELS EQUIVALENT TO THE SURROUNDING AREA.

N1104.8.2 SEALING REQUIRED. EXTERIOR JOINTS AROUND WINDOW AND DOOR FRAMES, BETWEEN WALL CAVITIES AND WINDOW OR DOOR FRAMES, BETWEEN WALLS AND FOUNDATION, BETWEEN WALLS AND ROOF, BETWEEN WALL PANELS, AT PENETRATIONS OR UTILITY SERVICES THROUGH WALLS, FLOORS AND ROOFS AND ALL OTHER OPENINGS IN THE EXTERIOR ENVELOPE SHALL BE SEALED IN A MANNER APPROVED BY THE BUILDING OFFICIAL.

SEALING FOR THE PURPOSE OF CREATING A CONTINUOUS AIR BARRIER SHALL BE IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF TABLE N1104.8, OR THE DWELLING SHALL BE TESTED TO DEMONSTRATE A BLOWER DOOR RESULT NOT GREATER THAN 4.0 ACH50

N1104.8.2.1 TOP PLATE SEALING. AT ALL WALLS IN CONTACT WITH VENTED ATTICS, THE WALL COVERING (GYPSUM BOARD OR OTHER) SHALL BE SEALED TO THE TOP PLATE WITH CAULK. SEALANT, GASKET OR OTHER APPROVED MATERIAL

N1105.2 INSULATION OF DUCTS, ALL NEW DUCT SYSTEMS OR NEW PORTIONS OF DUCT SYSTEMS EXPOSED TO UNCONDITIONED SPACES AND BURIED DUCTWORK WITHIN INSULATION THAT MEETS THE EXCEPTION TO SECTION N1105 3 SHALL BE INSULATED TO MINIMUM R-8 EXCEPTIONS:

1. THE REPLACEMENT OR ADDITION OF A FURNACE, AIR CONDITIONER OR HEAT PUMP SHALL NOT REQUIRE EXISTING DUCTS TO BE INSULATED TO CURRENT CODE.

2 EXHAUST AND INTAKE DUCTWORK

N1105.3 INSTALLATION OF DUCTS. ALL NEW DUCT SYSTEMS AND AIR HANDLING EQUIPMENT AND APPLIANCES SHALL BE LOCATED FULLY WITHIN THE BUILDING THERMAL ENVELOPE. EXCEPTIONS:

1. VENTILATION INTAKE DUCTWORK AND EXHAUST DUCTWORK.

2. UP TO 5 PERCENT OF THE LENGTH OF AN HVAC SYSTEM DUCTWORK SHALL BE PERMITTED TO BE LOCATED OUTSIDE OF THE THERMAL ENVELOPE

3. DUCTS DEEPLY BURIED IN INSULATION IN ACCORDANCE ALL OF THE FOLLOWING:

3.1. INSULATION SHALL BE INSTALLED TO FILL GAPS AND VOIDS BETWEEN THE DUCT AND THE CEILING, AND A MINIMUM OF R-19 INSULATION SHALL BE INSTALLED ABOVE THE DUCT BETWEEN THE DUCT AND UNCONDITIONED ATTIC. 3.2. INSULATION DEPTH MARKER FLAGS SHALL BE INSTALLED ON THE DUCTS EVERY 10 FEET (3048 MM) OR AS APPROVED BY THE BUILDING OFFICIAL

N1106.2 DOMESTIC AND SERVICE HOT WATER SYSTEMS. DOMESTIC HOT WATER PIPING SHALL BE INSULATED TO A MINIM **R-3 AT THE FOLLOWING LOCATIONS** 

- 1. PIPE LOCATED OUTSIDE THE BUILDING THERMAL ENVELOPE.
- 2. THE FIRST 8 FEET (2438 MM) OF PIPE INTO AND OUT OF A WATER HEATER.
- **3 RECIRCULATING WATER PIPING**

N1107.4 SOLAR INTERCONNECTION PATHWAY. A SQUARE METAL JUNCTION BOX NOT LESS THAN 4 INCHES BY 4 INCHES (10 BY 102 MM) WITH A METAL BOX COVER SHALL BE PROVIDED WITHIN 24 INCHES (610 MM) HORIZONTALLY OR VERTICALLY THE MAIN ELECTRICAL PANEL. A MINIMUM ¾-INCH (19 MM) NONFLEXIBLE METAL RACEWAY SHALL EXTEND FROM THE JUNCTION BOX TO A CAPPED ROOF TERMINATION OR TO AN ACCESSIBLE LOCATION IN THE ATTIC WITH A VERTICAL CLEARANCE OF NOT LESS THAN 36 INCHES (914 MM).

WHERE THE RACEWAY TERMINATES IN THE ATTIC, THE TERMINATION SHALL BE LOCATED NOT LESS THAN 6 INCHES (152 ABOVE THE INSULATION. THE END OF THE RACEWAY SHALL BE MARKED AS "RESERVED FOR SOLAR." EXCEPTION: IN LIEU OF <sup>3</sup>/<sub>4</sub>-INCH (19 MM) NONFLEXIBLE METAL RACEWAY, A MINIMUM NO. 10 COPPER 3-WIRE MC CABLE INSTALLED FROM THE JUNCTION BOX TO THE TERMINATION POINT INCLUDING 6 INCHES (152 MM) ADDITIONAL WIRE IS PERMITTED

# **MECHANICAL VENTILATION - 2021 ORSC CHAPTER 15**

M1505.4 WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM. WHOLE-HOUSE MECHANICAL VENTILATION SYSTEMS SHALL DESIGNED IN ACCORDANCE WITH SECTIONS M1505.4.1 THROUGH M1505.4.4.

M1505.4.1 SYSTEM DESIGN. THE WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM SHALL PROVIDE BALANCED VENTILAT LOCAL EXHAUST OR SUPPLY FANS ARE PERMITTED TO SERVE AS PART OF SUCH A SYSTEM. OUTDOOR AIR VENTILATION PROVIDED BY A SUPPLY FAN DUCTED TO THE RETURN SIDE OF AN AIR HANDLER SHALL BE CONSIDERED AS PROVIDING SUF VENTILATION FOR THE BALANCED SYSTEM.

M1505.4.2 SYSTEM CONTROLS. THE WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM SHALL BE PROVIDED WITH CONTROL THAT ENABLE MANUAL OVERRIDE.

M1505.4.3 MECHANICAL VENTILATION RATE. THE WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM SHALL PROVIDE OUTDOOR AIR AT A CONTINUOUS RATE AS DETERMINED IN ACCORDANCE WITH TABLE M1505.4.3(1) OR EQUATION 15-1. VENTILATION RATE IN CUBIC FEET PER MINUTE = (0.01 × TOTAL SQUARE FOOT AREA OF HOUSE) + [7.5 × (NUMBER OF BEDRO +1)]

EXCEPTION: THE WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM IS PERMITTED TO OPERATE INTERMITTENTLY WHERE SYSTEM HAS CONTROLS THAT ENABLE OPERATION FOR NOT LESS THAN 25 PERCENT OF EACH 4-HOUR SEGMENT AND THE VENTILATION RATE PRESCRIBED IN TABLE M1505.4.3(1) IS MULTIPLIED BY THE FACTOR DETERMINED IN ACCORDANCE WITH TABLE M1505.4.3(2)

### TABLE M1505.4.3(1) CONTINOUS WHOLE HOUSE MECHANICAL VENTILATION SYSTEM AIR FLOW RATE REOUIRMENTS

DWELLING UNIT FLOOR AREA (square feet)		NUMBER OF BEDROOMS				
	0-1	2-3	4-5	6-7	> 7	
		Airflow in CFM				
< 1,500	30	45	60	75	90	
1,501 - 3,000	45	60	75	90	105	
3,001 - 4,500	60	75	90	105	120	
4,501 - 6,000	75	90	105	120	135	
6,001 - 7,500	90	105	120	135	150	
> 7,500	105	120	135	150	165	
TABLE M1505 4 3(2) INTERMITTENT WHOLE HOUSE						

# MECHANICAL VENTILATION RATE FACTORS

RUN-TIME PERCENTAGE IN EACH 4-HOUR SEGMENT	25%	33%	50%	66%	75%	100%
FACTOR	4	3	2	1.5	1.3	1

AREA TABULATION	
DESCRIPTION /	SQ FT
GLAZING & DOORS	385 SQ FT
ATTIC R-49	975 SQ FT
FLOOR R-30	954 SQ FT
WALLS R-21	2,019 SQ FT

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ADAIR HOMES INC. © COPYRIGHT 2023	ADAIR HOMES, INC 1311 SE CARDINAL COURT	SUITE 100 VANCOUVER, WA 98683
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# **CORROSIVE ENVIRONMENT PKG.:**

STAINLESS STEEL FLASHING & NAILS, PLASTIC ROOF VENTS & STAINLESS STEEL 200amp UNDERGROUND ELEC. METER BASE

# **HIGH WIND EXPOSURE:**

UPGRADED STRUCTURAL HARDWARE, HAND TABBED ROOF SHINGLES, HI-WIND GARAGE DOOR, PREMIUM VINYL WINDOW UPGRADE, SIDING HIGH WIND INSTALLATION GUIDELINES & OTHER REQUIREMENTS TO MEET LOCAL CODE.

# **NOTE:**

EXTERIOR ELEVATIONS ARE DRAWN W/ ESTIMATED GRADES. ONCE SITE CLEARING & EXCAVATION IS COMPLETE, SOME ADJUSTMENTS MAY BE NECESSARY.

### TRADITIONS ELEV. NOTES

#### EXTERIOR SIDING & TRIM SPECIFICATIONS

- IDING ON WALLS: HORIZONTAL LAP SIDING
   SIDING IN GABLES WHERE SHOWN ON PLANS (TYP. FRONT ONLY):
   PLAN PANEL SIDING WU VERTICAL BARTS AT 16° O.C. OR SHAKE
   SIDING WI STAGGERED BOTTOM EDGE.
   TRUM AFETEROR CORNERS: 5444 EACH WAY.
   BELLY BAND AT THE BOTTOM OF DESIGNATED GABLES: 54x6
   TRUM (METAL HEAD FLASHING TO MATCH).
   LOOK-OUT BEAM AT PEAK OF DESIGNATED GABLE ENDS: 4x6
   BEAM 444 ANGLED BRACE, AND 244 BACK PLATE.
   WINDOWS: 5444 TRUM ALL SIDES ON OROUPED WINDOWS THE
   VEPTICAL CENTER MILLIONS WILL BE 64x65 DIPBET ON ETITLE

- WINDOWS: 5/44 TRIM ALL SIDES. ON GROUPED WINDOWS THE VERTICAL CENTER MULLIONS WILL BE 5/458 RIPPED TO FIT THE WIDTH BETWEEN WINDOWS.
   GARAGE AND FRONT ENTRY DOOR TRIM: 5/454 TRIM EACH SIDE AND 5/456 HEADER TRIM. HEADER TRIM OVERHANGS EACH SIDE 11.2°. (DOES NOT APPLY TO OTHER EXTERIOR DOORS)
   SOFFITED AREAS: PLAIN PANEL SIDING WITH 4/453 TRIM AT THE PERIMETER.
   EXTERIOR BEAMS: DF#2 SIZED PER STRUCTURAL ENGINEER
   PORTS TO BE 44/08 656 PT POSTS PER STRUCTURAL ENGINEER
   WRAPPED PORCH SUPPORT BEAM AND PLLARS: FRONT, BACK, BOTTOM (BETWEEN POSTS) AND EXPOSED ENDS OF THE SUPPORT BEAM TO BE COVERED WITH PLAIN (NO GROOVE) PANEL SIDING

- BOTTOM (BETWEEN POSIS) AND EXPOSED ENDS OF THE SOPPOR BEAM TO BE COVERED WITH PLAIN (NO GROVE) PANEL SIDING, PILLAR COVER TO TERMINATE AT THE BOTTOM S<sup>®</sup> BELOW THE TOP OF THE BOUGH FLOOR ELEVATION OF THE HOME. THE OWNER WILL PROVIDE THE FRONT PORCH (WOOD DECK OR CONCRETES LAB). BASE THIM TO BE ADJUSTED AS NEEDED.



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.4         13.75'           .5         9.75'           .6         29.33'           .7         28.92'           .8         33.42'           L         180.84           DING HEIGHT         22.61'	N	PLAN ORIENTATION: STANDARD	ELEVATION
6 	VASQUEZ	GARAGE CONFIGURATION: SIDE	<b>EXTERIOR 1</b>
EXISTING GRADE	ADAIR HOMES INC. © COPYRIGHT 2023	ADAIR HOMES, INC 1311 SE CARDINAL COURT	SUITE 100 VANCOUVER, WA 98683



# **CORROSIVE ENVIRONMENT PKG.:**

STAINLESS STEEL FLASHING & NAILS, PLASTIC ROOF VENTS & STAINLESS STEEL 200amp UNDERGROUND ELEC. METER BASE

# **HIGH WIND EXPOSURE:**

UPGRADED STRUCTURAL HARDWARE, HAND TABBED ROOF SHINGLES, HI-WIND GARAGE DOOR, PREMIUM VINYL WINDOW UPGRADE, SIDING HIGH WIND INSTALLATION GUIDELINES & OTHER REQUIREMENTS TO MEET LOCAL CODE.

# **NOTE:**

EXTERIOR ELEVATIONS ARE DRAWN W/ ESTIMATED GRADES. ONCE SITE CLEARING & EXCAVATION IS COMPLETE, SOME ADJUSTMENTS MAY BE NECESSARY.

#### TRADITIONS ELEV. NOTES

#### EXTERIOR SIDING & TRIM SPECIFICATIONS

- SIDING ON WALLS: HORIZONTAL LAP SIDING.
   SIDING IN GABLES WHERE SHOWN ON PLANS (TYP. FRONT ONLY): PLAIN PANEL SIDING W/VERTICAL BATTS AT 16° O.C. OR SHAKE SIDING W/STAGGERED BOITOM EDGE.
   TRIM AT EXTERIOR CORNERS: 3/44 EACH VAY.
   BELLY BAND AT THE BOITTOM FOR DISIGNATED GABLES: 5/46 TRIM (METAL HEAD FLASHING TO MATCH).
   LOOK-OUT BEMA AT PEAK OF DESIGNATED GABLE ENDS: 4x6 BEAM, 4x4 ANGLED BRACE, AND 2x4 BACK PLATE.
   WINDOWS: 5/444 TRIM ALL SIDES, ON GROUPED WINDOWS THE VERTICAL CENTER MULLIONS WILL BE 5/4x8 RIPPED TO FIT THE WIDTH BETWEEN WINDOWS.

- VERTICAL CENTER MULLIONS WILL BE S4AS RIPPED TO FIT THE WIDTH HET WEEN WINDOWS.
   GARAGE AND FRONT ENTRY DOOR TRIM: 54A4 TRIM EACH SIDE AND 54A6 HEADER TRIM. HEADER TRIM OVERHANGS EACH SIDE 11/2; (DOES NOT APPLY TO OTHER EXITERIOR DOORS)
   SOFTTED AREAS: PLAN PANEL SIDING WITH 44A3 TRIM AT THE PERIMETER.
   ENTERIOR BE 443 OR 666 PT POSTS PER STRUCTURAL ENGINEER
   POSTS TO BE 443 OR 666 PT POSTS PER STRUCTURAL ENGINEER
   WRAPPED PORCH SUPPORT BEAM AND PILLARS: FRONT, BACK, BOTTOM (BETWEEN POSTS) AND EXPOSED ENDS OF THE SUPPORT BEAM TO BE COVERED WITH PLAIN (NO GROVE) PANEL SIDING, PILLAR COVER TO TERMINATE AT THE BOTTOM'S BELOW THE TOP OF THE ROUGH FLOOR ELEVATION OF THE HOME. THE OWNER WILL PROVIDE THE FRONT PORCH (WOOD DECK OR CONCRETE SLAB), BASE TRIM TO BE ADJUSTED AS NEEDED.



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OUSE VENTILAT OR M1505.4.3(2) PAGE EO, PROVIDE CONTI ST FAN INTERCONNECTED TO HVAC SYST C SECTION M1505.4. MANUAL OVERRIDE	<b>'ION</b> NUOUS OR EM FAN TO BE	<b>W</b> AD	ADAIR HC 1311 SE C <sub>1</sub>	SUITE 100 VANCOU



# STAINLESS STEEL FLASHING &

NAILS & STAINLESS STEEL 200amp UNDERGROUND ELEC. METER BASE

# **HIGH WIND EXPOSURE:**

UPGRADED HI-WIND GARAGE DOOR, PREMIUM VINYL WINDOW UPGRADE AND OTHER REQUIREMENTS TO MEET LOCAL CODE.



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S SHEET (SHEET 'N') FOR GENERAL FLOOR	PLAN NOTES.		AGE:	V
L "S" SHEETS.				
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LIGHT - KEYLESS			31 <sup>-</sup>	
LIGHT - FOYER - 1 OR 2 STORY	$(\widehat{D},\widehat{D})$			
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ST FAN INTERCONNECTED TO HVAC SYST	TEM FAN		D I	N.A.
SC SECTION M1505.4. MANUAL OVERRIDE	TO BE			$\sim$
N M1505.4.2				



#### **STRUCTURAL NOTICE: 1. BEARING MEMBER SIZES NOTE** SHEETS ARE TO SUPERCEDE ANY 2. PROVIDE SINGLE OR MULTIPLE GIRDER TRUSSES TO MATCH WII NOTED OTHERWISE ON ENGINEE 3. ALL WINDOW & DOOR OPENIN SINGLE 2x TRIMEER U.N.O. BY TH 4. PROVIDE DBL 2x TRIMMERS U **OPENINGS 6'-0" OR GREATER.**

# FDN PLAN NOTES

1) SEE NOTES SHEET (SHEET 'N') AND/OR ENGINEER'S "S" SHEETS FOR GENERAL FOUNDATION PLAN NOTES & REQUIREMENTS. 2) = BEARING WALLS THAT ARE SUPPORTED ON CONTINUOUS FTGS. & REQUIRE ANCHOR BOLT CONNECTION (PLATE TO FOOTING). ALL OTHER CRIPPLE WALLS ARE TO BE ATTACHED TO FTG. W/ POWDER ACTUATED FASTENERS @ MIN. 32" O.C. WHERE ANCHOR BOLTS DO NOT OCCUR. 3) 2" DIAMETER WATER LINE BLOCKOUT & 5" DIAMETER SEWER LINE BLOCKOUT LOCATION(S) TO BE IDENTIFIED ON SITE IF

= VENTS PROHIBITED IN DOOR SITES. 5) CRIPPLE WALLS W/ A STUD HEIGHT LESS THAN 14" SHALL BE CONTINUOUSLY SHEATHED ON ONE SIDE W/ WOOD STRUCTURAL PANELS FASTENED TO BOTH TOP & BOTTOM PLATES. 6) ALL POSTS AS WELL AS ANY BEARING WALLS PARALLEL TO THE FLOOR JOISTS ARE TO EXTEND TO DECKING. 7) PROVIDE (2) UFER GROUNDS TIED INTO REBAR GRID. (1) AT PANEL LOCATION & (1) AT MIN. 20 FT. SEPARATION.

# VENTILATION

1) THE TOTAL NET FREE VENTILATION AREA SHALL NOT BE LESS THAN 1/300 OF THE AREA OF THE CRAWLSPACE WITH THE USE OF A CLASS 1 VAPOR RETARDER MATERIAL. THERE SHALL BE ONE VENT MIN. WITHIN 3' OF EACH BUILDING CORNER.

FOUNDATION VENTS ARE BASED ON A SCREENED 16" x 6" VENT WITH A NET-FREE VENTILATING AREA OF 72 SQ IN PER VENT.

	137,344 SQ IN
ED VENTING	458 SQ IN
REQUIRED	7 VENTS
PROVIDED	7 VENTS

ED ON STRUCTURAL ENGINEERING "S"
Y DEPICTED ON THE ARCH. SHEETS.
E STUDS UNDER BEAMS, HEADERS, &
DTH OF SUPPORTED MEMBER UNLESS
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ADAIR HOMES INC.	VASQUE			2021 ORSC	
ADAIR HOMES, INC 1311 SE CARDINAL COURT SUITE 100 VANCOUVER WA 98683	GARAGE CONFIGURATION: SIDE FOUNDAT	PLAN ORLENTATION: STANDARD	JOB NUMBER: LO-31482	SCALE: 1/8" = 1'-0" DATE: 05/19/2023 DRAFTED BY: ES DEV.	PAGE: A3
				NEV.	



JOIST LAYOUT NOTES
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1) = REPRESENTS FULL DEPTH BLOCKING AT JOIST ENDS (WHEN JOISTS END AT INTERIOR BEARING WALLS) AND INTERMEDIATE JOIST SUPPORTS.

2) FOR ADDITIONAL NOTES AND INFORMATION SEE FLOOR JOIST NOTES ON SHEET 'N'.

3) REFER TO MANUFACTURER'S SPECIFICATIONS AND DRAWINGS FOR INSTALLATION.

# JOIST LAYOUT FOR 19.2" SPACING

	1 - 19 3/16"	(1'-7 3/16")	9 - 172 13/16"	(14'-4 13/16")
	2 - 38 3/8"	(3'-2 3/8")	16'-10 - 192"	(16'-0")
	3 - 57 5/8"	(4'-9 5/8")	11 - 211 3/16"	(17'-7 3/16")
	4 - 76 13/16"	(6'-4 13/16")	12 - 230 3/8"	(19'-2 3/8")
3'	-5 - 96"	(8'-0")	13 - 249 5/8"	(20'-9 5/8")
	6 - 115 3/16"	(9'-7 3/16")	14 - 268 13/16"	(22'-4 13/16")
	7 - 134 3/8"	(11'-2 3/8")	24'-15 - 288"	(24'-0")
	8 - 153 5/8"	(12'-9 5/8")		. /

8'-5 - 96"

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2021 ORSC	SCALE: 1/8" = 1'-0" DATE: 05/19/2023	DRAFTED BY: ES REV:
	JOB NUMBER: LO-31482	AYOUT
Z	PLAN ORIENTATION: STANDARD	OR JOIST L
VASQUE	GARAGE CONFIGURATION: SIDE	MAIN FLO
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FRAMING PLAN NOTES		_	+
1) BEARING MEMBER SIZES NOTED ON STRUCTURAL ENGINEERING "S" SHEETS ARE TO SUPERCEDE ANY DEPICTED ON THE		PAGE:	Y.
ARCHITECTURAL SHEETS. 2) PROVIDE SINGLE OR MULTIPLE STUDS UNDER BEAMS, HEADERS & GIRDER TRUSSES TO MATCH WIDTH OF SUPPORTED MEMBER UNLESS NOTED OTHERWISE ON ENGINEER'S "S" SHEETS 3) ALL WINDOW & DOOR OPENINGS UNDER 6'-0" WIDE ARE TO HAVE A SINGLE 2x TRIMMER UNLESS NOTED OTHERWISE BY THE ENGINEER. 4) PROVIDE DOUBLE 2x TRIMMERS UNDER ALL WINDOW & DOOR OPENINGS (10" OP	2021 ORSC	CALE: 1/8" = 1'-0" \ATE: 05/19/2023	DRAFTED BY: ES EV:
GREATER.		SЦ	
INT. & EXT. SWING DR. FRAMING			
<ol> <li>1) ROUGH OPENING WIDTH TO BE THE DOOR SIZE +2" UNLESS NOTED OTHERWISE ON PLAN OR BY MANUFACTURER'S SPECIFICATIONS.</li> <li>2) ROUGH OPENING HEIGHT TO BE 82 5/8"</li> </ol>		JOB NUMBER: LO-31482	G PLAN
FOR TYP. 6'-8" DOOR, U.N.O. PER PLAN OR MANUFACTURER'S SPECS.			N
3) ROUGH OPENING <b>HEIGHT</b> TO BE <b>98 5/8"</b> FOR TYP. 8'-0" DOOR, U.N.O. PER PLAN OR MANUFACTURER'S SPECS.		TATION: DARD	RAMI
CLOSET DOOR FRAMING NOTES		ANI	FF
<b>BI-PASS CLOSETS:</b> R.O. WIDTH TO MATCH CLOSET WIDTH R.O. HEIGHT = 83-1/8"	EZ	PLAN ST	OOR
<b>BI-FOLD CLOSETS:</b> R.O. WIDTH = CLOSET WIDTH + 1-1/2" R.O. HEIGHT = 81-5/8"	SQU	NFIGURATION:	IN FL(
WINDOW FRAMING NOTES	<b>V</b>	AGE COI	[A]
TYPICAL HEADER HEIGHTS TO BE AS FOLLOWS U.N.O. ON PLAN:		GAR SI	N
MAIN FLOOR - 8'-1 1/8" PLATE: <b>6'-11 3/8''</b> MAIN FLOOR - 9'-1 1/8" PLATE: <b>7'-11 3/8''</b>			
UPPER FLOOR - 8'-1 1/8" PLATE: <b>7'-1 3/8"</b>	S INC	JRT	3
GARAGE DOOR FRAMING NOTES	ME GHT 20		9868
TYPICAL DOOR FRAMING TO BE AS FOLLOWS U.N.O. ON PLAN:	R HO	ES, IN( JINAL	۶, WA
WIDTH - DOOR SIZE PLUS 3" HEIGHT - DOOR SIZE PLUS 1-1/2" FROM SLAB	ADAI G	ADAIR HOM 311 SE CARI	SUITE 100 VANCOUVEF
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### JOIST LAY

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 2) FOR ADDITIONAL NOTINOTES ON SHEET 'N'.
 3) REFER TO MANUFACTUFOR INSTALLATION.
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2 - 38 3/8"	(3'-2 3/8
3 - 57 5/8"	(4'-9 5/8
4 - 76 13/16"	(6'-4 13
8'-5 - 96"	(8'-0")
6 - 115 3/16"	(9'-7 3/
7 - 134 3/8"	(11'-23

8 - 153 5/8" (12'-9

( e | 9) (m) 40'-0" <u>1'-6 1/4"</u> 1 1/4" LSL RIM BOARD TYP U.N.O. PER ENGINEER 7 REPRESENTS VENT PATH, TYPICAL -REPRESENTS PLUMBING DROP, TYP. ₩ JOIST SUPPORTS BEAM PER ENGINEER - HELD UP BEARING WALL BELOW BEAM PER ENGINEER - HELD UP USE SOLID HDRS. PER ENGINEER IN ANY OPENINGS LOCATED IN BEARING OR STAIRWAY SUPPORT WALLS, TYP. BEARING WALL BELOW 3/4" T&G SUBFLOOR OVER 14" WOOD-I-BEAM PER ENG. JOISTS @ 19.2" O.C. -I-JOIST - HELD UP BLOCKING STAIRWELL @ 48" O.C. -11 1/2 21'-0 1/2" 6'-7 1/2" 12'-4" BALLOON FRAME W/ DBL. 2x6 STUDS (A B)

UPPER FLOOR JOIST LAYOUT

YOUT NOTES		PAGE:	A4.1	
PPORTS.         TES AND INFORMATION SEE FLOOR JOIST         'URER'S SPECIFICATIONS AND DRAWINGS         ANY OPENINGS LOCATED IN BEARING OR         ALLS, TYP.         TO BEAMS IN FLOOR SYSTEM PER IWP.         UT FOR 19.2" SPACING         (16")       9 - 172 13/16" (14'-4 13/16")         (8")       16'-10 - 192" (16'-0")         11 - 211 3/16" (17'-7 3/16")	2021 ORSC	SCALE: 1/8" = 1'-0" DATE: 05/19/2023	DRAFTED BY: ES REV:	
3/16")       12 - 230 3/8"       (19'-2 3/8")         13 - 249 5/8"       (20'-9 5/8")         14 - 268 13/16"       (22'-4 13/16")         3/8")       24'-15 - 288"       (24'-0")		JOB NUMBER: LO-31482	AYOUT	
	Z	PLAN ORIENTATION: STANDARD	<b>JOR JOIST L</b>	
	VASQUE	GARAGE CONFIGURATION: SIDE	UPPER FL(	
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FRAMING PLAN NOTES			74.7
STRUCTURAL ENGINEERING "S" SHEETS ARE TO SUPERCEDE ANY DEPICTED ON THE ARCHITECTURAL SHEETS. 2) PROVIDE SINGLE OR MULTIPLE STUDS UNDER BEAMS, HEADERS & GIRDER TRUSSES TO MATCH WIDTH OF SUPPORTED MEMBER UNLESS NOTED OTHERWISE ON ENGINEER'S "S" SHEETS	SC	8" = 1'-0" $/19/2023$	BY: ES
<ul> <li>3) ALL WINDOW &amp; DOOR OPENINGS UNDER</li> <li>6'-0" WIDE ARE TO HAVE A SINGLE 2x</li> <li>TRIMMER UNLESS NOTED OTHERWISE BY</li> <li>THE ENGINEER.</li> <li>4) PROVIDE DOUBLE 2x TRIMMERS UNDER</li> <li>ALL WINDOW &amp; DOOR OPENINGS 6'-0" OR</li> <li>GREATER.</li> </ul>	2021 OR	SCALE: 1/3 DATE: 05	DRAFTED REV:
INT. & EXT. SWING DR. FRAMING			
<ol> <li>1) ROUGH OPENING WIDTH TO BE THE DOOR SIZE +2" UNLESS NOTED OTHERWISE ON PLAN OR BY MANUFACTURER'S SPECIFICATIONS.</li> <li>2) ROUGH OPENING HEIGHT TO BE 82 5/8"</li> </ol>		JOB NUMBER: LO-31482	<b>—</b>
FOR TYP. 6'-8" DOOR, U.N.O. PER PLAN OR MANUFACTURER'S SPECS. 3) ROUGH OPENING <b>HEIGHT</b> TO BE <b>98 5/8"</b> FOR TYP. 8'-0" DOOR, U.N.O. PER PLAN OR MANUFACTURER'S SPECS.		ATION: ARD	G PLAN
CLOSET DOOR FRAMING NOTES		ORIENT ANL	Ž
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<b>BI-FOLD CLOSETS:</b> R.O. WIDTH = CLOSET WIDTH + 1-1/2" R.O. HEIGHT = 81-5/8"	SQU	DNFIGURATION:	ER FI
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TYPICAL HEADER HEIGHTS TO BE AS FOLLOWS U.N.O. ON PLAN:		GAI S]	
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UPPER FLOOR - 8'-1 1/8" PLATE: 7'-1 3/8"	S IN	URT	33
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WIDTH - DOOR SIZE PLUS 3" HEIGHT - DOOR SIZE PLUS 1-1/2" FROM SLAB	ADAI	R HOM E CARI	( 100 00VE)
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**CORROSIVE ENVIRONMENT PKG.:** 

STAINLESS STEEL FLASHING & NAILS & PLASTIC ROOF VENTS

OF PLA	N NOTES		U GE:	CA
DE PROTECTIVE FLAS	HING FOR ALL ROOF		PA	
RED VENTILATION OP CCT SCREENS. RED VENTILATION OP THE ENTRANCE OF SI LL INSULATION SO TH IC IS NOT BLOCKED. DITION SHINGLE ROO FELT PER MANUFACT AN FOR ROOF PITCH. END OVERHANGS AR NOTED OTHERWISE.	ENINGS SHALL BE COVERED W/ ENINGS SHALL BE PROTECTED NOW AND/OR RAIN. AT THE FREE FLOW OF AIR WITHIN FING TO BE INSTALLED OVER 15# FURER'S SPECIFICATIONS. E 12", EAVES ARE 2'-0" TYPICAL	21 ORSC	LE: 1/8" = 1'-0" TE: 05/19/2023	AFTED BY: ES .:
& PATIO COVERS TO J.N.O., VENT THE ENCL DE & INSTALL RAIN GU D PER BUILD LOCATIO	BE SOFFITED W/ PLAIN PANEL .OSED SPACE PER CODE. UTTERS & DOWNSPOUTS AS DN.	20	SCA DAT	] DR∕   REV
NTILAT	ION			
TAL NET FREE VENTI 00 OF THE AREA OF TH AT LEAST 40% BUT NO D AREA IS PROVIDED DRTION OF THE SPACE NG BALANCE OF THE D RY FAVE VENTS AN	LATION AREA SHALL NOT BE LESS IE SPACE VENTILATED, PROVIDED T MORE THAN 50% OF THE BY VENTILATORS LOCATED IN THE BEING VENTILATED. THE REQUIRED VENTING WILL BE D/OR LOW ROOF VENTS		JOB NUMBER: LO-31482	
S I OR II VAPOR RETA N-WINTER SIDE OF THI NATIVE METHOD: VEN 50 OF THE AREA OF TH ROOF VENTS ARE BAS TION AREA PER VENT VENTS ARE BASED ON R VENT.	RDER IS INSTALLED ON THE E CEILING VTILATION SHALL NOT BE LESS HE SPACE VENTILATED. SED ON 51 SQ IN NET FREE 9 SQ IN NET FREE VENTILATION		PLAN ORIENTATION: STANDARD	
<u>OF:</u> EA QUIRED VENTING DF VENTS (HIGH) VE VENTS DF VENTS (LOW)	149,760 SQ IN 500 SQ IN 204 SQ IN (4) 243 SQ IN (34) 51 SQ IN (1)	QUEZ	H H	PLAN
<u>ROOF</u> : EA QUIRED VENTING DF VENTS (HIGH) VE VENTS <u>OOF</u> : EA	57,996 SQ IN 194 SQ IN 102 SQ IN (2) 108 SQ IN (12) 19,691 SQ IN	VASC	GARAGE CONFIGURA	ROOF ]
QUIRED VENTING VE VENTS	66 SQ IN 81 SQ IN (9)			I
GEND			RT	
DOWNSPOUT ABOV	E TO ROOF BELOW	AES ht 202		8683
DOWNSPOUT TO RA	IN DRAIN	ION Yrig	AL (	7 9 V
10"x10" STANDARD /	ATTIC SPACE ROOF VENT T		AIR HOMES, J SE CARDIN	TE 100 VCOUVER, W
			ADA 1311	SUIT







**BUILDING SECTION B** 

3/16" = 1'-0"

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ADAIR HOMES, INC 1311 SE CARDINAL COURT	GARAGE CONFIGURATION: SIDE	PLAN ORIENTATION: STANDARD	JOB NUMBER: LO-31482	SCALE: 3/16" = 1'-0" DATE: 05/19/2023	PAGE:
SUITE 100 VANCOUVER, WA 98683	BUILDING	SECTION B		DRAFTED BY: ES REV:	



#### KITCHEN CABINETS



NOTES

D M N					
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ADAIR HOMES, INC 1311 SE CARDINAL COURT	GARAGE CONFIGURATION: SIDE	PLAN ORIENTATION: STANDARD	JOB NUMBER: LO-31482	SCALE: 1/4" = 1'-0" DATE: 05/19/2023	PAGE:
SUITE 100 Vancouver, wa 98683	<b>CABINET I</b>	DETAILS		DRAFTED BY: ES REV:	40

## CABINET NOTES

- 1. ALL CABINET DIMENSIONS SHALL BE CONFIRMED AFTER COMPLETION OF ROUGH FRAMING.
- 2. ALL DIMENSIONS MAY VARY, AND THE CABINETS ADJUSTED AS NECESSARY.
- 3. ACTUAL CABINET DESIGN TO BE DETERMINED BY THE CABINET MAKER.
- 4. MOUNT UPPER CABINETS SO THAT THERE IS 18" CLEAR FROM BASE OF UPPER CABINET TO TOP OF COUNTERTOP (20" CLEAR FROM BASE OF UPPER CABINET TO TOP OF COUNTERTOP WHEN VALANCE IS USED).





		PAGE:	AU2
ATED HEADER	2021 ORSC	SCALE: AS SHOWN DATE: 05/19/2023	DRAFTED BY: ES REV:
		JOB NUMBER: LO-31482	NO
JAMBS AT SIDES	Ζ	PLAN ORLENTATION: STANDARD	FOUNDATI
WRAP BASE INTO OPENING, TERMINATE AT BUMP JAMB EBOARD INSTALLTION DOOR <u>RAPPED</u>	VASQUE	GARAGE CONFIGURATION: SIDE	DETAILS -
JAMBS AT SIDES SET DOOR LL WRAPPED	ADAIR HOMES INC. © COPYRIGHT 2023	ADAIR HOMES, INC 1311 SE CARDINAL COURT	SUITE 100 VANCOUVER, WA 98683





OPTIONAL 9'- 1 1/8" PLATE



 $(7f) \underbrace{\text{EXTERIOR DOOR SIDE LITE WINDOW FRAMING}}_{\text{SCALE: } 1/4^{\texttt{w}} = 1^{\texttt{u}-0^{\texttt{w}}}}$ 

	PAGE:		
2021 ORSC	SCALE: AS SHOWN DATE: 05/19/2023	DRAFTED BY: ES REV:	
	JOB NUMBER: LO-31482	NO	
Z	PLAN ORIENTATION: STANDARD	FOUNDATI	
VASQUE	GARAGE CONFIGURATION: SIDE	DETAILS -	
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		PAGE:	AU4
	2021 ORSC	SCALE: AS SHOWN DATE: 05/19/2023	DRAFTED BY: ES REV:
		JOB NUMBER: LO-31482	
2x8 RIDGE BEAM 2x6 RAFTERS AT 24" O.C. (PROVIDE INTERMEDIATE SUPPORT AS NEEDED). ADDITIONAL RAFTER AND/OR RIDGE SUPPORT AS NEEDED.	Z	PLAN ORIENTATION: STANDARD	FRAMING
ADDITIONAL 2x8 SLEEPER AS NEEDED FOR RAFTER/RIDGE SUPPORT. 2x8 SLEEPER ECTION ECTION PRE-MANUF. TRUSS PER PLAN. REFER TO MANUFACTURER SPECS. D ONE BESIDE (ON D ONE BESIDE (ON D ONE ARATTER SPAN	VASQUI	GARAGE CONFIGURATION: SIDE	DETAILS -
ORSC 2017 802.5.1 (1-9) PROVIDE AS NEEDED). MOTE: PROVIDE MIN. 22" x 48" ACCESS THROUGH MAIN ROOF SHEATHING ABOVE INSULATION LINE FOR VENTILATION	ADAIR HOMES INC. © COPYRIGHT 2023	ADAIR HOMES, INC 1311 SE CARDINAL COURT	SUITE 100 VANCOUVER, WA 98683









ATION HORD	L.	SIDING, TYPICAL SAL INFORMATION G AT ROOF TO TION" DETAIL	WOOD-I-JOIST PER PLAN RIM BOARD PER PLAN CONTRACTOR OF CONTRACTOR OF C	HOUSE WRAP OVER THE TOP OF ROOF FLASHING ROOF TO WALL FLASHING (TO BE INSTALLED BY ROOFER). HOUSE WRAP LAPPED UNDER THE ROOF FELT 2x6 BLOCKING IN WALL OR BLOCKING PER ENGINEER 7/16" OSB SHEATHING	
ADAIR HOMES INC. © COPYRIGHT 2023	VASQUE	Z		2021 ORSC	
ADAIR HOMES, INC 1311 SE CARDINAL COURT	GARAGE CONFIGURATION: SIDE	PLAN ORIENTATION: STANDARD	JOB NUMBER: LO-31482	SCALE: AS SHOWN DATE: 05/19/2023	PAGE:
SUITE 100 VANCOUVER, WA 98683	DETAILS -	FRAMING		DRAFTED BY: ES REV:	CUA







		PAGE:		
SOFFIT MATERIAL FASTENED TO UNDERSIDE OF TRUSS PER MANUFACTURERS INSTALL GUIDE. SOFFIT MATERIAL VARIES PER PLAN	2021 ORSC	SCALE: AS SHOWN DATE: 05/19/2023	DRAFTED BY: ES REV:	
SIDING SPLAN		JOB NUMBER: LO-31482	MING	
	Z	PLAN ORIENTATION: STANDARD	ROOF FRAI	
	VASQUE	GARAGE CONFIGURATION: SIDE	DETAILS -	
	ADAIR HOMES INC. © COPYRIGHT 2023	ADAIR HOMES, INC 1311 SE CARDINAL COURT	SUITE 100 VANCOUVER, WA 98683	



		PAGE: AD8	
24 7/8" 24 1/8" x 3/4" SUBTOP MATERIAL EDGE	2021 ORSC	SCALE: AS SHOWN DATE: 05/19/2023 DRAFTED BY: ES REV:	
WOOD COUNTERTOP SCALE: 1/2" = 1'-0"	VASQUEZ	JOB NUMBER: LO-31482	AING
		PLAN ORIENTATION: STANDARD	ROOF FRAN
		GARAGE CONFIGURATION: SIDE	DETAILS -
48"	ADAIR HOMES INC. © COPYRIGHT 2023	ADAIR HOMES, INC 1311 SE CARDINAL COURT	SUITE 100 VANCOUVER, WA 98683







		PAGE:	
INSTALL FLEXIBLE SILL PAN MATERIAL, WRAP UP SIDE MINIMUM 6"	INSTALL FLEXIBLE SILL PAN MATERIAL, WRAP UP SIDE MINIMUM 6" COSTO DSS00		DRAFTED BY: ES REV:
EATHING NOT SHOWN FOR CLARITY **		JOB NUMBER: LO-31482	MING
EXIBLE SILL PAN	Z	PLAN ORIENTATION: STANDARD	ROOF FRA
	VASQUE	GARAGE CONFIGURATION: SIDE	DETAILS -
REATHING NOT SHOWN FOR CLARITY ** 8 PIECE OF HOUSEWRAP DOWN OVER INDOW TOP OF WINDOW	ADAIR HOMES INC. © COPYRIGHT 2023	ADAIR HOMES, INC 1311 SE CARDINAL COURT	SUITE 100 Vancouver, wa 98683



-STER FOOTING		PAGE:	
SLEEVE I''-3" CRUSHED ROCK OW POINT DRAIN CONTINUE O SLOPE AWAY FROM HOME SECTION A-A DEEPEN FOOTING AT POINT LOADS	2021 ORSC	SCALE: AS SHOWN DATE: 05/19/2023 DRAFTED BY: ES REV:	
ECTION B-B D CONSULT WITH THEIR EXCAVATOR EXPERTS TO DESIGN A DRAINAGE PRIATE TO THEIR SITE AND PROJECT		JOB NUMBER: LO-31482	MING
WNSPOUT LOCATIONS R ROOF PLAN, UNDAITON 1 1/2"	ZE	PLAN ORIENTATION: STANDARD	ROOF FRA
	VASQUE	GARAGE CONFIGURATION: SIDE	DETAILS -
AIN LOCATIONS	ADAIR HOMES INC. © COPYRIGHT 2023	ADAIR HOMES, INC 1311 SE CARDINAL COURT	SUITE 100 VANCOUVER, WA 98683

# **Geotechnical Report**

5400 NE Spring Avenue Depot Bay, Oregon

Prepared for: Megan Edgeworth

1 February 2023





#### **PROJECT AND SITE DESCRIPTIONS**

#### Introduction

Rapid Soil Solutions Inc (RSS) has prepared this geotechnical report, as requested, for the proposed development of a single-family residential dwelling on the Lincoln County tax parcel assigned the state tax lot identification number of 09-11-05-DC-05400-00. The parcels are situated in the coastal city of Depoe Bay in the View of the Bay subdivision. RSS understands that one single family residential dwelling will be constructed within the 0.21-acre parcel on the northern flank of NE Spring Ave.

This report is based on visual observations of the subject site, soil samples collected from three shallow hand auger borings, and a review of available literature as referenced at the end of this report. RSS was not provided a site plan prior to the preparation of this report, RSS presumes the proposed building footprint will be consistent with the surrounding development. White paint was observed within the subject property during the site visit; the paint appears to be consistent with a likely building envelope. Slopes and disturbance envelopes discussed in this report are approximate, primary based on on-site observations by RSS staff. RSS visited the site unaccompanied.

#### Site Location

The subject property is located within the city of Depoe Bay, a small coastal city in Lincoln County, Oregon. The property is located northeast of the small harbor and northwest of North Depoe Bay Creek. The site is situated on the northern side of a winding segment of NE Spring Ave roughly 940 feet beyond its intersection with NE Collins Street. The intersection between Collins St and NE Spring Ave is roughly 1,600 feet east of Highway 101 and 500 feet west of Ainslee Ave. The site is not currently assigned a street address. Adjacent properties include 145 NE Spring Ave to the east and 460 NE Whale Watch Court to the north. The site adjacent to the west of the subject property is also vacant and undeveloped. The site faces a dwelling assigned the street address of 130 NE Spring Ave. The subject site can be found in the southwest quarter of the southeast quarter of Section 5, Township 9-South, Range 11-West (W.M.) in Lincoln County and can be distinguished by the lot number 5400 (TL 09-11-05-DC-05400-00). The site is located within phase one of the View of the Bay subdivision (Book 16, Page 13) as recorded in 1996. The site occupies lot 27 in the View of the Bay. The latitude and longitude of the site are 44.814047 and -124.056423 (44°48'50.6"N, 124°03'23.1"W). ). The site can be found near the center of the Depoe Bay 7.5-minute quadrangle.

#### SITE CONDITIONS

#### Surface Conditions

#### Setting and General Description

The subject site is located in the city of Depoe Bay, Oregon. The city is a small, coastal city constructed around a small, natural harbor. The harbor about six acres in size, accessed by a bedrock rock-bound channel roughly 50-foot wide and 100-foot long. The tall walls of basaltic rock protect the inner Depoe Bay from storms waves and erosion. The bay is about 1,500 feet southwest of the subject site. The harbor is fed by two freshwater streams: North and South Depoe Bay Creeks. North Depoe Bay Creek passes about 500 feet southeast of the subject site. North Depoe Bay Creek is described as rocky-bottomed and fairly fast-flowing.

It enters the harbor at its northeastern corner.

The geomorphology of the coastline can be described as a series of 'pocket beaches', with resistant headlands (primarily comprised of basalt) interspersed with short to long stretches of beach backed by less resistant sea cliffs (such as sedimentary rocks) and dunes.

The harbor and city are part of a basaltic headland complex, tucked between Government Point to the north and Cape Foulweather to the south. Irregularities in the local basaltic headland form Pirate Cove, Whale Cove, and Boiler Bay. Shallow basaltic bedrock can be found in the western edge of the city where the shoreline ascends abruptly from the waterline. Terrace deposits can be found along the ocean and around the bay. The eastascending slopes of the Ocean Coast Range Mountains contain thick sections of sedimentary bedrock (Astoria Formation). Locally the basalt flows appear to be interbedded with an overlaying the sedimentary bedrock, and both dip generally towards the west. These deposits of the Oregon Coast Range Mountains terminate abruptly at the ocean's edge.

The site is located on the eastern flank of a south/west descending spur of the Oregon Coast Range Mountains. Mapping suggests that this upland area is supported at the crest by deposits of the Depoe Bay Basalts. The eastern flank contains the sandstone and siltstone of the Astoria Formation, as shaped by faulting, streams and modern grading.

The subject site is part of the View of the Bay subdivision, a collection of 58 tax parcels accessed via NE Spring Ave off the northern side of E Collins Street. About half of the buildable lots have been developed with single-family residential dwellings. The slopes are zoned for residential development (R-5) with an additional planned development overlay.

#### General Site Conditions

The subject site consists of a single Lincoln County tax parcel. The site is vacant and undeveloped. A curb extends along the southern edge of the site, separating the parcel from NE Spring Ave. The vegetation on site consists of recently mowed vegetation including salal, evergreen huckleberry, and blackberry vines. Large bunches of grasses, likely a Pampas grass, have been cut into isolated mounds. One very small evergreen shrub or young tree is located centrally within the site.

The slopes on the subject site ascend gradually northwards. Some grading has been conducted within the parcel, including a pair of 2' cuts. The northern cut is located along the northern flank of the proposed building envelope. The second cut is about 4' in front of the upper cut. Other grading has likely impacted the property, but bare soils do not remain as testament.

The lot adjacent to the west of the site is also undeveloped and contains a similar morphology. The lot north and east of the subject site have been developed. Adjacent to the northern property boundary, a stacked block wall ascends at last 6 feet to the north-adjacent driveway. The east-adjacent dwelling is a two-story structure without a basement. Minor grading appears to have been conducted in the north-adjacent parcel, in association with the site development.

No standing or flowing water is present or mapped on the subject site.

#### Slopes

The slopes within the subject parcel descend southwards. The slopes in the northern end of the site contain a moderate slope while those in the southern end of the site contain low slopes. Adjacent to the curb, the first 25 feet accommodate a grade change of less than 2 feet.

Google Earth suggest that the average slope within the subject site is between 15% and 25%, where the slopes in the northern end of the site are between 25% and 30%.

Ten-foot contours presented by Lincoln County maps online suggest that the native slopes north of the subject site increase to an average grade of 50%.

Directly north of the site a wall abruptly ascends to the north-adjacent driveway and building envelope. South of the subject site the grade remains moderately low for a horizontal distance of at least 100 feet; after which the average slope again increases to at least 50%.

#### Historic Site Conditions

Historic aerial imagery dating back to 1976 was referenced as part of this investigation. Imagery from 1976, 1982, and 1994 depict the subject site and surrounding slopes as undeveloped forest. The local subdivision appears to have been first cleared for development between 1994 and 2000. The image from 2000 depicts three dwelling structures and the roadways in phase one of the View of the Bay subdivision.

Grading and roadway construction for phase two appears to have been completed between June 2005 and December 2005. The parcel north of the subject site was developed in 2007. The parcel east of the subject site was developed in 2014.

Reference imagery suggest that the subject site has remained undeveloped. The site is periodically mowed.

#### Geology

Current geologic literature classifies the slopes at the subject site as underlain by Astoria Formation deposits. Priest and Allan suggest that the mapped edge of the Depoe Bay Basalt deposit is directly north of the subject site; these basalts can be found cresting the local hill, and are the surficial unit across the ridge areas upslope of the subject property. Downslope of the subject site, marine terrace deposits can be found draped across the sedimentary bedrock of the Astoria Formation.

#### Geologic History

The site is tucked along the westernmost edge of the Oregon Coast Range, just before it plunges into the ocean. The Oregon Coast Range is an uplifted belt of land spanning roughly 200 miles and comprised of moderately high mountains (averaging 1,500' in elevation with a maximum of 4,097') that occupies a roughly 30- to 40-mile-wide swath of land along the Pacific Ocean. The mountains rising above the subject site are comprised primarily of accreted oceanic sediments and synchronously deposited igneous rocks (where the sediments overlay, underlay and are intruded by the volcanic flows). After the accretion of the Siletz Terrane to the edge of North America, a thick pile of silt, sand, and mud accumulated on the adjacent sea floor. Over tens of millions of years, sediment accumulation continued alongside tectonic impacts of the Cascadia subduction zone and sea level fluctuations. Over time the sedimentary material was scraped onto the edge of the continental plate; uplift, faulting and folding (associated with margin-parallel shortening in the Cascadia subduction zone) lifted the thick stack of sedimentary rock into the heights of the modern mountain range.

The western flank of the Coast Range, which includes the area around the subject site, generally contain varied topography, typically dominated by rugged mountains, bold

headlands and marine embayments. Steep canyons cut through the local uplands, emptying into the lowland areas along the coast. The lowland areas of the coastal range include marine embayments, coastal plains and dune areas built up along spits and beaches. The local stretch of coast is underlain by basalts, which extend into prominent headlands both north and south of the Depoe Bay area.

During periods of higher sea level elevation, typical erosional impacts along the coastline occurred at a higher elevation than their modern counterparts. The ongoing wave erosion at these higher elevations cut platforms and benches on the bedrock; as sea level changed these landforms were buried in sediment and abandoned as terraces. When sea level rose, sediments were deposited atop the benches, when sea levels subsequently lowered again, the terrace was left behind. Typical terrace deposits were laid down over wave-cut benches during interglacial stages of the Pleistocene Epoch, when sea level was relatively high. Terrace deposits can be found at elevations slightly lower than the subject site, but in relatively close proximity.

#### Site Geology

The mapped bedrock at the subejct site is par tof the Astoria Formation.

The Astoria Formation consists of a variety of nearshore marine sandstones and subordinate siltstones of middle Miocene age. Schlicker et al (1973) describes "the Astoria Formation consists primarily of hard massive, olive-gray, fine- to medium-grained, micaceous, arkosic sandstone and interbedded dark-gray, carbonaceous siltstone. In the Depoe Bay area where the total section is exposed, the Astoria Formation is approximately 2,000 feet thick." The unit is described as producing sandy to clayey soils, these soils display a susceptibility to local sliding, especially when dip direction and steep slopes combine unfavorably.

This unit is described by Schlicker et al (1973) as thick- to thin-bedded, very fine to medium-grained marine sandstone and massive sandy siltstone. The unit is often fossiliferous. It can sometimes contain calcareous concretion and dacitic ash beds. Mapped dips indicate dips of12-19 degrees in a westserly to west-northwestly direction. The sedimentary beds appear to be dipping into the hillside.



\*approxiamte site location in red; located at the edge of mapped area. Excerpt from Priest and Allan (2004).

#### **Geohazard Document Review**

Within the Oregon Coast there are various chronic and catastrophic hazards that can negatively impact development. Chronic hazards include those that constantly impact the region. Chronic hazard can include: beach, dune, and bluff erosion; slides, slumps, and gradual weathering of sea cliffs; and flooding of low-lying areas during major storms (DOGAMI/ Oregon's Natural Hazards Mitigation Plan). The local coast is constantly being impacted by waves, currents, tides and storms. Many coastal features, such as beaches and spits, are in a near-constant state of change. Catastrophic hazards are regional in scale and scope; these can include major earthquakes and associated ground shaking, subsidence, landsliding, liquefaction, and tsunamis. It is noted that "Human influences associated with jetty construction, dredging practices, coastal engineering, and the introduction of non-native dune grasses have all affected the shape and configuration of the beach, including the volume of sand on a number of Oregon's beaches, ultimately influencing the stability or instability of these beaches." (Oregon's Natural Hazards Mitigation Plan).

The Oregon HazVu: Statewide Geohazard Viewer was reviewed on January 30<sup>th</sup>, 2023 to investigate mapped geological hazards.

#### Ocean Shoreline Considerations

Longshore transport of sand along the coast is interrupted by the presence of natural headlands and manmade jetties along the Oregon Coast. The substantial natural barriers to longshore sediment transport create isolated segments of shoreline in respect to the erosion and accumulation of sand, known as littoral cells. The subject site is generally situated between two littoral cells, with the Lincoln City Cell (north) and the Newport Littoral Cell. A small cell between Cape Foulweather and Yaquina Head (Beverly Beach Cell) is also located south of the subject site. The shoreline west of the subject site consists of basaltic cliffs.

A 2004 report, prepared by George R. Priest and Jonathan C. Allan (OFR O-04-09) indicate that the erosional hazard zone along the local stretch of coastline is relatively narrow. The hazard zones, as mapped by Priest and Allan, are entirely confined to the western side of Highway 101.

#### Flooding Hazard Considerations

The document review conducted by RSS indicates that the subject site is situated outside the 100-year floodplain.

The local coastline is backed by basaltic cliffs, resulting in a generally low risk of coastal flooding.

#### Seismic Hazard Considerations

The principal seismic geologic hazard along the Oregon Coast is that associated with a Cascadia Subdivision zone (CSZ) earthquake. A widespread rupture of the CSZ will result in violent ground shaking and substantial regional damage. Recent research suggests that these earthquakes occur in cycles with spacings between 250 and 650 years. It is generally agreed that a CSZ rupture can produce magnitudes of 8.5 to 9.5 with shaking duration exceeding several minutes. The main earthquake would likely be followed by days or weeks of strong

aftershocks. These shaking and associated tsunamis will impact the subject site. It is expected that the property will experience a few minutes of very intense ground shaking during a CSZ earthquake.

The expected earthquake-shaking hazard is classified as 'very strong' across the property. The site is additionally classified as susceptible to a 'severe' level of shaking during a Cascadia earthquake event. The site is situated above the statutory tsunami inundation line.

The morphology and geology of the subject site and surrounding slopes suggest that the property is unlikely to experience substantial soil liquefaction during a severe shaking event. Soil liquefaction can lead to the possible loss of foundation support during a severe shaking event, such as a CSZ earthquake. Liquefaction occurs when saturated deposits of loose to medium dense, fine-grained soils (often sand-silt mixtures) experience an increase in pore water pressure as the soils are subjected to strong shaking and cannot rapidly drain. In these conditions, the pore water pressure can increase to the value of the overburden pressure, reducing the shear strength of the soil to zero; in these conditions the soil deposits transitions to a liquefied state. Associated hazards include severe settlement, rupture or lateral spreading, and slope failures. *DOGAMI classifies the local slopes as containing a 'low' earthquake liquefaction hazard*.

#### Landslide Hazard Considerations

The Oregon Coast Range mountains, and many of the slopes overlooking the Pacific Ocean, contain landslides of various scales and ages. Much of the mountainous uplands contain near ubiquitous topography indicative of historic slope failures.

No landslides are mapped on or adjacent to the subject site. Regional landslide susceptibility and slope modeling suggest that the subject site contains a high susceptibly to landslides. Detailed landslide susceptibility mapping has not been conducted within the local slopes.

#### Field Exploration and subsurface conditions

#### Surface Explorations

RSS conducted field explorations of the subject site on January 25<sup>th</sup>, 2022. RSS traversed the slopes across the entirety of the subject site. The slopes within the subject site were observed to be moderate and consistent; briefly interrupted by grading. A pair of exposed, near vertical cuts, created steps of about 2' tall in the northern end of the building envelope. The slopes adjacent to the roadway are low, gradually increasing northwards. Native slopes north of the subject site are observed by a tall wall of stacked blocks; this wall retains the north-adjacent driveway.

No substantial vegetation was observed within the subject property. All vegetation is less than 3' tall. Most of the vegetation is recently cut clusters of large decorative grasses. Organic debris across the site suggest that the on site vegetation was recently cut down; leaf and limb litter of salal, evergreen hackberry, and blackberry cines were observed among the cut down vegetation.

Conditions observed on site were consistent with referenced documentation; detailed site descriptions are available in precious sections of this report.

No surface water or erosion suggestive of intermittent surficial flow was observed. No

springs or pockets of unusual vegetation were observed.

#### Subsurface Exploration

A total of three shallow hand auger borings were conducted at the subject site. All three borings encountered practical auger refusal at shallow depths. The two northern borings encountered refusal at a depth of 2' while the southern boring encountered refusal at a depth of 1'. Clasts removed from the northern borings suggest that the underlaying material is comprised of a fine-grained sedimentary bedrock; clasts are grey in color and comprised of silt or claystone. The exterior surface of the clasts has weathered to a brown/orange-hued brown color. The overlaying material includes brown to orange hued brown, high plasticity silt.

The locations of the borings are shown in the Appendix. A Geologist in Training (GIT) observed the borings and logged the subsurface materials. The soil logs were reviewed by a professional engineer. The logs were created using the Unified Soil Classification and Visual Manual Procedure (ASTM-D 2488). Samples were transported to the laboratory for further classification in sealed bags. No groundwater was encountered during this investigation. Moisture content, where sampled, ranged from 48.8% to 86.1%.

#### **Foundation Design**

The building foundations can be installed into the hard SILT. This depth may be locally variable and should be confirmed by a geotechnical engineer or their representative at the time of construction, from 0.5ft to 1ft below existing grade. *Please allow for up to 48hours for foundation excavation inspections by a phone call to the number on this report.* 

Continuous wall and isolated spread footings should be at least 16 and 24 inches wide, respectively. The bottom of exterior footings should be at least 16 inches below the lowest adjacent exterior grade. The bottom of interior footings should be at least 12 inches below the base of the floor slab.

Footings placed into the SILT shall be designed for an allowable bearing capacity of 2,000 *pounds per square foot* (**psf**). The recommended allowable bearing pressure can be increased by 1/3 for short-term loads such as those resulting from wind or seismic forces.

Fills shall be placed on level benches in thin lifts and compacted to a dry density of at least 92% of its Maximum Dry Density (MDD) as determined by the Modified Proctor Test (ASTM D-1557). Compaction testing shall take place every 18in. A minimum of three days prior to the placement of any fill, please supply Engineer with a 30-pound sample (approximately a full 5-gallon bucket) of any soil or base rock to be used as fill (including native and import materials) for testing and approval.

#### **Retaining Walls and Embedded Walls**

Default lateral soil load for the design of basement and retaining walls supporting level backfill shall be 40 psf/ft for laterally unrestrained retaining walls and 60 psf/ft for laterally restrained retaining walls.

For embedded building walls, a superimposed seismic lateral force should be calculated based on a dynamic force of 5H<sup>2</sup> pounds per lineal foot of wall, where H is the height of the wall in feet and applied at 1/3 H from the base of the wall. The wall footings should be designed in accordance with the guidelines provided in the "Foundation Design" section of this report. These design parameters have been provided assuming that back-of-wall drains will be installed to prevent buildup of hydrostatic pressures behind all walls.

The backfill material placed behind the walls and extending a horizontal distance equal to at least half of the height of the retaining wall should consist of granular retaining wall backfill as specified in the "Structural Fill" section of this report. The wall backfill should be compacted to a minimum of 95 percent of the maximum dry density, as determined by ASTM D698. However, backfill located within a horizontal distance of 3 feet from the retaining walls should only be compacted to approximately 92 percent of the maximum dry density, as determined by ASTM D698. Backfill placed within 3 feet of the wall should be compacted in lifts less than 6 inches thick using hand-operated tamping equipment (e.g., jumping jack or vibratory plate compactors). If flat work (e.g., sidewalks or pavements) will be placed atop the wall backfill, we recommend that the upper 2 feet of material be compacted to 95 percent of the maximum dry density, as determined by ASTM D698.

A minimum 12-inch-wide zone of drain rock, extending from the base of the wall to within 6 inches of finished grade, should be placed against the back of all retaining walls. Perforated collector pipes should be embedded at the base of the drain rock. The drain rock should meet the requirements provided in the "Structural Fill" section of this report. The perforated collector pipes should discharge at an appropriate location away from the base of the wall. The discharge pipe(s) should not be tied directly into storm water drain systems, unless measures are taken to prevent backflow into the wall's drainage system. Settlements of up to 1 percent of the wall height commonly occur immediately adjacent to the wall as the wall rotates and develops active lateral earth pressures.

Engineering values summary	
Bearing capacity – SILT	2,000psf
Coefficient of friction – silt	32 deg
Active pressure	40pcf
Passive pressure	300pcf

Engineering volues summer

#### Seismic Design Criteria

The seismic design criteria for this project found herein is based on the Oregon Structural Specialty Code OSSC 2011, Section 1615, and from the USGS Earthquake Hazards Program. A summary of seismic design criterion below using Lat 44.814047 and Long of

	Short Period	1 Second
Maximum Credible Earthquake Spectral Acceleration	Ss = 1.434g	S1 = 0.733 g
Adjusted Spectral Acceleration	Sms = 1.721	Sm1 = null
Design Spectral Response Acceleration Perimeters	Sds = 1.147	Sd1= null

#### Settlement

Based on our knowledge of the project scope, and for footings designed as described in the preceding paragraphs, maximum settlement should not exceed 0.5 inches due to rock. Differential settlement should be on the order of 50 to 75% of the maximum settlement over 50 feet. Our settlement estimate assumes that no disturbance to the foundation soils would be permitted during excavation and construction, and that footings are prepared as described in the preceding paragraphs.

#### Limitations

This report has been prepared for the exclusive use of the addressee, and their architects and engineers for aiding in the design and construction of the proposed development. It is the addressee's responsibility to provide this report to the appropriate design professionals, building officials, and contractors to ensure correct implementation of the recommendations. The opinions, comments and conclusions presented in this report were based upon information derived from our literature review, field investigation, and laboratory testing. Conditions between, or beyond, our exploratory borings may vary from those encountered. Unanticipated soil conditions and seasonal soil moisture variations are commonly encountered and cannot be fully determined by merely taking soil samples or soil borings. Such variations may result in changes to our recommendations and may require that additional expenditures be made to attain a properly constructed project. Therefore, some contingency fund is recommended to accommodate such potential extra costs.

If there is more than 2years time between the submission of this report and the start of work at the site; if conditions have changed due to natural causes or construction operations at, or adjacent to, the site; or, if the basic project scheme is significantly modified from that assumed, it is recommended this report be reviewed to determine the applicability of the conclusions and recommendations.

The work has been conducted in general conformance with the standard of care in the field of geotechnical engineering currently in practice in the Pacific Northwest for projects of this nature and magnitude. No warranty, express or implied, exists on the information presented in this report. By utilizing the design recommendations within this report, the addressee acknowledges and accepts the risks and limitations of development at the site, as outlined within the report.

#### References

Geologic Map of Oregon (DOGAMI) - https://www.oregongeology.org/geologicmap/index.htm

Google Earth Pro

- Google Maps Online https://www.google.com/maps
- Lincoln County Surveyors Website https://www.co.lincoln.or.us/surveyor
- Lincoln County Assessor's Office, Maps https://www.co.lincoln.or.us/assessor/page/maps
- Lincoln County Property Info Search Tool https://www.co.lincoln.or.us/assessor/page/propertyinfo-search-tool
- Lincoln City, City Maps https://www.lincolncity.org/?SEC=93C081CF-8169-49F6-97C8-0B88E0450A8F
- Library of Congress, Map Search https://www.loc.gov/maps/
- Oregon Department of Transportation, ODPT TransGIST https://gis.odot.state.or.us/transgis/
- Oregon State Wide Geohazard Viewer (DOGAMI, Oregon HazVu) https://gis.dogami.oregon.gov/maps/hazvu/
- Statewide Landslide Information Layer for Oregon (DOGAMI: SLIDO) https://gis.dogami.oregon.gov/maps/slido/
- Tsunami Inundation Map (TIM) Series https://www.oregongeology.org/pubs/tim/p-TIMoverview.htm
- USGS TopoView https://ngmdb.usgs.gov/topoview/
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- Cooper, W.S., 1958, Coastal sand dunes of Oregon and Washington: Geological Society of America, Memoir 72, scale 1:42,000.
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- Snavely, P.D., MacLeod, N.S., and Wagner, H.C., 1972, Preliminary bedrock geologic map of the Cape Foulweather and Euchre Mountain quadrangles, Oregon: U.S. Geological Survey, Open-File Report OF-72-350, scale 1:48,000.
- Snavely, P.D., Jr., MacLeod, N.S., Wagner, H.C., and Rau, W.W., 1976, Geologic map of the Cape Foulweather and Euchre Mountain quadrangles, Lincoln County, Oregon: U.S. Geological Survey, Miscellaneous Investigations Series Map I-868, scale 1:62,500.
- Snavely, P.D., and Vokes, H.E., 1949, Geology of the coastal area between Cape Kiwanda and Cape Foulwether, Oregon: U.S. Geological Survey, Oil and Gas Investigations Map OM-97, scale 1:62,500.

## APPENDIX



Figure 1: Subject site location in the Northeastern quarter of the Depoe Bay 7.5-minute quadrangle



Figure 2: Subject site from Lincoln County Maps Online with approximate boring locations indicated

Lab Results

Project Name: NE Spring Ave - Tax Lot 09-11-05-DC-05400-00

Moisture Sample number HA#1-A HA#2-A HA#3-A 1 Date and time in oven 1/26/23 2:30 PM 1/26/23 2:30 PM 1/26/23 2:30 PM 2 Date and time out of oven 1/27/23 10:00 AM 1/27/23 10:00 AM 1/27/23 10:00 AM 3 Depth (ft) 2 2 1 4 Tare No. 6 7 8 234 233 5 Tare Mass 231 6 Tare plus sample moist 811 1038 831 7 Tare plus sample dry 544 748 635 290 196 8 Mass of water (g) 267 9 Mass of soil (g) 310 517 402 10 Water Content (%) 86.1 56.1 48.8

#### **Atterberg Limit Test**





Page 1 of 1

Sample Date 1/25/2023

Liquid Limit (LL or wL)








April 3, 2023

## RE: Engineering Geologic Review Building Site at Lot 27, NE Spring Avenue, Depoe Bay, Oregon

Ms. Megan Vazquez PO Box 857 Depoe Bay, Oregon 97341

Dear Ms. Vazquez:

This letter summarizes an Engineering Geologic Review conducted by Plateau Geoscience Group (Plateau) of your building site at Lot 27 off NE Spring Street in Depoe Bay, Oregon, as requested by the City of Depoe Bay. We understand that you have applied for a building permit for a single family residence and submitted a Geotechnical Report prepared by Rapid Soil Solutions, dated February 1, 2023.

Plateau's Engineering Geologic Review included review of publicly available background information and the site Geotechnical Report which you have provided. The Geotechnical Report presents a summary of site conditions, soil conditions based on three hand auger borings with soil logs, results of laboratory analyses, and geotechnical recommendations.

The building site is in the uplands northeast of the Depoe Bay, at approximately 200 feet elevation above sea level, in an area developed with single family residences. The Geotechnical Report describes the characteristics of the site as underlain by the Astoria Formation, a low slope that increases gradually to the north portion of the lot, and with no observed surface water onsite. The hand auger logs describe gray silty to clayey soil that weathers to brown/orange-brown soil which is consistent with typical exposures of weathered Astoria Formation claystone.

The Geotechnical Report summarizes chronic and catastrophic hazards associated with this portion of the Oregon Coastline. The following paragraphs list these hazards and their potential impact on the site and note Plateau's concurrence/nonconcurrence.

FLOODING HAZARD – "The site is situated outside the 100-year floodplain." Plateau agrees with this conclusion. 100-year and 500-year flood levels associated with the nearest surface water, North Depoe Bay Creek, are projected to be below about 40 feet elevation above mean sea level and the site is at approximately 200 feet elevation above mean sea level.

SEISMIC HAZARD: EARTHQUAKES ON CAPABLE FAULTS INCLUDING THE CASCADIA SUBDUCTION ZONE – "These shaking and associated tsunamis will impact the subject site." Plateau agrees that the site will be impacted by earthquake shaking, with very strong shaking associated with local capable faults, and severe shaking associated with the Cascadia Subduction Zone which may have earthquakes greater than magnitude 9.0. Tsunamis may result from undersea landslides during earthquakes and most coastal cities have posted tsunami evacuation areas mapped and posted. In Depoe Bay a tsunami resulting from a Cascadia earthquake is projected for elevations up to approximately 65 feet elevation above mean sea level. Plateau does not agree that the site is likely to be impacted by a tsunami resulting from the largest expected Cascadia earthquake because the site is at approximately 200 feet elevation above sea level, well above the projected largest tsunami impact zone. Plateau agrees with the conclusion that the site has a low susceptibility of earthquake liquefaction hazard because surface soil type and saturation conditions are not present at the site.

LANDSLIDE HAZARD – "No landslides are mapped on or adjacent to the subject site." As discussed in the Geotechnical Report, the site and vicinity are in an area designated as high susceptibility to landslides. The closest mapped landslide is approximately 570 feet east-southeast from the southern site margin, at and east of North Depoe Creek. Lidar mapping for the site area does not indicate large scale areas of displacement in the western margin of the North Depoe Creek valley which is east of the NE Spring Avenue site area. The terrain between the site and developed properties to the east on the south side of NE Spring Avenue slopes upwards, and then down into the North Depoe Creek valley. Plateau concludes that while the general vicinity of the site has been mapped as high landslide susceptibility, there do not appear to be indicators of significant slope failure in the vicinity of the site.

The main hazard that may impact the site is ground shaking because of local or regional earthquakes. Following local building codes for residential construction would be the recommended mitigation for ground shaking resulting from earthquake events.

Please let us know if you have any questions.

Sincerely,

Mars D. Kent

Mavis D. Kent Oregon Registered Engineering Geologist



CITY of DEPOE BAY,         Post Office Box 8 + Depoe Bay, Oregon 97341         Phone (541) 765-2361 + Fax (541) 765-2129         TDD# 1-800-735-2900         Action Application         TO BE COMPLETED BY OFFICE:         1. Date Received	
Phone (541) 765-2361 + Fax (541) 765-2129 TDD# 1-800-735-2900         Zoning Action Application         TO BE COMPLETED BY OFFICE:         Deposit:         1. Date Received	
Zoning Action Application         TO BE COMPLETED BY OFFICE:       Deposit: 4675         1. Date Received       6/28/23         Staff Initials       General Staff Initials	**////
TO BE COMPLETED BY OFFICE:       Deposit:       OO       Receipt:         1. Date Received       6/28/23       Staff Initials	arq <u>f</u>
1. Date Received 6/28/23 Staff Initials	le)
1. Case File Number <u>#3-670-PC-23</u> Action:         Planning Commission	_
2. Action Requested C.U N.C.U Variance Zone Change	
Geotechnical Report Other	_
3. Current Zoning 250 Current Plan Designation 2510 Lot Size	_
4. Previous Planning Actions on Property	
5. Existing Code Violation(s)	_
TO BE COMPLETED BY APPLICANT: Reason For Request to build a home	
Property Description T 09 S. R 1 W. W.M., Section 050 C. Tax Lot(s) 05/00	
And the Mana (A MANA) & MERIA VASALLEZ	
Address INF 2 TWE SPEIN & PUPALLE City DP DP Brul State OR	
Zin Code $97341$ Davtime Phone Number $805-540-4/11$	
Relationship to Property (1100 x)	
(Owner Contract Purchaser etc.)	
Agent (if any)	
Directions to Property ODVESPANA AVENUE	
Existing Structures <u>have</u>	
Current/Proposed Utilities: Sewage Water	
Anticipated Date of Development estimated to start August202:	3

RECEIVED JUN 2 8 2023

**INFORMATION REQUIRED** 

## For Geotechnical Report Applications

# For all applications for geotechnical report review, the following minimum information must be submitted for the application to be considered complete:

- 1. Submittal of the geotechnical report. The report shall provide a statement as to how such hazards have been recognized in the proposal. The report shall also include the following:
  - A. The cause, extent and the potential of the hazards,
  - B. The provisions proposed to overcome the hazards,
  - C. A certified declaration as to the on-going responsibility of the developer should such hazards be of a nature whereby possible future danger may exist. Such declaration should include the developer's intent to continue or absolve responsibility should the development be sold.
  - D. Additional material as determined by the Planning Commission to be desirable to make a determination as to the acceptability of the statement.
  - E. The name and professional stamp of that person or persons determining the causes, extent and potential of the hazards as well as the provisions proposed to overcome the hazards
- 2. A completed building permit/manufactured home placement permit(s) filed at City Hall, which in addition to all material otherwise required for the permit application, shall include the following:

Plot plan, drawn to scale, of the subject property showing:

- A. all property lines
- B. all existing and proposed buildings and setbacks from all property lines
- C. the location of sewer and water lines, (or septic system, well) and all easements
- D. access to the property, and whether it is a state highway, county road, public road or private easement. <u>Note</u>: Applicant should check to determine if an access permit is required.
- E. all wetland areas, areas of geological hazard, streams and waterways, and areas subject to flood hazard
- 3. Location of all required off-street parking and,
- 4. Other information as determined by staff.

## NOTE: ALL APPLICATIONS MUST BE COMPLETE. FAILURE TO SUBMIT A COMPLETE APPLICATION WILL DELAY THE ACCEPTANCE AND PROCESSING OF YOUR APPLICATION.

Megn Varguer Signature of Property Owner

5-9-2023

Date

Signature of Applicant (if other than property owner)

Date

#### § 152.029 RESIDENTIAL ZONE R-5.

In an R-5 Zone, the following regulations shall apply:

(A) Uses permitted outright. In an R-5 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, and 152.225 through 152.235 where applicable.

(1) A single-family dwelling built on the site;

(2) Manufactured home;

(3) A temporary manufactured dwelling or recreational vehicle used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, provided the temporary manufactured dwelling or recreational vehicle:

(a) Is located during the time the construction is underway; and

(b) Will not remain more than one year from date of placement or 30 days following substantial completion, whichever is earlier.

(4) Agricultural use of land, provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises;

- (5) Recreational vehicle (unoccupied) or boat, stored on a lot in combination with an approved building;
- (6) Pre-fabricated or modular dwelling;
- (7) Two-family dwelling;
- (8) Multi-family dwelling;
- (9) Retirement home;
- (10) Condominiums;
- (11) Residential facility;
- (12) Transparent occupation; and

(13) Commercial fishing gear storage at the gear owner's dwelling or adjacent lot under the same ownership. The gear must be stored in a neat and orderly manner and must be non-toxic, non-hazardous, and cause no odor off-site.

(B) *Conditional uses permitted.* In an R-5 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, 152.130 through 152.136, and 152.225 through 152.235 where applicable.

- (1) Cemetery;
- (2) Church, non-profit religious, or philanthropic institution;
- (3) Community center;
- (4) Day nursery, nursery school, kindergarten, or similar facility;
- (5) Governmental structure or use of land;
- (6) Home occupation;
- (7) Golf course or country club, but excluding golf driving range, miniature golf course, or similar facility;

(8) Private non-commercial recreation club, such as tennis, swimming, or archery club, but excluding commercial amusement or recreation enterprises;

- (9) Public park, playground, or swimming pool;
- (10) Public school or private school offering curricula similar to public school;
- (11) Public or private utility facility;
- (12) Radio or television transmitter or tower;
- (13) Solid waste disposal transfer station; and
- (14) Mobile home park/manufactured dwelling park.

(C) *Standards.* Except as provided in §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136 in an R-5 Zone, the following standards shall apply.

- (1) Lot size and dimensions. The minimum lot size and dimensions in an R-5 Zone shall be as follows:
  - (a) The lot area shall be 5,000 square feet for a one-family dwelling. The minimum lot area per dwelling unit shall be

1,250 square feet for multi-family dwellings;

(b) The minimum lot width at the front lot line shall be 50 feet for an interior lot and 55 feet for a corner lot, except flag lots. The staff of a flag lot shall have a minimum width and frontage of not less than 25 feet;

(c) The minimum lot depth shall be 80 feet; and

(d) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property.

(2) Yards. The minimum yard requirements in the R-5 Zone shall be as follows:

(a) The front yard shall be a minimum of 20 feet;

(b) Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater;

(c) The street side yard shall be a minimum of 20 feet, except this may be reduced by one foot for each foot the average lot width is less than 60 feet, however, no street side yard shall be less than ten feet (see *LOT WIDTH* in § 152.003 of this chapter for method of calculation);

(d) The rear yard shall be a minimum of ten feet, except that on a corner lot, it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater; and

(e) No structure shall be located closer than 60 feet from the center line of any state highway.

(3) Building height. No building in the R-5 Zone shall exceed a height of 40 feet.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 130, passed 4-6-1987; Ord. 154, passed 9-17-1990; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 187, passed 2-16-1993; Ord. 236, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 268, passed 11-2-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

#### § 152.058 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS.

At the time a new structure is erected or the square footage is increased, or the use of the structure is changed, off-street parking spaces, loading areas, and access thereto shall be provided as set forth in this section.

(A) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(B) In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the several uses computed separately.

(C) Owners of two or more uses, structures, or parcels of land may agree to jointly utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use and hours of operation.

(D) Off-street parking spaces for dwellings, hotels, motels, resorts, and time-shares shall be located on the same lot or on a lot immediately adjacent to the lot served by such parking.

(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 adequately for all-weather use, and shall be adequately maintained. Drainage shall conform to the city's storm water master plan and a drainage plan shall be approved the city field superintendent.

(G) Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones, or adjacent to Highway 101, or residential uses shall be designed to minimize visual impacts by use of landscaping or by a fence screened by landscaping.

(H) Parking areas used for public or private parking lots under the conditional use in an R-4 Zone must have garbage containers available for garbage which may be generated by users of the parking lot. Such garbage containers must be emptied on a regular basis and not less than weekly. Parking lots shall be posted with the following sign: "no camping or overnight use" and shall have their hours posted. Parking lot hours shall not extend beyond 10:00 p.m. or open earlier than 4:00 a.m. If the property fails to enforce the parking prohibitions, the Planning Commission may review and consider whether or not to revoke the conditional use permit.

(I) Parking spaces along the outer boundaries of a lot shall contain a curb or bumper rail at least four inches high and set back four feet from the front of the space.

(J) Artificial lighting may be used in parking areas provided it is of low intensity, is pointed generally downward, and is shielded if necessary so as to not create light or glare off-site.

(K) Except with respect to approved driveways, required off-street parking areas shall not be provided in the required front or street side yard areas in a residential zone.

(L) 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.

(M) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(N) Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain offstreet loading berths of sufficient numbers and size to handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this section may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

(O) All spaces shall be permanently and clearly marked. Markings which guide safe and efficient traffic flow shall also be permanently and clearly marked. All markings shall be replaced regularly to remain visible.

(P) All improvements, including surfacing, storm water management, striping, and landscaping shall be fully maintained for the life of the parking facility. Failure to maintain such improvements shall constitute a violation of this chapter.

(Q) All parking lots shall be designed with spaces for handicapped drivers as provided for in the Building Code.

(R) The clear vision requirements set forth in §152.055 of this subchapter shall apply to all parking lots at the intersection of two streets or a street and an alley.

(S) For C-1 Retail Commercial Zoned properties, off-street parking requirements shall be located on the same lot or within 500 feet (as measured by a direct line from the nearest property line to the nearest property line of the parking lot).

(1) On-street parking spaces that front the lot and are adjacent (on the same side of the street) may be counted in the required parking. Over one-half of the parking space shall be directly within the street frontage of the lot in order to be counted in the required parking.

(2) When the square footage of a business or structure is increased, or the use is changed, only the spaces associated

with the increased square footage or area of change must be added.

(3) No person who works or resides in properties fronting Highway 101 shall park a vehicle on Highway 101 while in his or her place of employment, or in his or her residence between 9:00 a.m. and 5:00 p.m. on any day. Single-family dwellings are exempt.

(4) Parking on Highway 101 is limited to four hours between 6:00 a.m. and 6:00 p.m.

(5) All parking shall be general purpose parking/public parking with the exception of residential uses which may have designated off-street parking spaces. If required parking is off-site but within 500 feet, the applicant must provide written documentation from the property owner authorizing the parking. If a variance to parking requirements is pursued, the applicant shall demonstrate that off-site parking is not available within 500 feet.

(T) Off-street parking space requirements:

Animal hospital or kennel	1 space per 500 square feet
Any single- or multi-family residential use, including condominium or time share	2 spaces per unit
Church, auditorium, meeting place, theater, gymnasium, mortuary, or similar place of assembly	1 space for each 50 square feet of floor area used for assembly
Dance hall, skating rink, pool hall, aquarium, bowling alley, or similar commercial amusement enterprise	1 space for each 100 square feet of floor area
Day care, nursery school, kindergarten, elementary and middle schools, and similar uses	2 spaces per classroom or instructional area, plus requirements for offices, places of assembly, and the like
Financial institution, laboratory, or office	1 space for each 300 square feet of floor area
Golf courses	5 spaces per hole, plus the 75% the ancillary parking requirements
High schools	8 spaces per classroom or instructional area, plus requirements for offices, places of assembly, and the like
Hospital	3 spaces for each 2 beds
Laundromat	1 space per three machines
Library or similar facility	1 space for each 300 square feet of floor area
Manufacturing, fabrication, assembly, processing, cabinetry, or similar use	1 space for each 1,000 square feet of floor area
Marina or other moorage facility	1 space per boat mooring space
Medical or dental clinic	1 space for each 200 square feet of floor area
Miniature golf	1.5 spaces per hole
Nursing home, residential facility, residential home, or retirement home	1 space for each 3 beds
Personal or business service	1 space per 250 square feet
Public or private swimming pool	1 space per 100 square feet
Recreational vehicle park	3 spaces for each two RV spaces
Restaurants and bars	1 space for each 100 square feet of serving area (total floor area where public is allowed, excluding restrooms and other specified uses, such as designated retail space)
Retail store not handling bulky merchandise	1 space for each 350 square feet of floor area
Service or repair shop; retail store handling bulky merchandise, such as automobiles, furniture, boats, marine equipment, and the like; automobile service station, feed and seed; heavy equipment; lumber or building supplies; or similar uses	1 space for each 600 square feet of sales, storage, or repair area
Tourist accommodation	1 space for each guest accommodation
Warehouse, storage, and wholesale business	1 space for each 2000 square feet of area

(U) The required size of parking spaces, aisles, driveways, and similar design features are set forth in Diagram A. Required landscaping areas are not shown.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 92, passed 7-7-1982; Ord. 124, passed 7-1-1985; Ord. 130, passed 4-6-1987; Ord. 145, passed 1-3-1989; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 234, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 279, passed - -2007)

## **DEVELOPMENT GUIDELINES**

#### § 152.225 PURPOSE.

Some areas of the city are located on steep slopes, have erosion or landslide potential, or are otherwise of concern. The purpose of this section is to minimize hazards and threats to life and property by regulating building, grading, land clearing, and other human activities in areas identified with landslide topography, steep slopes, areas subject to erosion, high groundwater table, and other hazards. It is also the intent of this subchapter to protect life and property by reducing building density in these areas, by requiring special construction techniques, and by requiring the study of such areas by a state-registered engineering geologist prior to any activity.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.226 WEAK FOUNDATION SOILS.

(A) Many areas within the city are located on areas described by the soil conservation service as containing "weak foundation soils" or other soils limitations.

(B) Construction techniques, through the Building Code, require the effect of weak foundation soils or other soil limitations to be considered in the construction process.

(C) Construction of structures on areas of weak foundation soils or other soils limitations is not deemed to pose a significant hazard to life or property outside the property boundaries. The manner provided in the Building Code to address problems arising from weak foundation soils or other soils limitations is deemed to be an adequate means of protection of life and property. This statement serves as a warning for development on weak foundation soils.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.227 DISCHARGE OF SEDIMENT OR WATER.

(A) Property owners or other persons in charge of property shall not cause, or permit to be caused, the discharge of sediment or water onto adjoining property or the public right-of-way unless the permit application is accompanied by a drainage plan accepted by the affected property owners, or the applicant has demonstrated compliance with state laws regarding discharge of sediment or water.

(B) The following measures are suggested as possible means to prevent such discharges:

- (1) Minimal removal of vegetative cover, particularly trees;
- (2) Temporary measures for controlling run-off, such as berms or holding ponds;

(3) The planting of vegetative cover as soon as possible after each phase of construction, including excavation, grading, and/or land clearing; and

(4) Design of the site to avoid steep areas or other hazards.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.228 AFFECTED AREAS.

The following areas and activities shall be subject to the requirements of this subchapter:

(A) Areas identified as being geologically hazardous by *Environmental Geology of Lincoln County, Oregon, 1973*, Oregon Department of Geology and Mineral Industries, or *Environmental Hazard Inventory, Coastal Lincoln County Oregon,* RNKR Associates, 1978. These documents are referenced as part of the Comprehensive Plan and are available in the office of the City Recorder;

(B) Areas identified by the Natural Resource Conservation Service as having high groundwater;

(C) Areas containing slopes in excess of 20%. (Areas generally containing significant slopes are identified on the attached map. Sites in this area are "affected" unless shown otherwise per § 152.233 of this subchapter); and

(D) Areas fronting the ocean or coastal bluff that are seaward from the line set by the coastal setback requirements of § 152.234 of this subchapter.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.229 GEOLOGIC PERMIT REQUIRED.

A geologic permit shall be obtained for any development within the affected areas. For subsequent building permits, such as for decks or room additions, the original geologic permit is acceptable, if it is no older than five years and the report author evaluates the new building permit plans and sends a letter to the city that bears the stamp of the licensed geologist or

engineering geologist, acknowledging that the submitted plans have been reviewed and that such building activity can be safely accomplished. In areas having slopes greater than 20%, a geologic permit shall also be obtained before removing vegetation from or grading an area in excess of 20,000 square feet or adding or removing 90 cubic yards of earth in an area of 5,000 square feet. Minimal accessory uses that do not require a building permit (playground equipment, small gazebo, and the like) are excluded from the requirements of this subchapter.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.230 PERMIT PROCEDURES.

In order to obtain a geologic permit, the applicant shall submit, along with the appropriate fee, a geologic hazard report which shall be prepared by a registered geologist or a certified engineering geologist recognized by the state and dated no more than one year prior to the application date. The report shall explain fully the activity for which the permit is being sought. If the purpose of the geologic hazard report is for a building permit, then the report shall accompany and address final building plans. Any activities not specifically covered in the report will not be covered by the permit. The report shall also identify the nature, extent, and location of all geologic hazards associated with the proposed site and activity. Finally, the report shall detail exact measures to be taken so as to avoid the occurrence of landslides, erosion, sloughing, puddling, or other identified geologic hazards on the subject and surrounding property or any prohibited activity identified above. For uses requiring removal of vegetation or excavation, plans for the legal disposal of such materials shall be submitted.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.231 SPECIFIC REQUIREMENTS FOR GEOLOGIC HAZARD REPORTS.

Geologic hazard reports provided pursuant to this subchapter shall conform to the following requirements from the *Guidelines for Preparing Engineering Geologic Reports in Oregon* The geologist's report shall have reviewed these specific requirements and the applicant shall address the applicable conditions in the proposal. Sections that are not applicable shall be identified as not applicable.

## (A) General information.

(1) Client or party that commissioned the report;

(2) Name(s) of geologist(s) who did the mapping and other investigation on which the report is based, and dates when the work was done;

(3) Location and size of area, and its general setting with respect to major or regional geographic and geologic features, including a statement of existing surrounding and on-site land uses and public facilities, utilities, and easements. The location shall be identified by the tax map, tax lot number, and the street address to eliminate confusion in identifying the property;

(4) Purpose and scope of the report and geologic investigation, including the proposed use of the site. Also, identify the level of the study, such as, feasibility, preliminary, final, and the like;

(5) Topography and drainage within or affecting the area;

(6) General nature, distribution, and abundance of exposures of earth materials within the area;

(7) Nature and source of available subsurface information and geologic reports or maps. Suitable explanations of the available data should provide a technical reviewer with the means of evaluating the reliability. Reference to cited works or field observations should be made, to substantiate opinions and conclusions;

(8) Disclosure of known or suspected geologic hazards affecting the area, including a statement regarding past performance of existing facilities (such as, buildings or utilities) in the immediate vicinity;

(9) Locations of test holes and excavations (drill holes, test pits, and trenches) shown on maps and sections described in the text of the report. The actual data, or processed data upon which interpretations are based, should be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation;

(10) All field and laboratory testing procedures (by ASTM designation, if appropriate) and test results; and

(11) The signature and seal of the certified engineering geologist who prepared the report.

(B) Geologic mapping and investigation.

(1) Geologic mapping of the area should be done at a scale which shows sufficient detail to adequately define the geologic conditions present.

(a) For many purposes, available published geologic maps are unsuitable to provide a basis for understanding the site conditions, so independent geologic mapping is needed.

(b) If available published geologic maps are used to portray site conditions, they must be updated to reflect geologic or topographic changes which have occurred since map publication.

(c) It may be necessary for the geologist to extend mapping into adjacent areas to adequately define significant geologic conditions.

(2) Mapping should be done on a suitable topographic base or aerial photograph, at an appropriate scale with satisfactory horizontal and vertical control. The date and source of the base should be included on each map or photo.

(3) The geologist doing the investigation and preparing the map should report the nature of bedrock and surficial materials, the structural features and relationships, and the three-dimensional distribution of earth materials exposed and inferred within the area. A clear distinction should be made between observed and inferred features and relationship.

(4) The report should include one or more appropriately positioned and scaled cross-sections to show subsurface relationships that cannot be adequately described in words alone. Fence or block diagrams may also be appropriate.

#### (C) Geologic descriptions.

(1) The report should contain brief but complete descriptions of all natural materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for such interpretations should be clearly stated. Describe all field mapping and exploration procedures (surface geologic reconnaissance, drilling, trenching, geophysical survey, and the like).

(2) The following checklist may be useful as a general, though not necessarily complete, guide for descriptions:

- (a) Bedrock.
  - 1. Identification of rock types;
  - 2. Relative and absolute age and, where possible, correlation with named formations and other stratigraphic units;
  - 3. Surface and subsurface expression, areal distribution, and thickness;
  - 4. Pertinent physical characteristics (such as, color, grain size, nature of stratification, strength, and variability);
- 5. Distribution and extent of zones of weathering; significant differences between fresh and weathered rock; and

6. Special engineering geologic characteristics or concerns (such as, factors affecting proposed grading, construction, and land use).

(b) Structural features: stratification, faults, discontinuities, foliation, schistosity, and folds.

1. Occurrence, distribution, dimensions, orientation, and variability; both within and projecting into the area;

2. Relative ages, where pertinent;

3. Special features of faults (such as, topographic expression, zones of gouge and breccia, nature of offsets, age of movements, youngest faulted unit, and oldest unfaulted unit); and

4. Other significant structural characteristics or concerns.

(c) Surficial deposits: alluvial, colluvial, eolian, glacial, lacustrine, marine, residual, mass movement, volcanic (such as, cinders and ash), and fill.

1. Identification of material, grain size, relative age, and degree of activity of originating process;

2. Distribution, dimensional characteristics, variations in thickness, degree of soil development, and surface expression;

3. Pertinent physical and engineering characteristics (such as, color, grain size, lithology, compactness, cementation, strength, thickness, and variability);

4. Special physical or chemical features (such as, indications of volume change or instability, such as expansive clays or peat); and

5. Other significant engineering geologic characteristics or concerns.

(d) Surface and shallow subsurface hydrologic conditions, including groundwater, springs, and streams and their possible effect on site. Indicate how conditions may be affected by variations in precipitation, temperature, and the like:

1. Distribution, occurrence, and variations (such as, drainage courses, ponds, swamps, springs, seeps, and aquifers);

2. Identification and characterization of aquifers; depth to groundwater and seasonal fluctuations, flow direction, gradient, recharge, and discharge areas;

3. Relationships to topographic and geologic features;

4. Evidence for earlier occurrence of water at localities now dry (such as, vegetation, mineral deposits, and historic records); and

5. Other significant engineering geologic characteristics or concerns, such as fluctuating water table and the effects

of proposed modifications on future hydrologic processes.

(e) Seismic considerations.

1. Description of the seismotectonic setting of the area (including size, frequency, and location of historic earthquakes), current seismic zoning, and expected seismic risk;

2. Potential for area to be affected by surface rupture (including sense and amount of displacement, and width of surface deformation zone);

- 3. Probable response of site to likely earthquakes (estimated ground motion);
- 4. Potential for area to be affected by earthquake-induced landslides or liquefaction; and
- 5. Potential for area to be affected by regional tectonic deformation (subsidence or uplift).

(D) Assessment of geologic factors.

(1) Assessment of existing geologic conditions and processes with respect to intended use of the site constitutes the principal contribution of the report. It involves the effects of the geologic features upon the proposed grading, construction, and land use; and the effects of these proposed modifications upon future geologic conditions and processes in the area.

(2) The following checklist includes topics that ordinarily should be considered in discussions, conclusions, and recommendations in geologic reports:

(a) General suitability of proposed land use to geologic conditions.

- 1. Areas to be avoided, if any, and mitigation alternatives;
- 2. Topography and slope;
- 3. Stability of geologic units;
- 4. Flood and tidal inundation, erosion, and deposition;
- 5. Problems caused by geologic features or conditions in adjacent properties;
- 6. Problems related to coastal erosion; and
- 7. Other general problems.

(b) *Identification and extent.* Identification and extent of known or probable geologic conditions which may result in risk to the proposed land use (such as, flood inundation, shallow groundwater, storm surge, surface and groundwater pollution, snow avalanche, landslide, debris flow, rock fall, expansive soil, collapsible soil, subsidence, erosion, deposition, earthquake shaking, fault rupture, tectonic deformation, liquefaction, seiche, tsunami, and volcanic eruption).

- (c) Recommendations for site grading.
  - 1. Prediction of what materials and structural features will be encountered in proposed cuts;

2. Prediction of stability based on geologic factors; recommended avoidance or mitigation alternatives to cope with existing or potential landslide masses;

- 3. Excavation considerations (hard or massive rock and groundwater flows);
- 4. General considerations of proposed fill masses in canyons or on hillsides;
- 5. Suitability of on-site material for use as compacted fill;

6. Recommendations for positioning fill masses, provision for subdrainage, buttressing, and the need for erosion protection on fill slopes; and

7. Other recommendations required by the proposed land use, such as the angle of cut slopes, position of drainage terraces, need for rock-fall, and/or erosion protection on cut slopes.

- (d) Drainage considerations.
- 1. Protection from inundation or wave erosion along shorelines;
- 2. Soil permeability and suitability for septic systems; and
- 3. Protection from sheet flood or gully erosion, and debris flows or mud flows.

(e) *Limitations of study and recommendations for additional investigations*.Considering the scope of work and intended use of the site, provide a statement of the limitations of the study and the need for additional studies outside the stated scope of work.

- 1. Borings, test pits, and/or trenches needed for additional geologic information;
- 2. Percolation tests needed for design;

3. Program of subsurface exploration and testing that is most likely to provide data needed by the soils or civil engineer; and

4. Program for long-term monitoring of the site to evaluate geologic conditions (survey hubs, inclinometers, extensometers, and the like).

(E) Conclusions and recommendations. The reports shall provide a concise set of conclusions and recommendations, including specifics regarding the acceptable locations of structures (addressing setbacks where appropriate) and the acceptable nature and density of development.

(F) Inspection and monitoring. Reports shall specify inspections and/or monitoring required to verify that the development and construction on the site have been completed according to the recommendations contained in the report. Inspection records and/or "as built" certifications shall be provided for all geologic hazard reports.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.232 DETERMINATION OF COMPLIANCE.

(A) Geologic hazard reports submitted for review in accordance with §§152.200 through 152.210 of this chapter, shall be reviewed by the Planning Commission, which shall determine whether the report addresses the provisions of this subchapter as it reviews the entire application. Land use applications before the Planning Commission shall not be approved until such a determination has been made. Regardless of approval by the city, liability remains with the report signator and the applicant, who must conform with the report's requirements. Signed acceptance of this liability shall accompany the permit application.

(B) In determining compliance, the Planning Commission shall evaluate:

(1) If the report appears to adequately recognize the causes, extent, and potential of the hazards and conforms substantively with the requirements found in § 152.231 of this subchapter;

(2) If the recommendations to overcome the recognized hazards are set out clearly and specifically and are included in the engineered plans of the development;

(3) If the geologic hazard report indicates that possible future danger may exist from a hazard, the applicant or property owner shall complete and sign the declaration of covenants and conditions of responsibility and indemnity (the declaration) provided by the city. Prior to issuance of a building permit, the applicant or property owner shall execute and record the declaration in the deed records of the county;

(4) If the geologic hazard report and the associated plans contain the signature and professional stamp of a licensed geologist or engineering geologist qualified to certify such reports and plans; and

(5) Authorization of a geologic hazards permit shall be void after five years unless substantial construction pursuant thereto has taken place.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.233 PROVISIONS FOR ADDITIONAL INFORMATION.

There may be instances in which specific sites within the area mapped "as having significant slopes" may have topography not exceeding the 20% criterion. Property owners who can demonstrate, through a survey completed within a calendar year of the date of application by a surveyor registered in the state, that their property, or the specific site to be developed, has slopes of less than 20%, shall be exempt from any requirements pertaining to that specific characteristic.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

### § 152.234 CALCULATION OF COASTAL SETBACKS.

Two areas shall be considered in establishing coastal setback requirements and may simultaneously apply to a given piece of property.

(A) Areas of coastal erosion.

(1) The following categories of coastal erosion are recognized (coastal erosion rates and the methodology used are outlined in the document entitled *Geologic Hazards Associated with Lincoln County Coastal Shoreline*, prepared by CH2M Hill, Inc., and RNKR Associates, 1977):

Less than 2.8 inches/year	Slight
2.8 to 11.3 inches/year	Moderate
More that 11.3 inches/year	Severe

(2) The following coastal setbacks are required for the categories listed above in order to limit the need for structural solutions to coastal erosion. All setbacks shall be measured from the mean higher high water line and/or the base of the bank, whichever requires the greater setback.

Slight erosion	1 foot of setback for each 1 foot of bank height
Moderate erosion	2.15 feet of setback for each 1 foot of bank height
Severe erosion	2.75 feet of setback for each 1 foot of bank height

Example of How to Determine Geologic Setback

(B) Areas of visual concern. This is an area 25 feet landward from the top of a coastal bluff measured on the horizontal, where the top of bluff is the uppermost break in slope (see diagram in division (A) above). Where there is no coastal bluff or no clear break in slope, for example on a smoothly sloping lot, the area of visual concern is an area 25 feet landward (measured on the horizontal) from the line of mean higher high water or the line of non-aquatic vegetation, whichever is the furthest landward.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.235 PROHIBITED ACTIVITIES IN COASTAL SETBACKS.

(A) (1) In the areas of coastal erosion, no excavating, filling, or placement of retaining walls, deck posts, or other permanent structures is allowed, unless based on a geological hazard report approved by the Commission.

(2) Vegetation removal is also prohibited except as allowed in division (A)(2) below with prompt replacement with plants that will stabilize the ground. In this area, such vegetation removal must be in accordance with any required geological hazard report and with a landscaping plan adequately addressing ground stabilization.

(3) In the areas of visual concern, no grading, excavating, or filling that changes the profile of the top of the bluff or the slope seaward from its top; vegetation removal; or placement of a building is allowed except for:

(a) Minor pruning to maintain views;

(b) Removal of brush and trees smaller than six inches in diameter measured four feet above ground in preparation for prompt landscape replanting in the area landward from the top of the bluff;

- (c) Removal of vegetation within ten feet of a building allowed per division (A)(1) above;
- (d) Placement of benches, tables, and chairs; and
- (e) Placement of a single gazebo, provided such a structure is less than 100 square feet in size.

(B) If a geological hazard report is required per division (A)(1) above, any vegetation removal or gazebo placement must comply with this section and recommendations of the geological hazard report.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

Partition Application Case File: #1-PAR-PC-23 Date Filed: Jun. 14, 2023 Application Complete: Jun. 27, 2023 Meeting Date: Aug. 9, 2023, 6:00 p.m. 120-day Decision Date: Oct. 12, 2023

# **STAFF REPORT Depoe Bay Planning Commission Action**

APPLICANT/OWNER: The Hills of Depoe Bay, LLC

**<u>REQUEST</u>**: The applicant requests a 2-lot partition of Tract E of Phase 1 of the *Depoe Hills* planned development for construction of a water storage tank on a 0.83-acre parcel at the southeasterly corner of said Tract E (Parcel 2), and a 69.48-acre remainder parcel for future residential development (Parcel 1).

## A. <u>REPORT OF FACTS:</u>

1. <u>Property Location</u>: The subject property is located at the northeasterly terminus of NE Lillian Lane, and is further identified on Lincoln County Assessor's Map 09-11-0500 as Tax Lot 00100.



- 2. Lot Size: Tract E measures 70.31 acres (3,062,704 square feet) in area.
- 3. Zoning Designation: R-2PD Residential (Depoe Hills Planned Development).
- 4. **<u>Plan Designation</u>**: Residential.
- 5. <u>Surrounding Land Use</u>: The subject property is surrounded by undeveloped residential lots in the *Depoe Hills* Planned Development to the west, and forested lands to all other sides.

## **#1-PAR-PC-23 (The Hills of Depoe Bay, LLC)** August 9, 2023, Planning Commission Meeting

- 6. <u>Topography and Vegetation</u>: Tract E generally slopes downward from a high point at its southeasterly corner (the location of the proposed water tank) to the north and west. The property has been logged in the past, but there remain numerous trees in the eastern and northern portions of the site.
- 7. Existing Structures: The subject property is undeveloped.
- 8. <u>Utilities</u>: The following utilities currently serve or are available to the subject property.
  - a. <u>Sewer</u>: City sewer service.
  - b. Water: City water service.
  - c. <u>Electricity</u>: Central Lincoln PUD.

## 9. <u>Development Constraints</u>:

a. Depoe Hills Planned Development Master Plan.

## B. EVALUATION OF THE REQUEST:

## 1. Relevant Criteria:

- DBZO Section 152.026 Residential Zone R-2
- DBZO Section 152.042 Planned Development Zone PD
- DBZO Section 152.262 Procedure for Subdividing, Partitioning or Replatting Land

Complete descriptions of the relevant criteria are attached to this Staff report. In addition, site development is subject to the criteria of the *Depoe Hills* Phase 1 Master Plan.

- 2. <u>Applicant's Proposal</u>: The applicant submitted the application form and fee/deposit for a partition on June 14, 2023, along with the following material:
  - Public record report
  - Partition plat exhibit



The proposed 2-lot partition creates a 0.83-acre parcel at the southeasterly corner of Tract E (Parcel 2) for the future construction of a water storage tank, and a 69.48-acre remainder parcel for the development of future phases of the *Depoe Hills* Planned Development (Parcel 1). An easement across the remainder parcel would be reserved to provide access for ingress/egress and water lines from Phase 1 of the *Depoe Hills* Planned Development.

3. <u>Public Testimony:</u> Notice of this public hearing was mailed to property owners within a 250-foot radius of the subject property on July 19, 2023, and was published in the Newport *News-Times* on July 21, 2023. As of the date that this report was completed, Staff had received no public testimony regarding this proposal.

## C. STAFF ANALYSIS AND SUMMARY:

- 1. **Partition Request.** As described above, Parcel 1 would measure 69.48 acres (3,026,549 square feet) in area and Parcel 2 would measure 0.83 acre (36,155 square feet) in area. A 50-foot-wide easement across Parcel 1 would be retained to provide access to Parcel 2, as depicted on Sheets 2 and 3 of the partition plat.
- 2. **R-2 Standards.** The proposed parcels exceed the minimum R-2 lot size (5,000 square feet), lot width (50 feet), and lot depth (80 feet) requirements.
- 3. **Planned Development Approvals.** The amended master plan for the *Depoe Hills* Planned Development was approved by the Planning Commission in October 2017, and the amended Preliminary Phase 1 was subsequently approved on April 2018. The amended master plan identifies a reservoir or water storage tank in the easterly portion of what is now Tract E, so the requested partition is consistent with the previous planned development approvals.
- 4. **Open Space.** Partitioning of Tract E will not affect the required open space in *Depoe Hills* Phase 1.
- 5. Site Access. As described above, a 50-foot-wide access easement would be reserved over Parcel 1 for the benefit of Parcel 2. This easement will ensure that Parcel 2 has access to public streets (i.e., to NE Lillian Lane via NE Marmoris Avenue) and is not landlocked.
- 6. **Partition Standards** The proposed partition complies with the standards and procedures specified in DBZO Section 152.262 regarding the processing of applications for partitions.
- **D.** <u>CONCLUSION</u>: In evaluating the request, the Planning Commission bases its decision on compliance with the applicable code standards. If the Commission finds the request fails to satisfy the ordinance standards, it can move to deny the request, articulating the basic conclusions and rationale for the decision and directing Staff to prepare findings.

If the Planning Commission finds the request satisfies the applicable criteria, it can move to approve the request and direct Staff to prepare findings. In the event of an approval, Staff suggests the following conditions of *tentative* approval for Case File #1-PAR-PC-23:

1. **Two-Lot Partition:** The 2-lot partition shall create a 0.83-acre lot for the future construction of a water storage tank (Parcel 2), and a 69.48-acre remainder parcel for the development of future phases of the *Depoe Hills* Planned Development (Parcel 1).

- 2. Access. Each parcel meets DBZO standards for access to a public street (i.e., to NE Lillian Lane via NE Marmoris Avenue) in Phase 1 of the *Depoe Hills* Planned Development. A 50-foot-wide access easement shall be retained across Parcel 1 for the benefit of Parcel 2.
- 3. **Final Partition Approval.** Requests for final approval of the partition shall be accompanied by a plat and one exact copy meeting the requirements of DBZO Sections 152.250-152.265, ORS 92.050-92.100, and ORS 209.250. Final approval requires submittal (to the City of Depoe Bay) of a copy of the partition plat that has been recorded with the Lincoln County Surveyor.
- 4. **Timing of Final Approval.** Approval of the tentative plan shall be valid for a period of three years. A single time-limit extension may be granted by the Planning Commission only if the development is substantially completed within the three-year time period.

Submitted by,

## Kit Fox, AICP

City Planner

- Attachments: Partition application Public record report Partition plat diagram Relevant DBZO criteria:
  - Section 152.026 Residential Zone R-2
  - Section 152.042 Planned Development Zone PD
  - Section 152.262 Procedure for Subdividing, Partitioning or Replatting Land

## City of Depoe Bay

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## Land Division / Replat Application

TO BE COMPLETED BY OFFICE: Deposit: 133400 Fee: 433400 Fee: 433400 Fee: 433400 Fee: 433400 Fee: 4334000 Fee: 43340000 Fee: 4334000 Fee: 43340000 Fee: 43340000 Fee: 43340000 Fee: 43340000 Fee: 433400000 Fee: 433400000 Fee: 433400000Fee: 43340000Fee: 433400000Fee: 43340000Fee: 43340000Fee: 43340000Fee: 433400000Fee: 43340000Fee: 43340		
1. Date Received 6/14/23 Staff Initials		
2. Case File Number <u>#1-ML-PC-25</u> Action: Planning Commission		
3. Action Requested: Partition Subdivision Replat		
4. Current Zoning <u>R-2 PD</u> Current Plan Designation <u>Result</u> Lot Size <u>5000 SF</u> MINIMUM		
5. Previous Planning Actions on Property Device Hus Plando Oda Mart		
6. Existing Code Violation(s) None		
TO BE COMPLETED BY APPLICANT:         Property Description T_9_S, R_II_W, W.M., Section 5_Tax Lot(s) Tract E_         Applicant's Name Hills of Depue Bay, LLC         Address 61240 Skyline Panch Road_City_Bend_State 02_         Zip Code01702_Daytime Phone Number 541-749-9801         Relationship to Property Chris Van der Velde, owner         (Owner, Contract Purchaser, etc.)         Agent (include address and phone number)		
Existing Structures hone Lot Size 0.83 ACVES		
Number of Proposed Lots If subdivision, tentative name		
Current/Proposed Utilities: Sewage 48 Water 48 Electrical 48		
Road District Fire District		
Anticipated Date of Development		
Directions to Property EOFF 101 on to Lillian Lane		

## **INFORMATION REQUIRED**

## for a

## LAND DIVISION / REPLAT

# For all land division or replat applications, the following minimum information must be submitted for the application to be considered complete:

- 1. Plot plan, drawn to scale, of the subject property showing:
  - A. all existing, and approximate location and dimensions of all proposed parcel or lot lines
  - B. size of all proposed parcels or lots in acres and in square feet
  - C. location of all proposed streets, a street cross-section showing proposed construction standards, profiles showing approximate grades of all streets in relation to existing ground elevations, and whether they are proposed to be public or private streets
  - D. relationship of proposed roads to adjoining existing and proposed streets
  - E. all existing and proposed buildings and setbacks from all property lines
  - F. the location of water and sewer lines, septic system, well, and all existing and proposed easements
  - G. access to the property, and whether it is a state highway, county road, public road or private easement. <u>Note</u>: Applicant should check to determine if an access permit is required
  - H. all wetland areas, areas of geological hazard, streams and waterways, and areas subject to flood hazard
  - 1. description of the topography and vegetation. <u>Note</u>: Subdivision plats shall show contours in maximum of 10' intervals
  - J. the date, north point and scale of 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
  - L. if there are to be phases of development, the identification and sequence of each phase
  - M. adjacent land owned by the applicant and proposed development plans, if any
  - N. address any requested modifications to required development standards
  - O. state width to depth ratios of each lot
- P. name, address and phone of registered surveyor to be used
- 2. Other information as may be required by staff to determine compliance with the provisions of standards and requirements of the City of Depoe Bay Zoning Code and Subdivision and Partition Ordinance.

NOTE: ALL APPLICATIONS MUST BE COMPLETE. FAILURE TO SUBMIT A COMPLETE APPLICATION WILL DELAY THE ACCEPTANCE AND PROCESSING OF YOUR APPLICATION.

Signature of Property Owner

Signature of Applicant (if other than property owner)

Date



PUBLIC RECORD REPORT FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Cole Surveying Phone No.: (541)757-8991

 Date Prepared:
 June 9, 2023

 Effective Date:
 June 1, 2023 / 05:00 PM

 Charge:
 \$300.00

 Order No.:
 WT0241671

 Reference:
 WT0241671

The information contained in this report is furnished to the Customer by Western Title & Escrow Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

#### REPORT

A. The Land referred to in this report is located in the County of Lincoln, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows: As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in: As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

## EXHIBIT "A" (Land Description)

Lots 1 through 24, inclusive and Tracts A, B, C, D, E, F, G, H, I and J, DEPOE HILLS PHASE 1, in the City of Depoe Bay, County of Lincoln and State of Oregon, according to the official plat thereof recorded February 7, 2023 in Plat Book 19, pages 43-43D, Lincoln County Records.

## EXHIBIT "B" (Tax Account and Map)

APN/Parcel ID(s) R335757 and R525212 as well as Tax/Map ID(s) 09-11-05-00-00100 and

## EXHIBIT "C" (Vesting)

The Hills of Depoe Bay Limited Partnership, an Oregon Limited Partnership

## EXHIBIT "D" (Liens and Encumbrances)

#### 1. [Intentionally Deleted]

- 2. City Liens, if any, in favor of the City of Depoe Bay.
- Subject property is either situated within the Depoe Bay urban renewal boundaries or within the shared area of the City of Depoe Bay and is subject to the terms and provisions thereof, as outlined by Ordinance No. 282, Recorded: August 11, 2008
   Document No.: 200809624, Lincoln County Records And

And Recorded: January 7, 2009 Document No.: 200900153, Lincoln County Records And Recorded: May 8, 2009 Document No.: 200905459, Lincoln County Records

- 4. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.
- 5. A Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing, to secure an indebtedness in the amount shown below, including the terms and provisions thereof,

Amount:	\$7,500,000.00
Dated:	June 26, 2008
Trustor/Grantor:	The Hills of Depoe Bay, Limited Partnership, an
	Oregon limited partnership
Trustee:	First American Title Insurance Company
Beneficiary:	Velocity Capital B.V.
Recording Date:	June 26, 2008
Recording No.:	200807787.3
-	

6. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Roadway and Utility Easement,

Recording Date:	December 17, 2009
Recording No.:	2009-14328

7. Declaration of Development Covenants, including the terms and provisions thereof,

Recording Date: October 28, 2010 Recording No.: 2010-10866

8. Declaration of Covenants and Conditions of Responsibility and Indemnity, including the terms and provisions thereof,

Recording Date: March 1, 2013 Recording No.: 2013-01899

#### EXHIBIT "D" (Liens and Encumbrances) (continued)

9. Shared Use, Access, and Maintenance Agreement, including the terms and provisions thereof,

Recording Date:	July 11, 2019
Recording No:	2019-06374
Between:	OMNI Financial, LLC, a California limited liability company
And	The Hills of Dence Bay Limited Partnership, an Oregon limited
	partnership

- 10. Any legal consequences arising from the fact that the lender shown above did not join in on the recorded Plat.
- 11. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat:	Depoe Hills Phase 1
Recording Date:	February 7, 2023
Recording No:	2023-00760

12. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Supplemental Declaration to Depoe Hills (Depoe Hills Common Area)

Recording Date:February 7, 2023Recording No.:2023-00762Affects:Tract H and is appurtenant to Lots 20 through 24Affects:Tract I and is appurtenant to Lots 4 through 6Affects:Tract J and is appurtenant to Lots 9 through 19

13. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: June 28, 2022 Recording No: 2022-06386 Affects: Tracts C, H, I and J

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: February 7, 2023 Recording No: 2023-00762

Liens and assessments, if any, by the Depoe Hills Owner's Association Homeowner's Association.

## EXHIBIT "D" (Liens and Encumbrances) (continued)

14. By-laws of Depoe Hills Owner's Association

Recording Date:	June 28, 2022
Recording No.:	2022-06392
Affects: Tracts C,	H, I and J

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2022-2023
Amount:	\$6,982.15
Levy Code:	405
Account No.:	R335757
Map No.:	09-11-05-00-00100

Note: Property taxes for the fiscal year shown below are paid in full.

2022-2023
\$2,266.20
415
R525212
09-11-05-00-00100

## EXHIBIT "D" (Liens and Encumbrances) (continued)

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB00200 Account No.: R900847, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB00300 Account No.: R900848, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB00400 Account No.: R900849, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB00500 Account No.: R900850, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB00600 Account No.: R900851, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB00700 Account No.: R900852, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB00800 Account No.: R900853, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB00900 Account No.: R900854, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB01000 Account No.: R900855, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB01100 Account No.: R900856, Code 415

Note: Tax information for the year 2023-2024Tax Lot No.:091105AB01200Account No.:R900857, Code 415

Note: Tax information for the year 2023-2024Tax Lot No.:091105AB01300Account No.:R900858, Code 415

Note: Tax information for the year 2023-2024

## EXHIBIT "D" (Liens and Encumbrances) (continued)

Tax Lot No.:	091105AB01400
Account No.:	R900859, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB01500 Account No.: R900860, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB01600 Account No.: R900861, Code 415

Note: Tax information for the year 2023-2024Tax Lot No.:091105AB01700Account No.:R900862, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB01800 Account No.: R900863, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB01900 Account No.: R900864, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02000 Account No.: R900865, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02100 Account No.: R900866, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02200 Account No.: R900867, Code 415

Note: Tax information for the year 2023-2024Tax Lot No.:091105AB02300Account No.:R900868, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02300 Account No.: R900869, Code 405

Note: Tax information for the year 2023-2024Tax Lot No.:091105AB02400Account No.:R900870, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02400

## EXHIBIT "D" (Liens and Encumbrances) (continued)

Account No.: R900872, Code 405

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02500 Account No.: R900873, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02600 Account No.: R900874, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02700 Account No.: R900880, Code 405

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02700 Account No.: R900875, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02800 Account No.: R900876, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB02900 Account No.: R900877, Code 415

Note: Tax information for the year 2023-2024 Tax Lot No.: 091105AB03000 Account No.: R900878, Code 415

## DEFINITIONS, CONDITIONS AND STIPULATIONS

- 1. Definitions. The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

#### 2. Liability of Company.

- (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
- (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
- (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
- (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
  - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
  - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
  - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
  - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
  - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
  - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
  - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
  - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
  - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
- 3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
- 4. Charge. The charge for this report does not include supplemental reports, updates or other additional services of the Company.

## LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY. ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES. AFFILIATES, EMPLOYEES. AND OTHER SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY



## RECEIVED JUN 1 4 2023




RECEIVED JUN 1 4 2023

#### PARTITION PLAT No. 2023-

A REPLAT OF TRACT E OF "DEPOE HILLS PHASE 1", A SUBDIVISION PLAT OF RECOR LOCATED IN THE NE 1/4 OF SECTION 5 OF TOWNSHIP 9 SOUTH, RANGE 11 WEST O THE WILLAMETTE MERIDIAN, CITY OF DEPOE BAY, LINCOLN COUNTY, OREGON

FOR: HILLS OF DEPOE BAY LLC.

DATE: MAY 26, 2023

SHEET 4 OF 4

SURVEYOR'S NARRATIVE:

PURPOSE

THE PURPOSE OF THIS PARTITION PLAT IS TO MEET THE REQUIREMENTS OF THE CITY OF DEPOE BAY PLANN

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE SOUTH PROPERTY LINE OF TRACT E, AS SHOWN ON THE ATTACHED MAP.

BOUNDARY DETERMINATION

ALL OF THE MONUMENTS FOUND AND SET FOR THE PLAT OF "DEPOE HILLS PHASE 1" WERE HELD FOR THIS

#### SURVEYOR'S CERTIFICATE:

I, BRIAN SCOTT SAILOR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY MARKED WITH PROPER MONUMENTS THE LOTS AND TRACTS SHOWN ON THE ATTACHED MAP OF "DEPOE HILL! DESCRIBED AS FOLLOWS:

TRACT E OF "DEPOE HILLS PHASE 1", A SUBDIVISION PLAT OF RECORD LOCATED IN THE NORTHEAST QUART 11 WEST OF THE WILLAMETTE MERIDIAN, CITY OF DEPOE BAY, LINCOLN COUNTY, OREGON, BEING MORE PART THE INITIAL POINT, A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE ALONG 00'46'13" EAST 1298.60 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF SAID TRACT E; TI NORTH 89'58'24" WEST 2678.36 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHWEST CORNER OF SAID TRA TRACT E NORTH 00'09'43" WEST 120.97 FEET TO A 5/8 INCH IRON ROD ON THE EAST RIGHT OF WAY LINE OF WAY LINE THE FOLLOWING COURSES: ALONG THE ARC OF A 172.50 FOOT RADIUS CURVE TO THE RIGHT NORTH 32'30'10" EAST 57.45 FEET) TO A 5/8 INCH IRON ROD, NORTH 42'05'19" EAST 27.26 FEET TO A FOOT RADIUS CURVE TO THE LEFT 93.78 FEET (THE LONG CHORD OF WHICH BEARS NORTH 29'55'55" EAST 17'46'30" EAST 83.62 FEET TO A POINT BEING WITNESSED BY A 5/8 INCH IRON ROD WHICH BEARS NORTH CORNER, ALONG THE ARC OF A 501.00 FOOT RADIUS CURVE TO THE LEFT 130.52 FEET (THE LONG CHORD FEET) TO A 5/8 INCH IRON ROD, NORTH 02'50'54" EAST 21.86 FEET TO A 5/8 INCH IRON ROD, ALONG TH RIGHT 51.97 FEET (THE LONG CHORD OF WHICH BEARS NORTH 09'38'46" EAST 51.84 FEET) TO A 5/8 INC TO A 5/8 INCH IRON ROD, ALONG THE ARC OF A 221.00 FOOT RADIUS CURVE TO THE LEFT 83.79 FEET 05 34'56" EAST 83.29 FEET) TO A 5/8 INCH IRON ROD, NORTH 05'16'46" WEST 94.74 FEET TO A POINT I BEARS SOUTH 84'43'14" WEST 1.00 FEET FROM THE TRUE CORNER, AND ALONG THE ARC OF A 379.00 FO LONG CHORD OF WHICH BEARS NORTH 08'03'10" EAST 174.79 FEET) TO A POINT BEING WITNESSED BY A WEST 1.00 FEET FROM THE TRUE CORNER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 8 OF SOUTH LINE OF SAID LOT 8 SOUTH 85'24'25" EAST 102.76 FEET TO A 5/8 INCH IRON ROD AT THE SOUTH BEING ON THE WEST RIGHT OF WAY LINE NE SEASCAPE AVENUE; THENCE ALONG SAID WEST RIGHT OF WAY INCH IRON ROD AT THE INTERSECTION OF SAID WEST RIGHT OF WAY LINE AND THE SOUTH RIGHT OF WAY SOUTH RIGHT OF WAY LINE SOUTH 79'22'24" EAST 388.00 FEET TO A 5/8 INCH IRON ROD AT THE EAST I THENCE ALONG SAID EAST END OF NE MOONWAKE LANE RIGHT OF WAY NORTH 10'37'36" EAST 40.00 FEET OF WAY LINE OF SAID NE MOONWAKE LANE; THENCE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 79'22' THE SOUTHEAST CORNER OF TRACT H OF SAID "DEPOE HILLS PHASE 1"; THENCE ALONG THE EAST LINE OF SAID "DEPOE HILLS PHASE 1" NORTH 10'37'36" EAST 335.62 FEET TO A 5/8 INCH IRON AT THE NORTHEAST BEING ON THE EAST END OF THE AFOREMENTIONED LILLIAN LANE RIGHT OF WAY; THENCE ALONG THE EAST 25'25'33" EAST 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID LILLIAN LANE; THENCE ALONG SAID COURSES: NORTH 64'11'07" WEST 153.59 FEET TO A 5/8 INCH IRON ROD, ALONG THE ARC OF A 269.00 (THE LONG CHORD OF WHICH BEARS NORTH 76'19'08" WEST 113.08 FEET) TO A 5/8 INCH IRON ROD, NOF IRON ROD, AND ALONG THE ARC OF A 169.00 FOOT RADIUS CURVE TO THE LEFT 78.97 FEET (THE LONG O 78.25 FEET) TO A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF LOT 3 OF SAID "DEPOE HILLS PHA 3 NORTH 26'48'23" WEST 31.33 FEET TO THE A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF SAID LINE OF THE AFOREMENTIONED TRACT E; THENCE ALONG THE NORTH LINE OF SAID TRACT E NORTH 89'52'0. REGINNING.

Y:	CHRIST	IAAN	VAN	DER	VELDE	
S:	AUTHOR	RIZEC	) SIGN	IER		
OR	HILLS	OF	DEPOE	E BAY	Y LLC.	

STATE OF	}
COUNTY OF	) 33

AT HILLS OF DEPOE BAY LLC., IS THE OWNER AND MORE PARTICULARLY DESCRIBED IN THE THE SAME TO BE SURVEYED AND PLATTED INTO O HEREBY CREATE AND GRANT THE ACCESS EL 2 AS SHOWN.	
DAY OF, 202, DID PERSONALLY S AUTHORIZED SIGNER FOR HILLS OF DEPOE BAY LLC., EXECUTED THE FOREGOING INSTRUMENT AND DO NT TO BE OF HIS OWN FREE ACT AND DEED.	
BRIAN SCOTT SAILOR, P.L.S. COLE SURVEYING, LLC P.O. BOX 1211 CORVALLIS, OREGON 97339 (541) 257-1019	

{D DF	
	DECLARATION: KNOW ALL PERSONS BY THESE PRESENTS, THAT HILLS OF DEPOE BAY LLC., IS THE OWNER OF THE LAND SHOWN ON THE ATTACHED MAP AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO THE PARCELS AS SHOWN. OWNER DOES ALSO HEREBY CREATE AND GRANT THE ACCESS EASEMENT OVER PARCEL 1 TO BENEFIT PARCEL 2 AS SHOWN.
NING CASE FILE	
	BY: CHRISTIAAN VAN DER VELDE AS: AUTHORIZED SIGNER FOR HILLS OF DEPOE BAY LLC.
IS PLAT.	
	ACKNOWLEDGMENTS:
CERTIFY THAT I HAVE CORRECTLY SURVEYED AND S PHASE 1", THE EXTERIOR BOUNDARY OF WHICH IS	STATE OF } SS / SS }
TER OF SECTION 5 OF TOWNSHIP 9 SOUTH, RANGE TICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT G THE EAST LINE OF SAID SECTION 5 SOUTH HENCE ALONG THE SOUTH LINE OF SAID TRACT E ACT E; THENCE ALONG THE WEST LINE OF SAID E OF LILLIAN LANE; THENCE ALONG SAID EAST RIGHT 57.72 FEET (THE LONG CHORD OF WHICH BEARS 5/8 INCH IRON ROD, ALONG THE ARC OF A 221.00 F 93.08 FEET) TO A 5/8 INCH IRON ROD, NORTH 4 72'13'30" WEST 2.00 FEET FROM THE TRUE 0 OF WHICH BEARS NORTH 10'18'42" EAST 130.15 HE ARC OF A 219.00 FOOT RADIUS CURVE TO THE 2H IRON ROD, NORTH 16'26'38" EAST 10.21 FEET (THE LONG CHORD OF WHICH BEARS NORTH BEING WITNESSED BY A 5/8 INCH IRON ROD WHICH DOT RADIUS CURVE TO THE RIGHT 176.38 FEET (THE 5/8 INCH IRON ROD WHICH BEARS NORTH BEING WITNESSED BY A 5/8 INCH IRON ROD WHICH DOT RADIUS CURVE TO THE RIGHT 176.38 FEET (THE 5/8 INCH IRON ROD WHICH BEARS NORTH 85'24'25" F SAID "DEPOE HILLS PHASE 1"; THENCE ALONG THE 4EAST CORNER OF SAID LOT 8, SAID POINT ALSO LINE SOUTH 10'37'36" WEST 56.23 FEET TO A 5/8 LINE OF NE MOONWAKE LANE; THENCE ALONG SAID SIND OF SAID NE MOONWAKE LANE RIGHT OF WAY; TO A 5/8 INCH IRON ROD AT THE NORTH RIGHT '24" WEST 8.00 FEET TO A 5/8 INCH IRON ROD AT F SAID TRACT H AND THE EAST LINE OF LOT 24 OF ST CORNER OF SAID LOT 24, SAID POINT ALSO END OF SAID LILLIAN LANE RIGHT OF WAY NORTH D NORTH RIGHT OF WAY LINE THE FOLLOWING FOOT RADIUS CURVE TO THE LEFT 113.93 FEET RTH 88'27'10" WEST 126.16 FEET TO A 5/8 INCH CHORD OF WHICH BEARS SOUTH 78'09'39" WEST ASE 1"; THENCE ALONG THE EAST LINE OF SAID LOT D LOT 3, SAID POINT ALSO BEING ON THE NORTH J3" EAST 2393.30 FEET TO THE POINT OF	THIS IS TO CERTIFY THAT ON THIS DAY OF, DID PERSONALLY   APPEAR CHRISTIAAN VAN DER VELDE, AS AUTHORIZED SIGNER FOR HILLS OF DEPOE BAY LLC.,   AND WHOM, BEING FIRST DULY SWORN EXECUTED THE FOREGOING INSTRUMENT AND DO   HEREBY ACKNOWLEDGE SAID INSTRUMENT TO BE OF HIS OWN FREE ACT AND DEED.   NOTARY PRINTED NAME   NOTARY PRINTED NAME   NOTARY PRINTED NAME   MY COMMISSION No.   MY COMMISSION EXPIRES
APPROVALS:	REGISTERED PROFESSIONAL LAND SURVEYOR COLE SURVEYING, LLC
APPROVED LINCOLN COUNTY TAX COLLECTOR	DATE P.O. BOX 1211 CORVALLIS, OREGON 97339 (541) 257–1019
APPROVED LINCOLN COUNTY ASSESSOR	OREGON JANUARY 11, 2005 BRIAN SCOTT SAILOR 61341
APPROVED	DATE EXPIRES 6/30/24
APPROVED CITY OF DEPOE BAY PLANNER	DATE

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LINCOLN COUNTY CLERK

\_\_\_ О'СLОСК \_\_\_\_.

SS

I HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED AND DULY RECORDED BY ME AS PARTITION PLAT 202\_\_\_\_ IN LINCOLN COUNTY RECORDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_,

**RECORDING:** 

AT \_\_\_\_

BY:

STATE OF OREGON

COUNTY OF LINCOLN

#### § 152.026 RESIDENTIAL ZONE R-2.

In an R-2 Zone, the following regulations shall apply.

(A) Uses permitted outright. In an R-2 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136 where applicable:

(1) A single-family dwelling built on the site;

(2) Manufactured home;

(3) A temporary manufactured dwelling or recreational vehicle used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, provided the temporary manufactured dwelling or recreational vehicle:

(a) Is located during the time the construction is underway; and

(b) Will not remain more than one year from date of placement or 30 days following substantial completion, whichever is earlier.

(4) Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further than no commercial structure shall be constructed or maintained on the premises;

- (5) Recreational vehicle (unoccupied) or boat, stored on a lot in combination with an approved building;
- (6) Two-family dwelling;
- (7) Pre-fab heated or modular dwelling;
- (8) Residential homes;
- (9) Family day care provider;
- (10) Transparent occupation; and

(11) Commercial fishing gear storage at the gear owner's dwelling or adjacent lot under the same ownership. The gear must be stored in a neat and orderly manner and must be non-toxic, non-hazardous, and cause no odor off-site.

(B) Conditional uses permitted. In an R-2 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, 152.130 through 152.136, and 152.225 through 152.235 where applicable.

- (1) Cemetery;
- (2) Church;
- (3) Community center;
- (4) Day nursery, nursery school, kindergarten, or similar facility;
- (5) Governmental structure or use of land;
- (6) Home occupation;
- (7) Golf course or country club, but excluding golf driving range, miniature golf course, or similar facility;

(8) Private non-commercial recreation club, such as tennis, swimming, or archery club, but excluding commercial amusement or recreation enterprises;

- (9) Public park, playground, or swimming pool;
- (10) Public school or private school offering curricula similar to public school;
- (11) Public or private utility facility;
- (12) Radio or television transmitter or tower; and
- (13) Solid waste disposal transfer station.

(C) Standards. Except as provided in §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136 in an R-2 Zone, the following standards shall apply.

- (1) Lot size and dimension. The minimum lot size and dimensions in an R-2 Zone shall be as follows:
  - (a) The lot area shall be 5,000 square feet for a one-family dwelling and 10,000 square feet for a two-family dwelling;

(b) The minimum lot width at the front lot line shall be 50 feet for an interior lot and 55 feet for a corner lot, except flag lots. The staff of a flag lot shall have a minimum width and frontage of not less than 25 feet;

(c) The minimum lot depth shall be 80 feet; and

(d) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property.

(2) Yards. The minimum yard requirements in the R-2 Zone shall be as follows:

(a) The front yard shall be a minimum of 20 feet;

(b) Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater;

(c) The street side yard shall be a minimum of 20 feet. except this may be reduced by one foot for each foot the average lot width is less than 60 feet, however, no street side yard shall be less than ten feet (see *LOT WIDTH* in § 152.003 of this chapter for method of calculation);

(d) The rear yard shall be a minimum of ten feet, except that on a corner lot, it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater; and

(e) No structure shall be located closer than 60 feet from the center line of any state highway.

(3) Building height. No building in the R-2 Zone shall exceed a height of 30 feet.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 187, passed 2-16-1993; Ord. 236, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 268, passed 11-2-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

#### § 152.042 PLANNED DEVELOPMENT ZONE (P-D).

(A) *Purpose.* 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:

(1) 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;

(2) Respect the surrounding context and enhance community character;

(3) Provide open space;

(4) Provide pedestrian and bicycle facilities, such as sidewalks in commercial and high density areas, hiking trails, and bicycle trails;

(5) Permit greater flexibility in the siting of buildings and other physical improvements, and in the mixing of housing types, in order to accomplish desirable design objectives;

(6) Provide adequate, structurally sound public and private streets and utilities;

(7) Ensure that development occurs in a manner consistent with the intent and purpose of the goals and policies of the Comprehensive Plan;

(8) Ensure the safety of the residents of the city and visitors to the city;

(9) Allow logical, efficient development or redevelopment of adjacent properties within the P-D and properties adjacent to the P-D;

(10) Supersede the provisions of §§ 152.250 through 152.265 of this chapter when the latter are expressly contrary to a specific provision of this section, or upon application to and approval by the Planning Commission, provided such approval is consistent with the purpose of this section; and

(11) Allow for flexibility of land uses, such as allow tourist accommodations in residential zones with standards and ensure the developer and/or management company is responsible for all management of the tourist accommodation, including but not limited to responding to noise, trash, overcrowding, and parking complaints. The intent is to place all responsibility on the developer, management, HOA, or property owner, provide the public with easily-accessible management contact, and minimize city time and expense related to the tourist accommodation use.

(B) General requirements. The following general requirements shall govern planned developments.

(1) A planned development may be established in any zone other than the T-C Zone.

(2) 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 development plan approved in accordance with the provisions of this section, or accessory use to such forms of development, may be established.

(3) (a) A planned development may include any uses permitted outright or conditionally in the underlying zone. Where the underlying zone is residential, any uses permitted in R-1 through R-5 Zones may be permitted when compatible with each other and harmonious with adjacent uses.

(b) The one exception to division (B)(3)(a) above is the possible approval of short-term rentals (tourist accommodations per § 152.003 of this chapter and including time shares) to the planned development. The total area of the development that may be allocated to tourist accommodations in residential zoned areas shall be equal to or less than 15% of the total land area of the underlying R-1 through R5 Zones. A planned development with tourist accommodations in residential zones shall have a minimum of five contiguous acres. Tourist accommodations in residential zones shall be limited to single-family and two-family dwellings with a maximum number of five bedrooms. The tourist accommodation area shall be contiguous, cohesive, compatible with the entire development (use, architectural, traffic, and the like), buffered (space, sight, and sound buffered) from all adjacent uses other than commercial uses, and buffered from adjacent properties that are outside of the P-D. The following city standards shall apply, and the management entity may establish additional standards. These following standards shall be part of the tourist accommodation area CC&Rs.

1. *Nuisance control.* No noise, lights, dust, smoke, odors, and electromagnetic frequencies generated on-site in excess of the amounts normally associated with residential uses shall emanate off-site or interfere with surrounding residential or commercial uses.

2. Lighting. Outside lighting shall be restricted to low voltage lighting and/or motion sensor lighting for security.

3. Off-street parking. For tourist accommodation dwelling uses, off-street parking space requirements are:

a. A single-family or two-family dwelling shall have one on-site parking space for each bedroom. A minimum of two parking spaces shall be provided per dwelling;

b. A multi-family dwelling shall have one parking space for each bedroom located immediately adjacent to the unit. A minimum of two parking spaces shall be provided per dwelling;

c. A parking lot for overflow vehicles, consisting of one additional space per dwelling unit, that shall be in the

immediate area of the tourist accommodations; and

d. If a dwelling unit is a residence plus a tourist accommodation, two additional spaces are required on the same property.

4. Solid waste disposal. For tourist accommodation dwelling uses, a minimum 96-gallon vessel shall be provided for each unit, and the unit shall have "carry-out"/"valet" (no need to put vessels at curb) service. A multi-unit dumpster type unit may be substituted, it must be enclosed to the sight-line. Weekly solid waste pick-up is required during all months of the year.

5. State law compliance. It is the property owner's responsibility to ensure that a tourist accommodation dwelling use remains in substantial compliance with state regulations for the following: health, safety, Building Code, Fire Code, tourist accommodation statutes, and the Uniform Housing Code.

6. *Occupancy.* Tourist accommodation dwellings shall not exceed two persons per bedroom plus one additional person per dwelling.

7. Signage. The management entity shall only have one exterior on-site sign for the tourist accommodation area. The sign shall identify the site as a tourist accommodation area; identify a local contact person; state that the local contact person is available 24 hours each day, seven days a week to handle rentals and complaints; and identify the local contact person's business license number. An interior sign with this same information shall be placed inside each tourist accommodation, such as, near the front door or in the kitchen.

8. *Business license*. For a tourist accommodation dwelling, the property owner and property management company are required to have a city business license. In addition, for tourist accommodation dwelling uses, transient room tax ordinance provisions shall apply.

9. *Revocation.* Any violation of the requirements or standards of this P-D Zone or any other city ordinance may result in revocation of the transient rental unit business license.

(4) Overall residential density shall be as provided for in the underlying 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 non-residential uses allowed in the underlying zone and resources protected under Goal 5, but including common areas.

(5) No building shall exceed the height allowed in the underlying zone.

(6) Yards, setbacks, lot area, lot coverage, and similar dimensional requirements may be reduced, adjusted, or otherwise modified upon application to, and approval by the Planning Commission, consistent with the design objectives of the proposed development.

(7) 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.

(8) A planned development shall have a minimum of two contiguous acres, exclusive of street right-of-way. A planned development with tourist accommodations in residential zones shall have a minimum of five contiguous acres.

(9) Excluding streets and parking, at least 35% of the land will be dedicated or reserved for outdoor recreation, park, or natural land.

(10) Paved concrete sidewalks shall be provided in commercial areas and along Highway 101. The exception to this is the Highway 101 right-of-way and the adjacent 40-foot wide designated forested corridor on both sides of Highway 101 right-of-way from south point street south to the city limits which shall instead include a four-foot wide walking/biking path (§ 152.074(B)(3) of this chapter applies). The planned development shall also include a connected pedestrian system/network.

(11) Parking shall conform to § 152.058 and Diagram A of § 152.031, with the exception that all parking areas shall be paved.

(12) A minimum 5% of a parking area shall be landscaped. Landscaping in parking and common open space areas shall be installed according to plans approved by the city. Landscaping shall be installed in all yards adjacent to a public or private street prior to final building inspections.

(13) Natural existing landscaping may be used to meet landscaping requirements. Landscape design and landscaping areas shall serve their intended functions and shall not adversely impact surrounding areas. Required landscaping shall include a mix of vertical elements (trees) and horizontal elements (grass, shrubs, ground cover, and the like). Section 152.074 of this chapter applies. Landscaped areas and open space shall be maintained. Invasive plant materials, as identified by the USDA Natural Resources Conservation Service state listed noxious weeds shall be removed and shall not be planted.

(C) General approval process. At a minimum, a preliminary plan and lastly a final plan shall be submitted for approval for all planned developments. Once the preliminary plan is approved and the final engineered plans are reviewed and approved by the city, work on the development's infrastructure may proceed. The final plan is primarily an as-built of the streets and infrastructure, and no building permits shall be approved until the effective date of the final approval of the plan. If the planned development is to be developed in a number of individual sections or phases, each which is developed separate from the others (a phased planned development), a master plan shall first be submitted for approval. Once the master plan for the entire development is approved, each phase (section) of the development shall follow the standard preliminary plan

and final plan process.

(1) If the planned development is a phased planned development, the initial step is the submission of the master plan for the entire development, which shall be submitted for approval as per division (D) below.

(a) The master plan is the over-arching plan of the entire development and of all phases. The primary purpose of a master plan is to propose and establish the development's overall concept, overall planning, and the integration of all phases. Master plan approval does not permit development or construction to occur.

(b) If a master plan for a phased development is approved, the applicant or its successor shall obtain separate preliminary and final approvals for each phase. For each individual phase, a preliminary plan shall be submitted for approval as per division (E) below prior to any work starting on the infrastructure of that phase.

(c) If a preliminary plan for an individual phase impacts the master plan, an updated master plan shall be submitted with that preliminary plan.

(d) A master plan is not required for a planned development that is not using a phased development approach.

(2) For a planned development that is not a phased planned development, the initial step of a planned development is the submission of a preliminary plan for the complete development, which shall be submitted for approval as per division (E) below. Work on the development's infrastructure may only proceed once the preliminary plan is approved.

(3) A final plan shall be submitted for approval as per division (H) below upon completion of all conditions and requirements of the individual phase preliminary plan or the entire development's preliminary plan. No building permits shall be approved until the effective date of the final approval of the final plan.

(D) Master plan. A master plan for planned developments shall be developed as follows.

(1) *Master plan review procedure.* The procedure for application and review of a master plan shall be as set forth in § 152.204(C) of this chapter.

(2) Content of master plan. Application for master plan approval of a planned development shall include all items described in division (F) below. In addition, the following shall be included:

(a) A narrative describing the plans for phasing (if applicable);

(b) A summary describing the general locations for any reducing, adjusting, or otherwise modifying yards, setbacks, lot area, lot coverage, and similar dimensional requirements of this chapter; and

(c) A summary describing the general locations for any desired variances, exceptions, deviations, waivers, conditional uses, zone changes, and the like, and a supporting narrative that acknowledges the zoning application procedure and criteria order to obtain each approval.

(3) Approval on findings. Master plan approval by the Planning Commission shall be based on findings that criteria described in division (G) below are satisfied.

(4) Approval date. Master plan approval is valid from the date all legal appeals are exhausted. Changes to an approved master plan require an application for a master plan amendment to be reviewed and approved by the Planning Commission as set forth in § 152.204(C) of this chapter.

(E) Preliminary plan. A preliminary plan for planned developments shall be developed as follows.

(1) Submittal. A preliminary plan shall be submitted for a non-phased planned development.

(2) *Phase development.* For a phased development, a preliminary plan shall be submitted for each phase of development.

(a) A preliminary plan may be submitted for a phase concurrent with a master plan application. The Planning Commission will review the preliminary plan the meeting after the master plan is approved.

(b) Each phase shall meet the criteria of divisions (E)(4), (F), and (G) below independently of the other phases.

(3) *Preliminary plan review procedure.* The procedure for application and review of a preliminary plan, which shall be as set forth in § 152.204(C).

(4) *Content of preliminary plan.* Application for preliminary plan approval of a planned development shall include all items described in division (F) below. In addition, the following shall be included:

(a) Proposed covenants, restrictions, bylaws, and the like of any homeowners associations and any taxing districts;

(b) A narrative describing the locations for any divergence from this chapter in the form of reducing, adjusting, or otherwise modifying yards, setbacks, lot area, lot coverage, and similar dimensional requirements;

(c) Submittal of any requests for variances, exceptions, deviations, waivers, conditional uses, and the like; and

(d) A narrative describing the specific area of any short-term rentals and describing how the rentals will be managed, policed, the city transient room tax (TRT) and the city transient occupancy tax (TOT) are collected, and city TRT and TOT are forwarded to the city.

(5) Approval; findings. Preliminary plan approval by the Planning Commission shall be based on findings that criteria described in division (G) below are satisfied.

(6) *Approval; final engineering plans.* Based on the preliminary plan approval, the applicant is required to submit final engineering plans to be reviewed and approved by the city prior to any construction. The applicant shall be responsible for all costs the city may incur by hiring a professional engineer to review and comment on the final engineering plans.

(7) *Time limit of preliminary plan approval.* Approval of a preliminary plan in accordance with this section is valid after the exhaustion of all appeals (see § 152.208). Infrastructure (streets and utilities) shall be designed and constructed in accordance with current design standards unless specific exceptions are granted by the Planning Commission.

(F) Common content of master plan and preliminary plan. In addition to the forms prescribed by the city, an application for master plan approval or a preliminary plan approval of a planned development shall include the following:

(1) A site plan map or maps depicting:

(a) All proposed residential and non-residential land uses;

(b) Any proposed tourist accommodation area in a residential zoned area, describing the type, location, and number of each type of tourist accommodation (house, apartment, hotel, condo, time-share, and the like), also showing and describing the buffering from adjacent uses;

(c) Parking areas and lots, showing number of spaces;

(d) Proposed lot or parcel boundaries;

(e) Proposed roads;

(f) Proposed pedestrian system and facilities;

(g) Significant natural features, such as wetland, streams courses, environmental hazards, and fish and wildlife habitat areas; and

(h) Proposed open space, recreation areas, or other common elements, and approximate topography with contour intervals of not more than ten feet.

(2) Drawings of the architectural styles of the different areas of the development;

(3) A written narrative describing the character of the proposed development, the manner in which it has been designed to conform to divisions (A) and (B) above, including detailed discussion of how the proposal conforms to the requirements of division (G) below, how the development meets the parking requirements of the § 152.058 of this chapter, proposed methods of providing sewer, water, storm drainage, and other utility services, the method proposed for ownership, funding, and maintenance of common areas, buildings, structures, roads, open space, landscaping, parking areas, fences, buffers and/or sight, sound barriers to adjacent properties, or other facilities, public access to and use of the aforementioned, and the proposed time schedule of development; and

(4) Other maps or narrative materials needed to determine compliance with any applicable provisions of this chapter, as determined by initial review of the application for completeness.

(G) Common master plan and preliminary plan approval criteria. Approval by the Planning Commission of a master plan or a preliminary plan of a planned development shall be based on findings that the following criteria are satisfied:

(1) All applicable requirements of this section are met;

(2) The proposed development is consistent with the Comprehensive Plan goals and policies, and zoning provisions for the area;

(3) Per § 152.251 of this chapter, the provisions of §§152.250 through 152.265 of this chapter shall be applicable to approval criteria unless expressly contrary to a specific provision of this section;

(4) The proposed development will provide the following amenities or protections at a higher level than would otherwise be provided under conventional land development procedure: 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, as examples only, suitably located open space, recreation facilities, and other common facilities for inhabitants of the planned development; includes pedestrian oriented development which reduces reliance on automobile travel, and provides similar measures to promote energy conservation, or avoidance of risks and costs associated with environmental hazards;

(5) In acting to approve, the Commission shall be mindful of the purposes of this section by encouraging and promoting creativity and innovation in site planning, and by allowing for flexibility in the application of design standards. The Commission may also impose any conditions or limitations it finds necessary to achieve compliance with any provisions of this section; and

(6) The proposed development is in substantial harmony with the area at least 250 feet outside the boundary of the

proposed development. In the case of a phased planned development, all phases shall also be in visible agreement with each other architecturally and otherwise.

(H) *Final plan.* Upon completion of all conditions and requirements of a preliminary plan, application may be made for final approval in accordance with the provisions of this section.

(1) *Final plan review procedure.* The procedure for application and review of a request for final plan approval shall be as set forth in § 152.204(C).

(2) *Certifications required for final plan approval.* Requests for final plan approval shall be accompanied by the following certifications, as applicable:

(a) A copy of all covenants and restrictions;

(b) Copies of legal documents required for dedication of public facilities or for the creation of a homeowner's association;

(c) As-built certifications for all required roads and utilities;

(d) If the planned development involves a division of land, the certifications required by §§152.250 through 152.265 of this chapter; and

(e) Other certifications required as a condition of the preliminary plan approval.

(3) Final plan approval criteria. The Commission shall approve a final plan provided that:

(a) The submitted final plan is in substantial conformance with the approved preliminary plan and master plan (if a phased planned development); and

(b) All of the certifications required by division (H)(2) above have been submitted in proper form.

(4) *Permits.* No building permits shall be approved until the effective date of the final approval of the final plan.

(I) *Retroactivity.* The provisions in this section shall not apply to planned developments, or phases thereof, which were granted preliminary plan approval prior to the effective date of this section. In those cases the prior version of this section shall apply, unless said approval expires without applicant having obtained the final approval.

(J) Amending an approved planned development master plan or preliminary plan. When a developer or owner desires to deviate from an approved master plan or preliminary plan, any applicable documents that would result in modification from that change shall be submitted for approval. The review process is identical as a new planned development approval. As a result of the change, the Planning Commission may require changes to approved uses, structures, and other forms of development to ensure the proposed development remains consistent with the Comprehensive Plan goals, policies, and zoning ordinance provisions for the area, and to ensure all areas of the planned development remain in harmony following division (A) and (B) of this section.

(Ord. 24, passed 4-5-1976; Ord. 256, passed 4-6-2004; Ord. 310, passed 11-1-2016) Penalty, see § 152.999

#### § 152.262 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 should 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 on the applicable city application form. If the proposal includes new access from a state highway, the applicant shall submit documentation that the Oregon Department of Transportation will be 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, and the procedure for application and review of the tentative plan for a partition shall be as set forth in § 152.204(C) of this chapter.

(D) Tentative plan application and review for replats.

(1) The procedure for review and approval of the tentative plan shall be set forth in §152.204(C).

(2) For replats of previously recorded partition plats, the procedure for review and approval of the tentative plan shall be as set forth in § 152.204(A).

(E) *Time limit for tentative approval.* Approval of a tentative plan in accordance with this section is valid for a period of three years. A single time limit extension may be granted by the Planning Commission only if the development is substantially completed within the three-year time period. A development is deemed to be substantially completed when utilities, streets, and drainage are in and stubbed to the lot line.

(F) *Revision of tentative plan.* If an approved tentative plan for a subdivision is revised in any way, the Planning Commission shall review the proposed revisions to determine if a new application for tentative approval will be required. Such review will be limited to those issues impacted by the revision. If an approved tentative plan is substantially revised, such revision shall be filed as a new application for tentative plan approval.

(G) 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 all legal documents required for dedication of public facilities and/or for the creation of a homeowner's association;

(3) The certification, bond, performance agreement, or statement regarding the installation of water and sewer services;

(4) As-built certifications for all required roads and/or utilities, unless otherwise guaranteed by a bond or performance agreement;

(5) A plat and one exact copy meeting the requirements of §152.263 of this subchapter and the applicable state statute;

(6) When access from a state highway is proposed, a copy of the approach road permit issued by the Oregon Department of Transportation confirming that all required improvements have been satisfactorily completed; and

(7) Such other information as is deemed necessary by the City Planner or Commission to verify conformance with the conditions of tentative approval.

(H) Procedure for final approval of partitions.

(1) The procedure for application and review of a request for final approval of a partition shall be as set forth in § 152.204(A) of this chapter. All such applications shall be accompanied by the certifications set forth in division (G) above.

(2) Upon granting of final approval, the City Planner shall sign the plat and its exact copy.

(3) Upon signing, the City Planner shall deliver the plat and its exact copy to the County Surveyor who shall follow established procedures for obtaining recordation of the plat.

(I) Procedure for final approval of replats.

(1) If the proposed replat involves three lots or less and is for the purpose of lot boundary changes only, procedure for review of final approval shall be as set forth in § 152.204(A) of this chapter.

(2) If the proposed replat involves four lots or more or includes changes to street rights-of-way, utilities, or any other features besides boundary lines, procedures for review of final approval shall be as set forth in § 152.204(B) of this chapter.

(3) Following the signature of the City Planner or Planning Commission chairperson, the city shall deliver the replat and its exact copy to the County Surveyor who shall follow established procedures for obtaining recordation of the plat.

(J) Procedure for final approval of subdivisions.

(1) (a) When the City Planner determines that all of the certifications set forth in division (G) above 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 agenda of the next scheduled meeting of the Planning Commission for determination that all requirements have been met.

(b) The Commission shall then approve, disapprove for cause, or, when further information is required, postpone a decision on the plat.

(2) Unless appealed, the decision of the Planning Commission shall become effective 15 days after the decision is rendered. When the approval becomes effective, the Planning Commission chairperson shall sign the plat and its exact copy.

(3) Following the Planning Commission chairperson's signature, the city shall deliver the plat and its exact copy to the County Surveyor. The County Surveyor shall review the plat for conformance with the requirements of § 152.263 of this subchapter and the provisions of the applicable state statute.

(4) Upon approval of the County Surveyor, subdivision plats shall be circulated for signing to the following officials:

(a) The County Treasurer, whose signature shall certify that all taxes on the property have been paid; and

(b) The County Assessor, whose signature shall certify that the plat is signed by the owner or owners of record.

(5) Upon signing by the County Treasurer and County Assessor, subdivision plats shall be delivered to the County Clerk for recording.

(6) The signature of the chairperson on the final subdivision plat shall be valid for a period of one year. If a plat has not been recorded within one year of the date of the chairperson's signature, the final approval of the plat shall expire, and a new request for final approval shall be required.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

From:	judy faucett
То:	planner
Subject:	Re: Amendment of Whale Watch Master Plan
Date:	Tuesday, August 8, 2023 9:45:31 AM

Thanks, Kit. I appreciate your confirming what we are asked to do. After I asked the question about the cultural site, I wondered if it could be answered publicly due to concerns of plundering. So I will not be asking although someone else might.

See you tomorrow. Enjoy this beautiful day!

On Tue, Aug 8, 2023 at 8:56 AM planner cityofdepoebay.org wrote:

Hi Judy:

There is a table on Page 20 of the master plan amendment exhibit that lays out the changes from what was approved in 2018 to what is proposed now. You are correct in that, what it really comes down to is: reconfiguring the site plan and rearranging the phasing, with a 1-yaer extension for the next phase (Phase 2). The overall number of dwelling units and square footage of retail is not changing. Rezoning will occur as the PC and CC review the final plans for individual phases in the future (as was done with *Whale Watch* Phase 1 in 2017-2018). The proposed conditions are basically the same as those approved in 2018.

I believe that the cultural resources will be protected by avoidance with the revised site plan. The applicant may be able to speak more to this. However, I'd caution the Commission about discussing the locations of these resources (even though they are shown generally on the site plan).

I can make the needed changes in the Final Order to make consistent references to "live/work" units and the other typos noted.

Kit Fox, AICP (he/him/his)

City Planner

City of Depoe Bay

(541) 765-2361 x15

planner@cityofdepoebay.org

**Tuesdays and Wednesdays only** 

From: judy faucett <judyfaucet@gmail.com> Sent: Saturday, August 5, 2023 2:01 PM To: planner <planner@CityofDepoebay.org> Cc: info <info@CityofDepoebay.org> Subject: Amendment of Whale Watch Master Plan

Hi Kit,

Having read through this lengthy document, I had trouble keeping track of what we are approving, what has previously been approved and what may be presented to the Planning Commission in the future. I think it would be helpful to have a "cheat sheet" laying out exactly what changes we are approving Wednesday. On the other hand, I may be the only one having trouble.

As I read the report, we are being asked to approve (1) a revised layout of the development to preserve cultural and riparian resources and (2) an extension of the deadline for Phase 2 to January 2025. We are not approving any changes in zoning, number of residential units, etc. Any such requests will come later in the process. Many of the listed conditions for approval are a continuation of those in place from the 2018 approval. We are definitely not approving anything in section 11 as to possible future requests.

What did I miss and/or get wrong?

BTW, do we know how the cultural resource will be protected? Or is that a question for us to ask the applicant?

Finally, I noted one possible typo. On page 11 in the discussion of the TIS, line 4, should "limit" be "limited"? Also, "live/work" is variously shown as live/work,

live, work and live work. In your staff report, you have usually used live/work except in item c on page 12.

Thanks for all your help. While it's a fairly simple change, and for all the right reasons, it's hard to keep track of all the moving parts with all the background and possible future actions.

Planned Development Application Case File: #1-PD-PC-23 Date Filed: Jun. 14, 2023 Application Complete: Jun. 28, 2023 Meeting Date: Aug. 9, 2023, 6:00 pm 120-day Decision Date: Oct. 12, 2023

## **STAFF REPORT Depoe Bay Planning Commission Action**

**OWNER/APPLICANT:** The Hills of Depoe Bay, LLC

**<u>REQUEST</u>**: The applicant requests approval of an amendment to the *Whale Watch* planned development to reflect changes in the configuration and phasing of the planned development to address and protect cultural and riparian resources identified on the undeveloped 42.71-acre site. The amendment does not propose to change the number of dwelling units and/or the mix of allowed commercial uses approved for the *Whale Watch* planned development in 2018.<sup>1</sup>

## A. <u>REPORT OF FACTS:</u>

1. <u>Property Location</u>: The subject property is located at 1032 N Highway 101, and is further identified on Lincoln County Assessor's Map 09-11-05B0 as Tax Lot 01200.



<sup>&</sup>lt;sup>1</sup> Whale Watch Phase 1 was also approved in 2018, encompassing 6.20 acres at the south end of the planned development along NE Lillian Lane. Phase 1 has been partially constructed at this time, and consists of eighteen (18) single-family lots, a 16-unit multi-family development on a 1.43-acre site, and a 0.77-acre commercial site at the northeasterly corner of N Highway 101 and NE Lillian Lane.

- 2. Lot Size: The subject property totals 42.71 acres.
- 3. Zoning Designation: Retail Commercial (C-1), Residential (R-1) and Planned Development (P-D).
- 4. <u>Plan Designation</u>: Commercial and Residential.
- 5. <u>Surrounding Land Use</u>: Vacant, undeveloped land is located to the east of the site, including Phase 1 of the *Depoe Hills* Planned Development. Single-family residential uses in *Whale Watch* Phase 1 are located to the south, and commercial development (timeshare condominiums) are located across N Highway 101 to the west. Boiler Bay State Park is located just outside City limits to the north.
- 6. <u>Topography and Vegetation</u>: The site generally slopes from east to west with the eastern third of the site and a portion of the north end of the site having slopes exceeding 20% in some areas. The western third of the site, near the highway, generally has a gentle slope. The property has been logged in the past however there are numerous trees in the western and northern portions of the site.
- 7. Existing Structures: None
- 8. <u>Utilities</u>: The following utilities are currently available to serve the subject property:
  - a. <u>Sewer</u>: City sewer service.
  - b. <u>Water</u>: City water service.
  - c. <u>Electricity</u>: Central Lincoln P.U.D.

#### 9. <u>Development Constraints</u>:

- a. Slopes exceeding 20% steepness
- b. Riparian resources
- c. Cultural resources

### B. EVALUATION OF THE REQUEST:

#### 1. Relevant Criteria:

- DBZO Section 152.025 Residential Zone R-1
- DBZO Section 152.030 Retail Commercial Zone C-1
- DBZO Section 152.042 Planned Development Zone P-D
- DBZO Section 152.058 Off-Street Parking and Off-Street Loading Requirements
- DBZO Sections 152.185-152.188 Amendments
- DBZO Sections 152.225-152.235 Development Guidelines
- DBZO Sections 152.250-152.265 Land Division

Complete descriptions of the relevant criteria are attached to this Staff report. In addition, site development is subject to the current criteria of the *Whale Watch* Phase 1 Master Plan.

- 2. <u>Applicant's Proposal</u>: The applicant submitted the application forms and fee/deposit for an amendment to the *Whale Watch* Planned Development Master Plan on June 14, 2023, along with the following material:
  - Master Plan Amendment narrative
  - Master Plan Amendment exhibits

The applicant's narrative describes the following justification and scope of the proposed master plan amendment:

The Whale Watch approved PUD in the city of Depoe Bay, Oregon, occupies a 51-acre site along the Oregon Coast Highway (Hwy 101). In 2014, the site received master plan approval for a mix of uses, with specified quantities for each use outlined. This approval was revised by the original owner and reapproved by the city in 2018.

In February of 2021, the site was purchased by Depoe Hills LLC, the adjacent landowner of The Hills of Depoe Bay. Between March 2021 and November 2021, Depoe Hills LLC completed the wetlands and archaeological studies for the property. The reports provided us with information about important archeological findings on the site as well as a better understanding of the wetlands. Following a careful analysis of the reports, we turned to our land planners, Duany Plater-Zyberg and our engineering team at Parametrix to help us revise the original plans to be responsive to the findings, working toward less impact overall to the site. The amended plan that we are submitting maintains the original approved uses and quantities, however, it makes adjustments to protect the entire Archaeological area, adjusts some wetlands development to reduce it as much as possible and implements a slightly different approach to the commercial area.

Additionally, this proposed amendment to the Whale Watch Master Plan maintains the essential features of the 2018 plan but adopts a focus on creating a walkable mixed-use village neighborhood. With a central village green, a network of small blocks, a main street retail/commercial area, and a variety of housing types. We believe this plan will create a more cohesive, walkable neighborhood environment. The neighborhoods to the east of the village will provide the opportunity to develop a variety of housing types as well: a four-plex apartment, cottages, single family attached homes, single family detached and live-work units.

This Master Plan Amendment creates a slightly different phasing plan that also responds to the study results. While the two primary entries to the site - Shoreline Drive (off Lillian Lane), and Baleen Drive (off Hwy 101) are in the same locations there are slight shifts designed to accommodate grade challenges. As you will see in the attached proposal, the open space percentages, hotel location, commercial square footage, and pedestrian connectivity are unchanged. There is also a chart that demonstrates that the unit counts remain the same.

The revisions involve the following items:

- 1. Roads and accesses:
  - a. Slight revisions to the interior road configuration have been made to improve the constructability and slope. We are focusing on using the old logging roads, which already exist on the site.
  - b. The other 2 entries to the site have been slightly realigned: the northwest entry from Hwy 101 and the northeast entry from upper Lillian Lane.
  - c. Note: The southwest entry from Lillian Lane just above Lot 19 (Phase 1) was removed in previous application because of safety concerns about its location at a curve and its steep slope.
- 2. Commercial area layout/main entry, Main Street and village green:

- a. The creation of a main street on 'Baleen Drive', the primary entry off Hwy 101, with symmetrical building setbacks and welcoming plazas on each side creates a walkable experience offering a variety of commercial opportunities for residents and travelers alike.
- b. The shop-lined main street leads to a small civic building a village hall, community center or even museum - situated at the base of the hill, overlooking the central green. The green is flanked by retail/live work. We have also included space for a small market.
- c. This layout also preserves many of the existing mature trees especially at the primary entrance to Whale Watch off Hwy 101. They will provide separation from the highway and help to create a welcoming transition from the highway to main street.
- 3. Archaeological area: To protect the large cultural site, changes to the original plans are required for the road configuration, commercial building location and wetland/water management planning. Emerging at the north end of the green, Baleen Drive now turns to skirt the large open space that preserves the Native American archaeological site and a wetland area.
- 4. Hotel and restaurant site: Our change to the hotel area is to propose a more intimate cabin/cottage style of lodging experience to take advantage of site's proximity to the state park on the north and rerouting the access road to the highway to keep it out of the sensitive areas.

As you are aware, Phase I of Whale Watch has already been approved and development is well underway. Several homes have been completed, and several are under construction. Lillian Lane, the current primary access road has been constructed into Phase 1 of The Hills of Depoe Bay (Depoe Hills). In 2017, an amendment to the Phase 1 site plan allowed the 16 condominiums slated for Lots 19 and 20 to be substituted with 16 rental apartments. Those two lots have received approval for consolidation and the plans for the 16 units are in for permit review while final wetland mitigation reviews are being completed by the appropriate agencies with an anticipated approval date of October 2023.

3. <u>Public Testimony:</u> Notice of this public hearing was mailed to property owners within a 250-foot radius of the subject property on July 19, 2023, and was published in the Newport *News-Times* on July 21, 2023. As of the date that this report was completed, Staff had received no public testimony regarding this proposal.





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- C. <u>STAFF ANALYSIS</u>: The Planning Commission reviews the proposal for conformance with the appropriate standards of the Depoe Bay Zoning Ordinance (DBZO). The Planning Commission should evaluate the evidence provided in the record, as well as testimony given at the public hearing, to determine whether the facts justify that relevant criteria are satisfied.
- 1. General Description of Proposed Whale Watch Planned Development: The *Whale Watch* Planned Development is described in the attached Findings, Conclusions, and Final Order for Case File #2-PD-PC-17, dated January 11, 2018. It includes a hotel, 71,250 square feet of commercial space, and 161 residential dwelling units, including live-work units, attached and detached single-family units, and multi-family units. Thirty-nine percent (39%) of the total site is proposed to be open space. *Whale Watch* Phase 1 has commenced construction, and includes eighteen (18) single-family lots, a 16-unit multi-family development on a 1.43-acre site, and a 0.77-acre commercial site.

As described above in the applicant's narrative, the proposed amendments under Case File #1-PD-PC-23 are primarily for site plan reconfiguration to avoid impacts upon riparian and cultural resource areas. The amended master plan would allow for a hotel, 71,250 square feet of commercial space, and 161 dwelling units. Site open space would increase slightly from 39% to 39.4%. Parking requirements and provisions for the use of certain dwelling units as tourist accommodations would remain the same as approved in 2018.

- 2. Amending an Approved Planned Development Master Plan, Preliminary Plan: DBZO Section 152.042(J) states that the process for amending an approved plan is a new approval by the Planning Commission. The foregoing written narrative and the attached exhibits describe and depict the scope of the proposed amendments to the *Whale Watch* Planned Development Master Plan under Case File #1-PD-PC-23. Unless otherwise modified in the attached narrative and exhibits, the previous findings, conclusions, and final order for Case File #2-PD-PC-17 remain in effect.
- 3. General Requirements of a Planned Development: DBZO Section 152.042(B) lays out the general requirements that govern planned developments. As described above, the proposed master plan amendments involve reconfiguring the site layout to avoid impacts upon riparian and cultural resources. The approved zoning designations, development standards (setbacks and building height), mix of uses, numbers of dwelling units (including units that may be used as tourist accommodations), off-street parking, vehicular access from N Highway 101, open space requirements and other project characteristics will not change with the approval of this master plan amendment.
- 4. **Master Plan Compliance with Depoe Bay Zoning Ordinance:** DBZO Section 152.042(D) describes the Master Plan Review Procedure and states that the content of a Master Plan shall include all items described in DBZO Section 152.042(F), including (but not limited to) plans/maps, drawings of architectural styles, narrative, additional maps or narrative needed to determine compliance, phasing, requested exceptions, and desired variances, zone changes, etc. As described above, the proposed master plan amendments primarily involve reconfiguring the site layout to avoid impacts upon riparian and cultural resources. The previously-approved mix of uses in the *Whale Watch* Planned Development will not change as a result of this master plan amendment.

The reconfiguration of the site layout does result in changes to the phasing of the project, both in terms of the location and the timing of future development phases. As described above, *Whale Watch* Phase 1 was approved in 2018 and is under construction. In September 2022, the Planning Commission approved 1-year time extensions for future phases of Whale Watch as follows:

- Phase A1: 2021-2024
- Phase A2: 2024-2027
- Phase B1: 2027-2030
- Phase B2: 2030-2033
- Phase B3: 2033-2036
- Phase C1: 2036-2039
- Phase C2: 2039-2042
- Phase C3: 2042-2045

With the reconfigured site layout, the following project phasing is now proposed:

- Phase 2: 2022-2025
- Phase 3: 2024-2027
- Phase 4: 2027-2030
- Phase 5: 2030-2033
- Phase 6: 2033-2036
- Phase 7: 2036-2039
- Phase 8: 2039-2042

As mentioned in the narrative above, the applicant is still working on final approval of the wetland mitigation plan. As such, Staff recommends granting an additional year for *Whale Watch* Phase 2, which would otherwise expire in January 2024.

- 5. **Common Master Plan Approval Criteria:** DBZO Section 152.042(G) describes Common Master Plan Approval Criteria including planned development standards; Comprehensive Plan consistency; zoning ordinance provisions; land division criteria; providing amenities and protections at a higher level than otherwise provided under conventional land development procedures; encouraging and promoting creativity and innovation; and proposing development in substantial harmony with the surrounding area. These criteria were found to be satisfied with the approval of the *Whale Watch* Master Plan in 2018, and the scope of the proposed master plan amendments under Case File #1-PD-PC-23 do not conflict with this previous determination. As described above, the proposed master plan amendments involve reconfiguring the site layout to avoid impacts upon riparian and cultural resources. The approved zoning designations, development standards (setbacks and building height), mix of uses, numbers of dwelling units (including units that may be used as tourist accommodations), off-street parking, vehicular access from N Highway 101, open space requirements and other project characteristics will not change with the approval of this master plan amendment.
- 6. Off-Street Parking and Off-Street Loading Requirements: DBZO Section 152.058 describes offstreet parking and loading requirements. Specific parking requirements for the *Whale Watch* Master Plan were approved in 2018, including provisions specific to the use of certain dwellings as tourist accommodations. These previsions remain in effect as a part of the requested master plan amendment under Case File #1-PD-PC-23.
- 7. **Zone Change Request:** The subject property is zoned Retail Commercial C-1 along N Highway 101, with the remainder of the site zoned Residential R-1. Implementing the new site zoning under

the *Whale Watch* Planned Development involves adding the 'PD' suffix to the underlying zones. In addition, based upon the 2018 approval of Case File #2-PD-PC-17, 9.35 acres of R-1 zoned land is to be rezoned to C-1. This rezoning is to be accomplished as final approval is granted for each future phase of development. The reconfigured site layout will slightly alter the zoning boundary between the C-1 and R-1 portions of the site. These zone changes will be reviewed by the Planning Commission as future development phases are presented for final approval.

- 8. **Steep Slopes:** The subject property includes areas of steep slope in excess of 20%. DBZO Section 152.225-152.235 establish the requirement for geologic hazards permits in these steep slope areas. This requirement will continue to apply to the reconfigured master plan area, including the construction of both future streets and buildings. Site specific geologic hazards permits are required prior to approval of building permits on sites with slopes exceeding 20%.
- 9. Comprehensive Plan 2017 Depoe Bay Transportation System Plan (TSP): The 2017 TSP identifies six projects in the vicinity of the *Whale Watch* Planned Development. The six projects are identified below.
  - **Project S1.** US 101 Sidewalk Infill North Segment East Side: North city limits to Lane St. on the east side of US 101.
  - **Project S3.** Lillian Ln. Sidewalk Extension: Extends the existing sidewalk on Lillian Lane east.
  - **Project M1.** Lillian Lane Extension Multi-use Path: Separate path along Lillian Lane extension.
  - **Project B5.** Lillian Lane Bike Route: Lillian Ln., from US 101 to the beginning of multi-use path M1.
  - **Project X1.** Worldmark Crosswalk: US 101 at Worldmark main entrance.
  - **Project T8.** New Northbound Whale Watch Bus Stop: East side of US 101, near planned Whale Watch entrance.

The findings, conclusions, and final order for Case File #2-PD-PC-17 describe how these TSP projects are to be implemented with the future development of the *Whale Watch* Planned Development. These requirements continue to be in effect for the amended *Whale Watch* Master Plan under Case File #1-PD-PC-23.

**D.** <u>CONCLUSION</u>: In evaluating the request, the Planning Commission bases its decision on compliance with the applicable code standards. If the Commission finds the request fails to satisfy the ordinance standards, it can move to deny the request, articulating the basic conclusions and rationale for the decision and directing Staff to prepare findings.

If the Planning Commission finds the request satisfies the applicable criteria, it can move to approve the request and direct Staff to prepare findings. In the event of an approval, Staff suggests the following conditions of approval for Case File #1-PD-PC-23:

1. **Planned Development Master Plan Approval.** Approval of the amended *Whale Watch* Master Plan is based on the submitted narrative and plans dated June 14, 2023, and other submitted materials. The approved master plan includes a hotel, 71,250 square feet of commercial, and 161 residential dwelling units including 20 live-work units, 116 single-family units (attached and detached), and 25 multi-family units (apartments and condominiums). Vehicular access and

circulation are substantially the same as approved in the original Master Plan. 39.4% of the total site is proposed to be open space. The Master Plan approval allows for 9.35 acres to be rezoned from R-1 Residential to C-1 Retail Commercial.

2. **Phasing.** The timing of the Master Plan approval for the entire development is based on the following phasing schedule. Preliminary Plan approval for each phase of development is valid for a period of three years that run concurrently in no particular sequence as follows:

Phase	
No.	Substantial Completion
1	Approved 2018
2	2022-2025
3	2024-2027
4	2027-2030
5	2030-2033
6	2033-2036
7	2036-2039
8	2039-2042

The Phasing Plan is delineated on Sheets 19 and 20 of the submitted Plans. Each phase shall extend streets and services in a systematic and orderly fashion. The Phasing Plan may be accelerated. Master Plan approval is no longer effective if the phasing schedule is not adhered to.

- 3. **Subsequent Review and Approval.** Per DBZO Section 152.042, each phase of development requires preliminary plan approval by the Depoe Bay Planning Commission through a public hearing process. Planned development exceptions may be requested at the time preliminary plans for each phase are submitted. The Planning Commission shall review and make a determination on requested exceptions. Changes to the Master Plan require a Master Plan amendment.
- 4. **Zone Changes.** Upon Preliminary Plan approvals for each phase of development, a zone change will occur that adds the 'PD' suffix to the underlying zone, e.g. "C-1 PD" and "R-1 PD".

This Master Plan includes a requested zone change for 9.35 acres from R-1 Residential to C-1 Retail Commercial. The Master Plan approval does not guarantee approval of the zone change from R-1 Residential to C-1 Retail Commercial. The zone change request will be reviewed by the Planning Commission during the Preliminary Plan submittal process, and a recommendation will be made for a final decision by the City Council.

5. **Tourist Accommodations.** Approved Tourist Accommodations shall be in accordance with the following table.

Tourist Accommodation Requirements for a Planned Development Master Plan			
Requirement	Proposed Whale Watch PD		
Max. 15% of total land area of underlying R-1	Total proposed residential zoned land $= 24.79$ acres		
through R-5 zones.	15% = 3.72  acres		
	Proposed tourist accommodation area = 3.75 acres		
	(15.13%)		

PD shall have a minimum 5 acres.	PD totals 49.22 acres
Tourist accommodations in residential zones are	Applicant is requesting a PD exception to allow up to 16
limited to single family and two-family	condominiums and one 4-plex to be occupied as tourist
dwellings with a maximum of 5 bedrooms.	accommodations. One building in Area 1 is initially
	proposed as a sales office with 3 guestrooms and
	eventually a single-family tourist accommodation.
Tourist accommodations shall be contiguous,	Applicant Sheet #7 (for Case File #2-PD-PC-17)
cohesive, and compatible with the entire	identifies the groupings of tourist accommodation areas.
development.	Architectural style is proposed to be subject to the same
	architectural review as other residential homes.
Tourist Accommodation CC&Rs	A requirement of subsequent preliminary plans for
	phases is to include specific tourist accommodation
	standards in CC&Rs.

Areas Proposed for Tourist Accommodation			
Area	Number, Type of Residential Units	Acres	Phase
1	10 detached homes, 1 detached home is initially proposed as a sales office with 3 guestrooms.	1.31	1
2	6 detached homes	0.74	1
3	16 condominiums	1.10	1
4	4-plex	0.60	3
Totals	16 detached homes (1 initially with 3 guest rooms) 16-condominiums,	3.75	
	4-plex		

Tourist accommodations shall be subject to the same architectural review as owner-occupied homes in later phases of *Whale Watch*. They would be buffered by distance, elevation, and orientation from other homes. To mitigate the potential impacts of tourist accommodations, the following standards would apply to each tourist accommodation:

- Guests would be informed in the rental agreement of the "house rules" including a prohibition against excessive noise, lights, dust, smoke, odors, and electromagnetic frequencies.
- CC&Rs would inform each Owner that only low voltage lighting and/or motion sensor lighting is allowed.
- CC&Rs would inform each Owner that on-site parking would be provided at the time of construction, including one space per bedroom (two spaces minimum per unit) plus one additional parking space per unit. See Preliminary Plan Sheet 3 (for Case File #2-PD-PC-17).
- Guests would be informed in the rental agreement that a garbage and recycling enclosure would be sited on Lot 21 for the use of detached homes. This arrangement would be temporary, at least for Phase 1. A permanent location would be designated in a future phase. The condominiums would have a similar enclosure.
- CC&Rs would inform each Owner of their responsibility to remain in substantial compliance with applicable provisions of state laws.

- Guests would be informed in the rental agreement that the number of occupants is limited to two persons per bedroom plus one additional person per unit.
- CC&Rs would inform each Owner of their responsibility to maintain a sign posted inside the tourist accommodation unit that identifies a local contact person by name and by license number who is available anytime day or night. An exterior sign shall be posted in the tourist accommodation area containing the same information.
- CC&Rs would inform each Owner of their responsibility to obtain a business from the City of Depoe Bay; to ensure that the property management company has a City business license; and to ensure that transient room taxes are collected and paid to the City. CC&Rs would further notify each Owner that violation of applicable requirements or standards may result in revocation of the business license.

The Master Plan approval does not guarantee approval of the tourist accommodations. The Planning Commission will review and make decisions during the Preliminary Plan submittals when additional detail for the requested tourist accommodations is provided, e.g. size of buildings, number of bedrooms per dwelling, etc.

6. **Traffic Impact Study.** Development shall occur in accordance with recommendations identified in the June 2017 *Whale Watch* and *Hills of Depoe Bay* Traffic Impact Study (TIS) and in accordance with ODOT and City of Depoe Bay recommendations and approvals. The TIS includes, but is not limit to, the need for traffic signals on Hwy 101 when the developments generate enough trips to warrant the signal(s), sidewalks, crosswalks, and transit facilities. A transportation compliance letter shall be submitted with each Preliminary Plan submittal in order to address on-site transportation, access and pedestrian standards, and to ensure that mitigation measures provided in the TIS are applied at the appropriate phase of development.

The developer and/or homeowners association shall be responsible for maintenance of all streets.

- 7. **Parking.** Detailed parking plans shall be provided with each Preliminary Plan submittal. Parking plans shall conform to DBZO Section 152.058 and Diagram A. Additionally, parking regulations identified in DBZO Section 152.042 Planned Development shall be addressed, i.e. tourist accommodation parking requirements and that all parking areas shall be paved within the planned development. This Master Plan approval does not grant approval of parking for any phase. With each Preliminary Plan submittal, the Planning Commission will review parking plans and determine if plans are approved or revisions are required. The applicant stated that preliminary plans will meet DBZO parking requirements.
- 8. **Open Space.** As identified in the Master Plan, a minimum 39.4% of the site shall be dedicated or reserved for outdoor recreation, park or natural land.
- 9. **Pedestrian Plan.** The connected public pedestrian network shall be provided as described in the application submittal and illustrated on Sheet 8 of the Plans (for Case File #2-PD-PC-17).
- 10. Utilities. Engineered plans, including capacity analyses of existing and planned city utility systems, shall be submitted with any phase of development for water, sewer, and storm drainage. The City Superintendent shall review and approve water, sewer, and storm drain facilities for each phase of development. Adequate utilities facilities must be provided both on-site and off-site. For example, the wastewater treatment plant must have capacity to accommodate sewer for each phase of

development. The applicant shall be responsible for all costs the City may incur by hiring a professional engineer to review and comment on engineering plans. The applicant shall be responsible for obtaining applicable state agency review and approval. The applicant will be responsible for obtaining approval of other utilities, i.e. power, gas, cable, telephone, etc.

- 11. **Zoning and Requested Exceptions.** Per the Amended Master Plan submittal of June 14, 2023, the applicant may request exceptions at the time a Preliminary Plan is submitted for each phase. Requested zoning amendments and exceptions that may be requested include:
  - a. Along the Oregon Coast Highway approximately 15.5 acres is zoned Commercial. Within that area, four low-lying areas are unsuitable for development and would be enhanced as natural areas. To the east, 33.7 acres are zoned R-1. Proposed Shoreline Drive is aligned with the current zoning boundary between C-1 and R-1. The proposed master plan would refine the location of this zoning boundary according to planned uses. A zone change would be proposed in conjunction with the preliminary plan for Areas A and B to rezone 9.2 acres from R-1 to C-1.
  - b. A Planned Development overlay would be proposed in conjunction with the preliminary plan for each Area. This would allow clustering of home sites which preserves larger tracts of natural areas.
  - c. A limited use overlay would be proposed in conjunction with the preliminary plan for Areas A and B to allow live work units.
  - d. Exceptions may be requested to standards for front, side, and rear yards, lot area, lot width, and lot depth for topographic reasons.
  - e. Exceptions may be requested to limit building height by CCRs to protect view corridors.
  - f. Exceptions may be requested to forested hillsides standards in DBZO Section 152.074(B)(4). It is unclear where this provision is applicable. Merchantable timber was harvested in 2003. Remaining stands of trees are located along the highway frontage. Isolated trees are found throughout the site. The hillside is densely vegetated with blackberries and other opportunistic vegetation.
  - g. An exception may be requested to allow a retirement center as an alternative use to commercial or attached single-family homes. The location would be dependent on compatibility and operational characteristics according to conditional use standards."
  - h. A mixed-use building would span Lots 1-3 as shown on Master Plan Sheet 5 (for Case File #2-PD-PC-17). This two-story mixed-use building would be occupied initially as a sales office on the ground floor with guest rooms on the second floor for overnight accommodations. As Hills of Depoe Bay expands at the end of Lillian Lane, the sales office could be replaced by another commercial use.
  - i. An exception is proposed in Phase 1 to allow mixed use buildings and condominiums to be occupied as tourist accommodations, a use that is currently limited to single-family and two-family dwellings in a residential zone.
  - j. An exception is proposed in Phase 1 to increase on-site parking by one space per unit in lieu of providing an overflow parking lot.

With each requested exception, the Planning Commission will review and determine if any requested exceptions are granted. The applicant acknowledges that the summary of proposed exceptions is simply a declaration for possible future requests, and that approval of the master plan does not constitute approval of any particular exception or zone change.

- 12. General Architectural Style. General architectural style of the Whale Watch Planned Development shall in accordance with the submitted Exhibit 5 (six photographs, for Case File #2-PD-PC-17). Architectural features include large windows for viewing, exposed timber framing, and more recently, use of architectural details appropriated from the American Craftsman style that was popular in the early 1900s.
- 13. Covenants, Conditions & Restrictions (CC&Rs). In accordance with DBZO Section 152.042(E)(4), Content of Preliminary Plan, application for Preliminary Plan approval of a Planned Development shall include proposed covenants, restrictions, bylaws, etc. of any homeowners' associations and any taxing districts.
- 14. **Geologic Hazard Permits.** Any preliminary plan submittal for an area within identified faults or that includes slopes exceeding 20% shall include a geologic hazard report in accordance with DBZO Sections 152.225-152.235 Development Guidelines.
- 15. Land Division. The applicant shall be aware that approval of this Master Plan does not guarantee approval of land division standards. Each phase of development shall be reviewed by the Planning Commission for conformance with DBZO Sections 152.250-152.265 Land Development.
- 16. Archaeological Resources. Development shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. Before and during excavation, any discovery of archaeological resources shall mean that the applicant shall cease excavation activities, notify the State Historic Preservation Office and the Confederated Tribes of Siletz Indians, and meet State statutes before proceeding.

Submitted by,

Kit Fox, AICP City Planner

Attachments: Master Plan Amendment application and narrative Master plan Amendment exhibits Findings, Conclusions, and Final Order for Case File #21-PD-PC-17 Relevant DBZO criteria:

- DBZO Section 152.025 Residential Zone R-1
- DBZO Section 152.030 Retail Commercial Zone C-1
- DBZO Section 152.042 Planned Development Zone P-D
- DBZO Section 152.058 Off-Street Parking and Off-Street Loading Requirements
- DBZO Sections 152.185-152.188 Amendments
- DBZO Section 152.225-152.235 Development Guidelines
- DBZO Section 152.250-152.265 Land Division

## City of Depoe Bay

## Application for Planned Development

TO BE COMPLETED BY OFFICE: Deposit: 13300 Fee: 154050
1. Date Received Staff Initials
2. Case File Number Action: Planning Commission
3. Action Requested: Planned Development Amendment to Planned Development
4. Current Zoning Current Plan Designation Lot Size
5. Previous Planning Actions on Property
6. Existing Code Violation(s)
TO BE COMPLETED BY APPLICANT:   Property Description T_9_S, R_11_W, W.M., Section 5_ Tax Lot(s) B0-01200-000   Applicant's Name Hills OF Depute Boy, LLC   Address 61240 Styline Panch Pd_city Bend_state_02_   Zip Code 97702 Daytime Phone Number 541-141-8801   Relationship to Property Chris Van der Velde, 0Wher   (Owner, Contract Purchaser, etc.)   Agent (include address and phone number)
Existing Structures <u>SFH in platted apploved phas</u> Lot Size Number of Proposed Lots <u>101</u> Planned Development tentative name <u>Whale Watch</u> Current/Proposed Utilities: Sewage <u>48</u> Water <u>48</u> Electrical <u>48</u> Road District Fire District Anticipated Date of Development <u>In progress</u> Directions to Property <u>East off 101 ONTO Lillian Lane</u>

#### **INFORMATION REQUIRED**

**for** 

#### Planned Development

## For all planned development applications, the following minimum information must be submitted for the application to be considered complete:

- 1. A vicinity sketch showing the location of the property in relation to a city or other known landmark.
- 2. Written narrative and other information addressing Depoe Bay Zoning Code Section 3.410.
- 3. Plot plan, drawn to scale, of the subject property showing:
  - A. all existing, and approximate location and dimensions of all proposed parcel or lot lines
  - B. size of all proposed parcels or lots in acres and in square feet
  - C. density computation
  - D. location of all proposed streets, a street cross-section showing proposed construction standards, profiles showing approximate grades of all streets in relation to existing ground elevations, and whether they are proposed to be public or private streets
  - E. relationship of proposed roads to adjoining existing and proposed streets
  - F. all existing and proposed buildings and setbacks from all property lines
  - G. the location of water and sewer lines, septic system, well, and all existing and proposed easements
  - H. access to the property, and whether it is a state highway, county road, public road or private easement. <u>Note</u>: Applicant should check to determine if an access permit is required
  - I. all wetland areas, areas of geological hazard, streams and waterways, and areas subject to flood hazard, scenic areas, areas of intertidal habitat, and headlands
  - J. description of the topography and vegetation. <u>Note</u>: plats shall show contours in maximum of 5' intervals
  - K. the date, north point and scale of drawing
  - L. 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; indicate proposed cuts and fills or other modifications to existing land conditions.
  - M. if there are to be phases of development, the identification and sequence of each phase
  - N. adjacent land owned by the applicant and proposed development plans, if any
  - O. all existing and proposed easements crossing the property
  - P. existing and proposed land use; include description of proposed recreation facilities, if any
  - Q. illustrate designated open space/ and or common areas.
  - R. describe and illustrate any proposed industrial or commercial development
  - S. describe any signage, lighting, fencing, security systems, and/ entrance gating, if proposed maximum building height of structures; if requested modifications to height, address justification standards as listed in the City of Depoe Bay Zoning Code Section 3.410(2)(e)
  - T. unit types: i.e. number of single-family dwellings, duplexes, multi-family units, manager's or caretaker's residence. Submit typical cross-sections of proposed units.
  - U. address any requested modifications to required development standards
  - V. Other information to address specific site conditions; e.g. wetlands, flood hazard areas, geologic limitations, steep slope areas, inventoried sites, traffic.

- 4. Other information as may be required by staff to determine compliance with the provisions of and standards and requirements of the City of Depoe Bay Zoning Code.
- 5. Submit at least 5 copies of Site Plan and written materials

NOTE: ALL APPLICATIONS MUST BE COMPLETE. FAILURE TO SUBMIT A COMPLETE APPLICATION WILL DELAY THE ACCEPTANCE AND PROCESSING OF YOUR APPLICATION.

to de Vill

Signature of Property Owner

Date

Signature of Applicant (if other than property owner)

Date



June 13, 2023

City of Depoe Bay c/o Kit Fox, City Planner PO Box 8 570 SE Shell Avenue Depoe Bay, OR 97341

Dear Mr. Fox,

The Whale Watch approved PUD in the city of Depoe Bay, Oregon, occupies a 51-acre site along the Oregon Coast Highway (Hwy 101). In 2014, the site received master plan approval for a mix of uses, with specified quantities for each use outlined. This approval was revised by the original owner and reapproved by the city in 2018.

In February of 2021, the site was purchased by Depoe Hills LLC, the adjacent landowner of The Hills of Depoe Bay. Between March 2021 and November 2021, Depoe Hills LLC completed the wetlands and archaeological studies for the property. The reports provided us with information about important archeological findings on the site as well as a better understanding of the wetlands. Following a careful analysis of the reports, we turned to our land planners, Duany Plater-Zyberg and our engineering team at Parametrix to help us revise the original plans to be responsive to the findings, working toward less impact overall to the site. The amended plan that we are submitting maintains the original approved uses and quantities, however, it makes adjustments to protect the entire Archaeological area, adjusts some wetlands development to reduce it as much as possible and implements a slightly different approach to the commercial area.

Additionally, this proposed amendment to the Whale Watch Master Plan maintains the essential features of the 2018 plan but adopts a focus on creating a walkable mixed-use village neighborhood. With a central village green, a network of small blocks, a main street retail/commercial area, and a variety of housing types. We believe this plan will create a more cohesive, walkable neighborhood environment. The neighborhoods to the east of the village will provide the opportunity to develop a variety of housing types as well: a four-plex apartment, cottages, single family attached homes, single family detached and live-work units.

This Master Plan Amendment creates a slightly different phasing plan that also responds to the study results. While the two primary entries to the site – Shoreline Drive (off Lillian Lane), and Baleen Drive (off Hwy 101) are in the same locations there are slight shifts designed to accommodate grade challenges. As you will see in the attached proposal, the open space percentages, hotel location, commercial square footage, and pedestrian connectivity are unchanged. There is also a chart that demonstrates that the unit counts remain the same.



The revisions involve the following items:

- 1. Roads and accesses:
  - a. Slight revisions to the interior road configuration have been made to improve the constructability and slope. We are focusing on using the old logging roads, which already exist on the site.
  - b. The other 2 entries to the site have been slightly realigned: the northwest entry from Hwy 101 and the northeast entry from upper Lillian Lane.
  - c. Note: The southwest entry from Lillian Lane just above Lot 19 (Phase 1) was removed in previous application because of safety concerns about its location at a curve and its steep slope.
- 2. Commercial area layout/main entry: Main Street and village green
  - a. The creation of a main street on 'Baleen Drive', the primary entry off Hwy 101, with symmetrical building setbacks and welcoming plazas on each side creates a walkable experience offering a variety of commercial opportunities for residents and travelers alike.
  - b. The shop-lined main street leads to a small civic building a village hall, community center or even museum situated at the base of the hill, overlooking the central green. The green is flanked by retail/live work. We have also included space for a small market.
  - c. This layout also preserves many of the existing mature trees especially at the primary entrance to Whale Watch off Hwy 101. They will provide separation from the highway and help to create a welcoming transition from the highway to main street.
- 3.
- 4. Hotel and restaurant site: our change to the hotel area is to propose a more intimate cabin/cottage style of lodging experience to take advantage of site's proximity to the state park on the north and rerouting the access road to the highway to keep it out of the sensitive areas.

As you are aware, Phase I of Whale Watch has already been approved and development is well underway. Several homes have been completed, and several are under construction. Lillian Lane, the current primary access road has been constructed into Phase 1 of The Hills of Depoe Bay (Depoe Hills). In 2017, an amendment to the Phase 1 site plan allowed the 16 condominiums slated for Lots 19 and 20 to be substituted with 16 rental apartments. Those two lots have received approval for consolidation and the plans for the 16 units are in for permit review while final wetland

HILLS OF DEPOE BAY, LLC · 61240 SKYLINE RANCH RD, BEND OR 97702



mitigation reviews are being completed by the appropriate agencies with an anticipated approval date of October 2023.

We look forward to discussing these plans with you and answering any questions.

Sincerely,

- A Vela

Chris van der Velde Managing Partner Hills of Depoe Bay LLC 61240 Skyline Ranch Rd Bend, OR 97702



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# PROJECT CONSULTANTS Duany Plater-Zyberk CoDesign (DPZ) – Land Planning

ł	& Design
F	Parametrix — Civil Engir Management
ι	Jniversity of Oregon –
F	Reece & Associates – C Planning

ineers, Wetlands & Stormwater

Study

Civil Engineering & Land Use

# Existing Conditions A

Whale Watch Master Plan Amendment




## SITE AERIAL LOOKING NORTH Whale Watch Master Plan Amendment



## SITE AERIAL WITH BOUNDARY Whale Watch Master Plan Amendment

June 2023



June 2023

Whale Watch Master Plan Amendment

2018 Approved Master Plan B

Whale Watch Master Plan Amendment





# 2018 Approved Master Plan – Reece & Associates

Whale Watch Master Plan Amendment

June 2023

#2-PD-PC-17 Whale Watch Planned Development - Master Plan Findings, Conclusions, and Final Order

### Table 1, Master Plan Land Uses

Land Use	As	Revision
	Approved	100 A 100 A 100 A 100 A
Hotel	Yes	No change
Commercial	75,000 SF	No change
Live-Work Units	20	No change
Attached Homes	84	64
Detached Homes	40	55
Condominiums	0	22
Open Space*	38%	39%
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\*Computed before deducting for streets.

The 2014 phasing plan allocated the Ascent Drive frontage to five phases (A-1, A-2, A-3, C-1, and C-3). The revised phasing plan would consolidate A-3 with portions of A-1, A-2, C-1, and C-3 to form Phase 1. No changes are proposed to Phases B-1, B-2, B-3, or C-2. The resulting adjustments are summarized in Table 2.

#### Table 2, Summary of Land Uses in Revised Phases

Dhasa	Acı	es	Use	Parking Spaces		
Phase	Approved	Revised	Approved	Revised	Approved	Revised
1 [A-3]	[3.10] 6.12		[14 attached homes]	16 detached homes 16 condominiums 3,500 sf commercial bldg	[4/home]	108
A-1	6.40	5.80	34,750 sf retail/office	31,250 sf retail/office	142	123
A-2	2.48	2.08	10 live work units	No change	44	No change
B-1	6.17	4.67	Hotel, 4,000 sf restaurant, 10,000 sf retail/office	No change	100	No change
B-2	6.63	6.60	7,500 sf retail, 15,000 grocery or community center	No change	114	No change
B-3	2.34	2.26	Restaurant, 10 live-work	No change	104	No change
C-1	6.09	4.71	38 attached homes	30 attached homes	4/home	No change
C-2	3.45	3.86	32 attached homes	No change	4/home	No change
C-3	12.49	11.13	40 detached homes, 5-plex	No change	4/home	No change

Tourist Accommodations. The master plan was approved in 2014, prior to the 2016 enactment of amendments to the Zoning Ordinance to allow tourist accommodations in planned developments. Those amendments are now applicable. Prior to the 2016 ordinance, tourist accommodations had been limited to C-1. The amended ordinance now allows tourist accommodations in residential zones, subject to limitations.

APPS PD/#2-PD-PC-17 WHALE WATCH/MASTER PLAN FINDINGS

## 2018 MASTER PLAN – CHART OF APPROVED USES

Whale Watch Master Plan Amendment

Page 13 of 30



Whale Watch Master Plan Amendment

# PHASE 1 WHALE WATCH

# Conceptual Master Plan C

Whale Watch Master Plan Amendment





June 2023



## CONCEPTUAL AERIAL VIEW OF PLAN ON EXISTING TOPOGRAPHY

Whale Watch Master Plan Amendment

June 2023

# Proposed Master Plan Amendment D

Whale Watch Master Plan Amendment





# PROPOSED MASTER PLAN AMENDMENT

Whale Watch Master Plan Amendment

#### LEGEND:

- (A) MAIN SQUARE
- (B) VILLAGE HALL
- (c) CIVIC
- D RETAIL
- E VILLAGE ENTRY
- (F) LODGE / PARKING
- G CABINS
- (H) APARTMENTS (4-PLEX UNIT)
- I LIVE-WORK
- (J) SINGLE-FAMILY (ATTACHED OR DETACHED)
- (K) STORMWATER MANAGEMENT
- (M) OPEN SPACE

(L)

- (N) GENERAL COMMERCIAL
- O APARTMENTS ABOVE COMMERCIAL



## WATER MANAGEMENT & WETLAND STUDY PLANS Whale Watch Master Plan Amendment

LEGEND:

DELINEATED WETLAND

IMPACTED WETLAND AREA

STORMWATER MANAGEMENT

PROPOSED WETLAND IMPACTS:

TOTAL: 62,487 SQ. FT.



# STREET & PEDESTRIAN PLANS

Whale Watch Master Plan Amendment

LEGEND:	
	PRIMARY ROAD
	SECONDARY ROAD
	ALLEY
	PEDESTRIAN WALK/PATH







Open Space Region	Area (Sq. Ft.)
O1	13,548
02	60,373
03	6,169
04	17,623
O5	4,239
06	46,522
07	22,519
08	74,110
09	66,417
O10	263,630
O11	78,307
012	55,470
O13	77,786
O14	24,459
O15	12,975
O16	11,458
O17	6,340
O18	12,150
O19	2,188
O20	3,131
O21	5,799
022	906
023	11,789
Total Area in Sq. Ft.	<u>877,908</u>
Total Area in Acres	20.15
Site Total Area in Acres	51.15
Total Area % Open Space	39.40%





#### LEGEND:

- (A) MAIN SQUARE
- (B) VILLAGE HALL
- C CIVIC
- D RETAIL
- (E) VILLAGE ENTRY
- (F) LODGE / PARKING
- G CABINS
- (H) APARTMENTS (4-PLEX UNIT)
- I LIVE-WORK
- (J) SINGLE-FAMILY (ATTACHED OR DETACHED)
- (K) STORMWATER MANAGEMENT
- (M) OPEN SPACE

(L)

- (N) GENERAL COMMERCIAL
- ( ) APARTMENTS ABOVE COMMERCIAL

Table 1, Master Plan Land Uses		
Land Use	As Approved in 2018	Proposed Amendment 2023
Hotel	Yes	Hotel Cabins, No Change
Commercial	71,250 SF	No Change
Live Work	20	20
Attached Homes (Dwelling Units)	64	-
Detached Homes (Dwelling Units)	55	-
**Subtotal of Single-Family Dwelling Units	119	116
Condominiums/Apartments	22	25
Open Space*	39%	39.4%
Summary of Total Dwelling Units	161	161
Summary of Total Commercial	71,250 SF	71,250 SF

\*computed before deducting for streets

#### Table 2, Summary of Land Uses in Revised Phases

				Proposed Mas	ter Plan Amen	dment 2023					
Phase	Acres	Units	Parking Spaces	Phase	Acres	Single-Family Dwelling Units	Apartment/Condo Dwelling Units	Commercial SF	Live/Work Dwelling Units	Units	Parking Spaces
(A-3)	6.12	16 detached homes, 16 condominiums, 3,500 SF commercial	108	1	8.44	18	16	4,800		As platted on 06/28/18, 18 detached homes*, 16 condominimuns/apartments , 3,500 SF commerical	108
A-1	5.8	31,250 SF retail/office	123	2	8.19	32				Retail moved to Phase 4; 32 single-family	2/Dwelling Unit
A-2	2.08	10 live work units	44	3	4.09	25	4	2,450	6	25 single-family; 4 apartments; 6 live work	2/Dwelling Unit
B-1	4.67	Hotel, 4,000 SF restaurant, 10,000 SF retail/office	100	4	3.94	4	5	20,000	14	Hotel/cabinets moved to Phase 8; 4 single-family; 5 apartments; 14 live work	2/Dwelling Unit; 1/350 SF Retail
B-2	6.6	7,500 SF retail, 15,000 SF grocery or community center	114	5	5.09	16				Retail moved to Phase 6; 16 single-family	2/Dwelling Unit
В-3	2.26	Restaurant, 10 live work	104	6	3.15			30,000		No Change; 15,000 SF retail, 15,000 SF grocery or community center/commercial	1/350 SF Retail
C-1	4.71	30 attached homes	4/home	7	10.34	21				21 single-family	2/Dwelling Unit
C-2	3.86	32 attached homes	4/home	8	7.91			14,000		No Change: Hotel cabins, 4000 SF restaurant, 10,000 SF retail/office	1/100 SF Restaurant; 1/Guest
C-3	11.13	40 detached homes, 5- plex	4/home								
Summary of Total	47.23***	161 Units, 71,250 SF commercial			51.15	116	25	71,250	20	161 Units, 71,300 SF commercial	

\* Note: 18 detached homes recorded in Phase 1

\*\* miscalculated in 2018 when 3,500 SF moved from A-1 to Phase 1 (A-3)

\*\*\*Missing 2 acres; 2018 MP approved as 49.23 Acres; Overall Site is 51.15 Acres



Whale Watch Master Plan Amendment





Illustration looking from the main entrance up Baleen Drive towards the civic building and the hillside re ghborhood beyond.

14 MASTER PLAN Whale Watch

05-11-21

CONCEPTUAL VILLAGE ENTRY – DPZ

Whale Watch Master Plan Amendment

June 2023

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# CITY of DEPOE BAY

Post Office Box 8 + Depoe Bay, Oregon 97341 Phone (541) 765-2361 + Fax (541) 765-2129 TDD# 1-800-735-2900



January 11, 2018

Martin Boone Omni Financial LLC & Orbis Financial LLC 1260 41<sup>st</sup> Avenue, Suite O Capitola, CA 95010

#### Re: Case File #2-PD-PC-17 Whale Watch Planned Development Tax Map 09-11-05B, Tax Lot 1109

Dear Mr. Boone:

On Wednesday, January 10, 2018 the Depoe Bay Planning Commission voted to approve, with conditions, the above request for the Whale Watch Planned Development Master Plan. The Findings, Conclusion, and Final Order are attached.

This decision will become effective on Friday, January 26, 2018 at 5:00 p.m., unless an appeal is filed at Depoe Bay City Hall. In order to appeal the decision of the Planning Commission, it is necessary to submit a fee/deposit of \$1,740.00, along with a written statement explaining the reason for the appeal.

Please contact me if you have any questions.

Sincerely, b/blar.

Larry Lewis City Planner

Enclosure: Findings, Conclusions, and Final Order

cc: Rich Catlin/David Reece, Reece & Associates, Inc. Michele Riley (via email)

#### **BEFORE THE PLANNING COMMISSION**

#### OF

#### **DEPOE BAY, OREGON**

Request for Approval of a Planned Development Amended Master Plan ) Case File: #2-PD-PC-17 ) Findings, Conclusions, and Final Order

#### Applicant: Martin Boone, Member, Orbis Financial LLC and Omni Financial LLC

Agent: Reece & Associates Inc.

#### **Nature of the Application**

The Whale Watch Planned Development (PD) application is a request for an amendment to the preliminary approval of a Master Plan. The 49.23 acre property is located on the east side of Hwy 101 at the north end of Depoe Bay. The proposed master plan includes a hotel, 75,000 square feet of commercial, and 161 residential dwelling units including 20 live-work units, 64 attached homes, 55 detached homes, and 22 condominiums. 39% of the total site is proposed to be open space.



Whale Watch Master Plan

The Master Plan includes a request to rezone 9.35 acres from R-1 Residential to C-1 Retail Commercial.

The proposed master plan identifies multiple future phases of development. Requests for development require Preliminary Plan submittals for each phase in accordance with the Master Plan. Each phase of development requires review and approval by the City.

The Phase 1 Preliminary Plan is submitted concurrent with the amended Master Plan application. The Phase 1 Preliminary Plan will be considered by the Planning Commission at a public hearing following review and decision on the amended Master Plan. The submitted Phase 1 Preliminary Plan would build out both sides of Ascent Drive with 16 detached homes, 16 condominiums in two buildings, and a commercial building. One of the detached homes is initially proposed as a real estate sales office for Whale Watch and the Hills of Depoe Bay with 3 guestrooms and eventually a single family tourist accommodation. Construction of Phase 1 is planned for 2018.

#### **Relevant Facts**

- 1. **Property Location:** The subject property is located at the north end of Depoe Bay city limits on the east side of Highway 101, and is further identified on Lincoln County Assessor's Map 09-11-05B as tax lot 1109.
- 2. <u>Lot Size</u>: The subject property totals 49.23 acres.
- 3. **Zoning Designation:** C-1 Retail Commercial and R-1 Residential.
- 4. **Plan Designation:** Commercial and Residential.
- 5. Surrounding Land Use: Vacant, undeveloped land is located north and east of the site. The planned Hills of Depoe Bav Planned Development is adjacent to the east. Single family residential uses are located to the south, and multi-family development is located west across Highway 101, i.e. Worldmark, Village at North Pointe, and Thundering Shores. Boiler Bay State Park is located across Highway 101 to the northwest. The land adjacent to the north is owned by Oregon Parks & Recreation Department.



6. **Topography and Vegetation:** The site generally slopes from east to west with the eastern third of the site and a portion of the north end of the site having slopes exceeding 20% in some areas. The western third of the site, near the highway, generally has a gentle slope. The property has been logged in the past however there are numerous trees in the western and northern portions of the site.

#### 7. Existing Structures: None

- 8. <u>Utilities</u>: The following utilities are currently available to serve the subject property:
  - a. <u>Sewer</u>: City sewer service.
  - b. <u>Water</u>: City water service.
  - c. <u>Electricity</u>: Central Lincoln P.U.D.
- 9. **Development Constraints:** The eastern portion of the property has steep slopes and drainage ways. A designated inland stream with associated riparian area is located in the southeast portion of the site.
- 10. **Public Meeting:** A public meeting was held December 13, 2017 before the Depoe Bay Planning Commission. Property owners within the notice area were duly notified of the public meeting. All interested parties were given an opportunity to testify.
- 11. <u>Public Testimony</u>: One person submitted written testimony. In summary, the person expressed opposition to developments proposed at the north end of Depoe Bay with concerns about doubling the population and the city capacities of roads, housing, water, the need for low income housing, etc.

The applicant's agent presented and responded to Planning Commission questions and comments at the December 13, 2017 Planning Commission meeting. An Oregon Parks & Recreation Department (OPRD) employee expressed concern about Whale Watch public trails leading to the adjacent unimproved OPRD property on the north side of the Whale Watch site. The applicant's agent noted that the Whale Watch trails will not stub out to the north property line, adjacent to the OPRD property, without first obtaining approval from OPRD.

All oral and written testimony and minutes of the Planning Commission meetings are herein incorporated into the record.

#### 12. Public Agency Comment:

Relevant portions of the Whale Watch application were forwarded to the following agencies for review and comment:

- City of Depoe Bay Public Works
- Depoe Bay Rural Fire District (DBRFD)
- Oregon Department of Transportation (ODOT)
- North Lincoln Sanitary Service

#### **DEPOE BAY CITY SUPERINTENDENT**

The City Superintendent stated that water, sewer and storm drain facilities are available and able to accommodate the proposed development with improvements to be made by the developer(s).

**Water.** The applicant has provided a general plan for water services and the City Superintendent concurs with that general plan, i.e. areas with the development to be served by extensions of the water main, where elevations require additional improvements (e.g. boost pumps). The water main referenced on the east side of Hwy 101 is a 12-inch water main.

**Sewer.** The City Superintendent concurs with the applicant's general plan to connect sewer on the west side of Hwy 101. There is an adequately sized sewer to accommodate the development. The sewer connection will require boring under Hwy 101 and approval by ODOT.

Storm Drain. The City Superintendent concurs with the applicant's general plan for storm drainage. Any storm drainage connecting to the Hwy 101 storm drain system will require review and approval by ODOT.

The City Superintendent requests review and approval of water, sewer, and storm drain facilities for each phase of development as well as review and approval by applicable state agencies.

#### **OREGON DEPARTMENT OF TRANSPORATION (ODOT)**

ODOT submitted a September 25, 2017 letter (attached). In summary, the letter provides comments regarding required applications for State Highway Approaches and proposed mitigation comments, i.e. frontage improvements, traffic signal installation, and marked pedestrian crossings of US 101.

### **DEPOE BAY RURAL FIRE DISTRICT (DBRFPD)**

DBRFD provided written comment that generally the accesses appear to be sufficient but DBRFD wants to make sure that all streets and access widths meet the county street code and the International Fire Code for fire service access, including where they are going to allow on street parking. DBRFD recognizes they will have a chance to see these with each phase but want the developer to be aware of those requirements. DBRFD also states that if any buildings are over 30 ft. in height from the street level the road must allow for aerial ladder access. And, any areas that have tourist accommodations need to provide sufficient parking so that fire department access is maintained.

#### **Relevant Criteria**

Relevant sections of the Depoe Bay Zoning Ordinance are listed below. Complete descriptions of relevant criteria were provided in the Appendix of the Staff Report and are herein incorporated into the record.

#### Depoe Bay Zoning Ordinance #24 (as amended):

- a) Section 3.010: Residential Zone R-1
- b) Section 3.110: Retail Commercial C-1
- c) Section 3.410: Planned Development Zone P-D
- d) Article 4. Supplemental Regulations

#### **Depoe Bay Comprehensive Plan**

- 2017 Depoe Bay Transportation System Plan
- e) Article 9: Amendments
- f) Article 13: Development Guidelines
- g) Article 14: Land Division

#### **Applicant's Proposal:**

The applicant submitted the application forms and fee/deposit. Pages i and ii of the application, shown below, identify the submitted material.

Request:	Revision to the Planned Development Master Plan for Whale Watch.					
	<ul> <li>Concurrent applications for Phase 1 of Whale Watch:</li> <li>Preliminary Plan</li> <li>Subdivision Tentative Plan</li> <li>Zone Change to apply the Planned Development Zone</li> </ul>					
Location:	Highway 101 & Lillian Lane/Ascent Drive 09 11 05B – 1109					
Applicants/	Omni Financial LLC & Contact: Martin Boone					

Owners:	Orbis Financial LLC 1260 41 <sup>st</sup> Avenue, Suite O Capitola, CA 95010	(831) 464-5021 Martin@Shermanandboone.com
Engineer/Planner:	Reece & Associates, Inc. 321 1 <sup>st</sup> Avenue Suite 3A Albany, OR 97321	Contacts: David Reece, PE dave@r-aengineering.com (541) 926-2428 Rich Catlin rich@r-aengineering.com (541) 926-2428

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X. SUBDIVISION TENTATIVE PLAN FOR PHASE 1
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#### **EXHIBITS**

- 1. Assessor Maps 09s11w05, 09s11w05B
- 2. City Map
- 3. Zoning Map
- 4. Aerial Photo
- 5. Pacific Northwest Vernacular
- 6. Transportation Compliance Letter (Kittelson Inc.)
- 7. Geotechnical Investigation (H.G. Schlicker & Associates, Inc.)
- 8. Wetland Delineations (Zion Natural Resources Consulting)
- 9. Traffic Impact Study (Kittelson Inc.)
- 10. Water System Analysis (Reece & Associates Inc.)
- 11. Sanitary Sewer System Analysis (Reece & Associates Inc.)

#### PLAN SHEETS Revised Master Plan

- 1. Cover
- 2. Existing Conditions
- 3. Topographic Elevation Display
- 4. Percentage Slope Display
- 5. Master Plan
- 6. Phasing
- 7. Tourist Accommodations
- 8. Pedestrian Network
- 9. Utilities
- 10. Typical Sections

The applicant provided the following description of Existing Conditions:

Omni Financial LLC and Orbis Financial LLC are the owners of record of the 49.23-acre subject property (Exhibit 1). Mr. Martin Boone as managing member of both LLCs represents the owners for these applications. Mr. Boone was the applicant for the 2014 master plan as well as the current applications.

The Hills of Depoe Bay LP (HODB) owns the 81.04 acres to the east of Whale Watch (Exhibits 1, 2). HODB had previously secured right-of-way for extension of Lillian Lane through Whale Watch to the HODP land. Earlier this year, a portion of the right-of-way was renamed to Ascent Drive. Construction of the road and installation of utilities progressed in two stages under permits issued by the City of Depoe Bay and ODOT. The first segment from the Oregon Coast Highway to station 3+95 was completed in 2015. The second segment from 3+95 to 15+55 (at the eastern boundary of Whale Watch) is currently under construction. It is scheduled for completion in 2018.

On October 8, 2014, the Planning Commission approved the master plan for Whale Watch Planned Development. A phasing plan and phasing schedule were included with the master plan approval. The phasing plan contained nine individual phases that could be developed as standalone projects in no particular order. The Planning Commission granted flexibility to sequence the phases in whatever order the market allowed. This is explained at the end of Condition 2:

Development of each phase may occur earlier than is noted but shall not extend beyond the specified times. No sequence of development phases is identified. Limited time extensions may be granted only if development of a phase is substantially completed within the three year period.

The construction of Ascent Drive to HODB has opened the opportunity to develop both sides of the street as Phase 1. In the approved master plan, Ascent Drive crosses three phases. The current proposal would revise the master plan to consolidate the frontages of Ascent Drive into a single phase and developed as Phase 1.

The revised master plan is consistent with the approved master plan with some changes:

- Re-alignment of phase boundaries around Ascent Drive.
- Introduction of condominiums.
- Consolidation of driveways on Ascent Drive.
- Application of new provisions for tourist accommodations and parking.

#### Findings

The Planning Commission reviewed the proposal for conformance with the appropriate standards of the Depoe Bay Zoning Code. The Planning Commission evaluated the evidence provided in the record, as well as testimony given at the public hearing, to determine whether the facts justify that Depoe Bay Zoning Ordinance (DBZO) standards have been satisfied. The Planning Commission finds:

#### 1. General Description of Proposed Whale Watch Planned Development

The **Whale Watch Planned Development** (PD) application is a request for an amendment to the 2014 preliminary approval of a Master Plan. The 49.23 acre property is located on the east side of Hwy 101 at the north end of Depoe Bay. The proposed master plan includes a hotel, 75,000 square feet of commercial, and 161 residential dwelling units including 20 live-work units, 64 attached homes, 55 detached homes, and 22 condominiums. 39% of the total site is proposed to be open space.

The Master Plan includes a request to rezone 9.35 acres from R-1 Residential to C-1 Retail Commercial.

The proposed master plan identifies multiple future phases of development. Requests for development require Preliminary Plan submittals for each phase in accordance with the Master Plan. Each phase of development requires review and approval by the City.

The Phase 1 Preliminary Plan is submitted concurrent with the amended Master Plan application. The Phase 1 Preliminary Plan will be considered by the Planning Commission at a public hearing following review and decision on the amended Master Plan. The submitted Phase 1 Preliminary Plan would build out both sides of Ascent Drive with 16 detached homes, 16 condominiums in two buildings, and a commercial building. One of the detached homes is initially proposed as a real estate sales office for Whale Watch and the Hills of Depoe Bay with 3 guestrooms and eventually a single family tourist accommodation. Construction of Phase 1 is planned for 2018.

The applicant stated that the developer is committed to a mixed housing development with careful attention given to workforce housing. The Planning Commission discussed how the commercial component within the Whale Watch planned development will create the need for service-related employment, which creates the need for workforce housing. The applicant acknowledged the need for workforce housing and stated they will continue efforts to provide workforce housing.

#### 2. Amending an Approved Planned Development Master Plan, Preliminary Plan

The applicant cited Depoe Bay Zoning Ordinance (DBZO) Section 3.410 Planned Development, Subsection 10, which, in part, states that the process for amending an approved plan is a new approval by the Planning Commission. The applicant provided the following narrative describing the requested amendment to the Master Plan:

The construction of Ascent Drive to Hills of Depoe Bay PD (HODB) has opened the opportunity to develop both sides of the street as Phase 1. In the (2014) approved master plan, Ascent Drive crosses three phases. The current proposal would revise the master plan to consolidate the frontages of Ascent Drive into a single phase and developed as Phase 1.

The revised master plan is consistent with the approved master plan with some changes:

- Re-alignment of phase boundaries around Ascent Drive.
- Introduction of condominiums.
- Consolidation of driveways on Ascent Drive.

• Application of new provisions for tourist accommodations and parking.

#### 3. General Requirements of a Planned Development

#### 3a. Zoning.

DBZO: A Planned Development may be established in any zone other than the T-C zone.

The subject property is zoned R-1 and C-1, zones that permit planned developments. No portion of the subject property is zoned T-C, the only zone where planned developments are not allowed.

#### 3b. Development Plan.

DBZO: 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 development plan approved in accordance with the provisions of this section, or accessory use to such forms of development, may be established.

The uses, structures and other forms of development shown on the Preliminary Plan are the same as those shown on the revised master plan. Those include 16 detached homes, 16 condominiums in two buildings, 5,400 square feet in a mixed use building, 3,500 square feet of commercial floor area, parking, landscaping, off-street paths, open space, streets, and utilities.

#### 3c. Uses.

DBZO: A Planned Development may include any uses permitted outright or conditionally in the underlying zone. Where the underlying zone is residential, any uses permitted in R-1 through R-5 zones may be permitted when compatible with each other and harmonious with adjacent uses.

The uses proposed in R-1 are detached homes, which are permitted in all residential zones. Condominiums are allowed in R-3. The underlying zone for another portion of Phase 1 is C-1. A commercial building is proposed on the portion of Phase 1 in the C-1 zone. The building is intended for several commercial uses including office, retail, and food service. The commercial building is permitted in the underlying C-1 zone<sup>1</sup>. With the exception of the mixed use building on Lots 1-3 as described in the preceding Section H, these uses are permitted in the planned development.

#### 3c-1. Tourist Accommodations.

DBZO: The one exception to subsection c above is the possible approval of short-term rentals (tourist accommodations per DBZO Section 1.030 Definitions and including time shares) to a subsection of the Planned Development. The total area of the development that may be allocated to tourist accommodations in residential zoned areas shall be equal to or less than 15% of the total land area of the underlying R-1 through R5 zones. A Planned Development with tourist accommodations in residential zones shall have a minimum of five (5) contiguous acres. Tourist accommodations in residential zones shall be limited to single family and two-family dwellings with a maximum number of five bedrooms. The tourist accommodation area shall be contiguous, cohesive, compatible with the entire development (use, architectural, traffic, etc.), buffered (space, sight, and sound buffered) from all adjacent uses other than

<sup>&</sup>lt;sup>1</sup> DBZO 3.110.1

commercial uses, and buffered from adjacent properties that are outside of the PD. The following City Standards shall apply, and the management entity may establish additional standards. These following standards shall be part of the tourist accommodation area CC&Rs.

Tourist accommodations are permitted outright on the portion of Whale Watch planned for C-1 zoning. The planned development qualifies for tourist accommodations in that the site exceeds the five acre minimum size. An exception is proposed to allow condominiums to be occupied as tourist accommodations and one 4-plex. Whale Watch CC&Rs will prohibit homeowners from renting their houses as overnight lodging units unless they are within the designated areas for tourist accommodations.

Most tourist accommodations would be located along Ascent Drive and a smaller cluster on Baleen Drive. These areas total 3.75 acres, or 15% of the gross land area of the planned R-1 zone. See Master Plan Sheet 7. A summary follows in Table 4.

Area	Number, Type of Residential Units	Acres	Phase
1	10 detached homes, 3 guest rooms in one building	1.31	1
2	6 detached homes	0.74	1
3	16 condominiums	1.10	1
4	4-plex	0.60	C-3
Totala	16 detected homes (1 with 2 quest rooms) 16 condominiums	3 75	

#### Table 4, Areas Proposed for Tourist Accommodation

Totals 16 detached homes (1 with 3 guest rooms) 16-condominiums, 3.75 4-plex

The Whale Watch plan for managing the rental units will mirror the management of the tourist accommodations at the Hills of Depoe Bay and Tetherow Resort. There will be a Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs) for Whale Watch. In these CC&Rs, there will be a restriction on homes so that they cannot be rented as Overnight Vacation Dwellings. A Supplemental Declaration for the vacation rentals/tourist accommodations will be recorded against all properties that are deemed to be Vacation Rental Dwellings (VRDs) in the Final Master Plan. The tourist accommodations will be managed by a single management company located on-site.

All homes in Phase 1 would be available as tourist accommodation in a contiguous, cohesive area along Ascent Drive. These buildings would be subject to the same architectural review as owner-occupied homes in later phases of Whale Watch. They would be buffered by distance, elevation, and orientation from other homes. To mitigate the potential impacts of tourist accommodations, the following standards would apply to each tourist accommodation:

- Guests would be informed in the rental agreement of the "house rules" including a prohibition against excessive noise, lights, dust, smoke, odors, and electromagnetic frequencies.
- CC&Rs would inform each Owner that only low voltage lighting and/or motion sensor lighting is allowed.
- CC&Rs would inform each Owner that on-site parking would be provided at the time of construction, including one space per bedroom (two spaces minimum per unit) plus one

additional parking space per unit. See Preliminary Plan Sheet 3.

- Guests would be informed in the rental agreement that a garbage and recycling enclosure would be sited on Lot 21 for the use of detached homes. This arrangement would be temporary, at least for Phase 1. A permanent location would be designated in a future phase. The condominiums would have a similar enclosure.
- Guests would be informed in the rental agreement that the number of occupants is limited to two persons per bedroom plus one additional person per unit.
- CC&Rs would inform each Owner of their responsibility to maintain a sign posted inside the tourist accommodation unit that identifies a local contact person by name, license number, and telephone number who is available anytime day or night. An exterior sign shall be posted in the tourist accommodation area containing the same information.
- CC&Rs would inform each Owner of their responsibility to obtain a business license from the City of Depoe Bay; to ensure that the property management company has a City business license; and to ensure that transient room taxes are collected and paid to the City and State as applicable. CC&Rs would further notify each Owner that violation of applicable requirements or standards may result in revocation of the business license.

#### 3d. Density.

DBZO: Overall residential density shall be as provided for in the underlying 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 allowed in the underlying zone and resources protected under Goal 5, but including common areas.

The R-1 zone permits a density of one dwelling unit per 5,000 square feet of gross land area.<sup>2</sup> The R-1 zone is planned for 24.79 acres for a maximum of 216 dwelling units. Only 144 dwelling units are planned in R-1, or 67% of the maximum density. There is no density or floor area ratio standard for the C-1 zone.<sup>3</sup>

#### 3e. Building Height.

DBZO: No building shall exceed the height allowed in the underlying zone.

The maximum building height is 30 feet in  $R-1^4$  and 35 feet in  $C-1.^5$  These standards are not applicable because no buildings are proposed in the revised master plan.

#### 3f. Yards, setbacks, lot area, lot coverage and similar Dimensional Requirements.

DBZO: Yards, setbacks, lot area, lot coverage and similar dimensional requirements may be reduced, adjusted or otherwise modified upon application to, and approval by the Planning Commission, consistent with the design objectives of the proposed development.

These standards are not applicable to the revised master plan because no buildings are proposed and no specific lot dimensions have been determined at this level. Reductions to yards,

<sup>&</sup>lt;sup>2</sup> DBZO 3.010.3.a.1

<sup>&</sup>lt;sup>3</sup> DBZO 3.110.3.b

<sup>&</sup>lt;sup>4</sup> DBZO 3.010.3.c

<sup>&</sup>lt;sup>5</sup> DBZO 3.110.3.b

setbacks, lot area, lot coverage, and building height may be proposed with each phase of development. Those reductions would be itemized on the preliminary plan for the phase.

#### 3g. Conflicting Provisions.

DBZO: 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.

This subsection is not applicable to Master Plans.

#### 3h. Minimum Planned Development Area.

DBZO: A Planned Development shall have a minimum of two (2) contiguous acres, exclusive of street right of way. A Planned Development with tourist accommodations in residential zones shall have a minimum of five (5) contiguous acres.

The area of the master plan, 49.23 acres, satisfies the two-acre minimum requirement for a planned development. The R-1 portion of the master plan is for 24.79 acres, well in excess of the five acre minimum size for a planned development with tourist accommodations.

#### 3i. Open Space.

DBZO: Excluding streets and parking, at least 35% of the land will be dedicated or reserved for outdoor recreation, park or natural land.

Excluding streets, parking, and building pads, 47% of the master plan site would be reserved as outdoor recreation or natural land. See Master Plan Sheet 5.

#### 3j. Sidewalks.

DBZO: Paved concrete sidewalks shall be provided in commercial areas and along Highway 101. The exception to this is the Highway 101 right-of-way and the adjacent 40 foot wide designated Forested Corridor on both sides of Highway 101 right-of-way from South Point Street south to the city limits which shall instead include a four foot wide walking/biking path (Section 4.820.2.c applies). The Planned Development shall also include a connected pedestrian system/network.

A network of street side concrete sidewalks and off-street paths of various materials create an internal pedestrian and bicycle network and outside connections. A concrete sidewalk along Highway 101 would end at the northernmost highway crossing as requested by ODOT. See Master Plan Sheet 8.

The Planning Commission finds that, per the 2017 Depoe Bay Transportation System Plan, a pedestrian facility should be extended to the northern Laguna Loop Road along or near the Hwy 101 frontage. The Commission acknowledges ODOT's concern that pedestrians should not be crossing Hwy 101 near the 'Boiler Bay' curve. However, the Commission stated there are ways to discourage pedestrians crossing at this northern location through signage and barriers. Pedestrians in the northern portion of the Whale Watch development will be walking (from the hotel, commercial and residential uses). There is an opportunity to provide public pedestrian facilities either along the Hwy 101 frontage in the public right-of-way or a pathway on the Whale Watch property that loops around the wetland/open space area and connects to the nearby uses.

#### 3k. Parking Area Design

DBZO: Parking shall conform to Section 4.030 and Diagram A of the DBZO, with the exception that all parking areas shall be paved.

With the exception of Lots 1-3 which have shared parking, parking is located on each lot commensurate with the use. Some parking is located in garages, some parking underneath the building. All required parking is located off the street. On-street parking is proposed on the upper end of Ascent Drive. All parking areas and accesses would be paved and conform to the standards of Section 4.030.

#### 31. Parking Area Landscaping.

DBZO: A minimum 5% of a parking area shall be landscaped. Landscaping in parking and common open space areas shall be installed according to plans approved by the City. Landscaping shall be installed in all yards adjacent to a public or private street prior to final building inspections.

All parking areas will be landscaped. A detailed landscape plan for each lot will be submitted to the City for review and approval prior to issuance of building permits.

#### 3m. Landscaping

DBZO: Natural existing landscaping may be used to meet landscaping requirements. Landscape design and landscaping areas shall serve their intended functions and shall not adversely impact surrounding areas. Required landscaping shall include a mix of vertical elements (trees) and horizontal elements (grass, shrubs, ground cover, etc.). Section 4.820 of the DBZO applies. Landscaped areas and open space shall be maintained. Invasive plant materials, as identified by the USDA Natural Resources Conservation Service – Oregon State listed Noxious Weeds, shall be removed and shall not be planted.

Tracts A, C, D, and E are intended for native vegetation. Where disturbed by construction activity, these areas would be replanted with Sitka spruce or similar species with applied groundcover to prevent the growth of invasive species. Tract B and all lots would have actively managed landscaped areas.

#### 4. Master Plan Compliance with Depoe Bay Zoning Ordinance

DBZO Section 3.410.4 describes the Master Plan Review Procedure and states that the content of a Master Plan shall include all items described in subsection 3.410.6 (plans/maps, drawings of architectural styles, narrative, additional maps or narrative needed to determine compliance), phasing, requested exceptions, and desired variances, zone changes, etc. The applicant provided the following narrative (and accompanying maps, aerial photograph, photographs of architectural style, and plan set).

#### 4a. Land Uses.

The approved master plan includes a hotel, commercial buildings, live-work units, attached homes, and detached homes. Open space was reserved on 38% of the total site. As proposed, the revised master plan would not change the layout or design in the area outside the Ascent Drive corridor. No changes are proposed to the hotel or commercial areas. Revisions are proposed to the number and type of residential units as summarized in Table 1.

As	Revision
Approved	
Yes	No change
75,000 SF	No change
20	No change
84	64
40	55
0	22
38%	39%
	As Approved Yes 75,000 SF 20 84 40 0 38%

#### Table 1, Master Plan Land Uses

\*Computed before deducting for streets.

The 2014 phasing plan allocated the Ascent Drive frontage to five phases (A-1, A-2, A-3, C-1, and C-3). The revised phasing plan would consolidate A-3 with portions of A-1, A-2, C-1, and C-3 to form Phase 1. No changes are proposed to Phases B-1, B-2, B-3, or C-2. The resulting adjustments are summarized in Table 2.

Dhace	Acres		Use	Parking Spaces		
Phase	Approved	Revised	Approved	Revised	Approved	Revised
1 [A-3]	[3.10]	6.12	[14 attached homes]	16 detached homes 16 condominiums 3,500 sf commercial bldg	[4/home]	108
A-1	6.40	5.80	34,750 sf retail/office	31,250 sf retail/office	142	123
A-2	2.48	2.08	10 live work units	No change	44	No change
B-1	6.17	4.67	Hotel, 4,000 sf restaurant, 10,000 sf retail/office	No change	100	No change
B-2	6.63	6.60	7,500 sf retail, 15,000 grocery or community center	No change	114	No change
B-3	2.34	2.26	Restaurant, 10 live-work	No change	104	No change
C-1	6.09	4.71	38 attached homes	30 attached homes	4/home	No change
C-2	3.45	3.86	32 attached homes	No change	4/home	No change
C-3	12.49	11.13	40 detached homes, 5-plex	No change	4/home	No change

Table 2, Summary of Land Uses in Revised Phases

Tourist Accommodations. The master plan was approved in 2014, prior to the 2016 enactment of amendments to the Zoning Ordinance to allow tourist accommodations in planned developments. Those amendments are now applicable. Prior to the 2016 ordinance, tourist accommodations had been limited to C-1. The amended ordinance now allows tourist accommodations in residential zones, subject to limitations.

- Five contiguous acres.
- 15 percent or less of the total land area in a residential zone.
- Maximum of five bedrooms in single family and two family dwellings.
- Contiguous, cohesive, compatible, buffered within and without.
- Off-street parking.
- Other regulations apply including nuisance control, outside lighting, solid waste disposal, adherence to state laws, maximum occupancy, signage, and annual licensing by the City.

The land uses proposed for Phase 1 are shown on Preliminary Plan Sheet 3. A single family dwelling spanning Lots 1-3 would be occupied initially as a sales office on the ground floor with guest rooms on the second floor for overnight accommodations. As Hills of Depoe Bay expands at the end of Ascent Drive, the building will be converted to a single family dwelling and tourist accommodation.

#### 4b. Open Space

No changes are proposed to the open space plan as described in the 2014 master plan:

"The open space plan integrates buildings, streets and other improvements into the natural features of the site. A network of street side sidewalks and meandering paths would enable pedestrians and cyclists to enjoy the natural beauty of the site. The open space plan is based on two natural resources areas that have been mapped on the site. There is an unnamed tributary to the Pacific Ocean that flows from adjacent slopes across Subarea A-3 and into Pirate Cove. It is a significant resource and is protected by a 50-foot riparian buffer measured from the top of each bank [Sec. 4.800]. The second resource is a 1.97-acre isolated wetland at the base of the hillside adjacent to the Coast Highway in Subarea B-2. It is 60 percent emergent wetland and 40 percent shrub-scrub wetland. It is not a locally significant wetland and is not protected by the City but may be subject to state and federal regulation.

With these natural areas as the foundation of an open space plan, five additional areas will be set aside for stormwater management, to slow the flow of runoff and trap sediments and pollutants. Located in Subareas A-1, B-2, and C-2, these areas will be fully vegetated. Some are designed to remain dry except during 25- or 50-year storms while others may be wet year-round. The fringes of these areas may be actively landscaped.

Upland areas between uses will serve as open space buffers. These are located downhill from the hotel site in Subarea B-1, on either side of the live work buildings in Subarea A-2, uphill from attached homes in Subarea C-3, and between the switchbacks of Baleen Drive in Subarea C-3. Trails are proposed through these open areas for recreational purposes."

Adjustments to the lots in Phase 1 and the adjoining common tracts result in a small change to the open space allotment. Overall, open space is 39% of the gross acreage. Excluding proposed streets (8.20 acres), 47% of the developable land will be dedicated or reserved for outdoor recreation, park, natural land, or landscaping.

A Home Owners Association (HOA) would be formed. The obligations of every owner and the responsibilities of the HOA would be documented in Covenants, Conditions and Restrictions to be recorded as an encumbrance on each property. The HOA would own all tracts. The HOA

would be responsible for management of those tracts and for maintenance of improvements such as the off-street sidewalks / stairs and multi-use paths. HOA dues would be collected for reserve funds designated for maintenance of these facilities and to manage all tracts owned by the HOA.

#### 4c. Vehicular Access

No changes are proposed to access as described in the 2014 master plan:

"The master street plan relies on the existing street system for access to the site and a network of new public streets for internal access to commercial and residential areas. Internal access is based on a grid pattern where topography permits and meandering roads as grades dictate.

The site has approximately 2,100 feet of frontage on the Oregon Coast Highway. Along this frontage the pavement width is 55 feet with one lane in each direction, a center turn refuge, paved shoulders, and a southbound bicycle lane. There is curb, gutter, and sidewalk on the west side, and a roadside ditch on the east side. The posted speed limit is 35 MPH which increases to 45 MPH at the north property line. Commercial areas fronting on the highway would derive access from internal streets. No new driveways to the highway are proposed. In lieu of commercial driveways, three streets would provide access into the site from the highway.

Lillian Lane is a partially completed street within a 60-foot right-of-way extending from the southeast property corner to 81-acres east of the site. The first 400 feet of the street is paved to 36 feet wide with one lane in each direction, center turn refuge, curb, gutter, and sidewalk on both sides. The remaining 1,100 feet of the street would be constructed to the 81-acre parcel. This would be a 28-foot road with a roadside swale and sidewalk on the north side. The City of Depoe Bay will have jurisdiction over this street.

The master plan proposes a second highway access near the mid-point of the frontage at a distance of approximately 920 feet north of Lillian Lane. This new street, Baleen Drive, would intersect the highway opposite a similar access to the Wordmark complex. Baleen Drive would be the primary access to most of the site. It would extend to the 81-acre parcel as a secondary access. There would be a boulevard-style split pavement flanked by wetlands and ponds as entrance features.

Finally, the master plan proposes a third highway access at the north end of the frontage, approximately 1,000 feet north of Baleen Drive. Laguna Loop provides access to hotel and restaurant sites (proposed right in/right out only at Hwy 101). This intersection enables the hotel to develop as a standalone project and also provides alternative emergency vehicle access to the northern commercial area. Sight distance to the north is approximately 450-500 feet. Further analysis by a traffic engineer in conjunction with ODOT would be conducted with preliminary plan for this phase.

Internal to the site, a new parallel street to the Coast Highway would access the commercial areas. Shoreline Drive would be 20 feet wide with a lane in each direction. Parallel parking would be accommodated in parking bays. Commercial driveways are shared to minimize turning conflicts.

Sanddollar Drive and Narwhal Way would be local public streets in the residential areas that connect Baleen Drive and Lillian Lane. Captains Court is a cul-de-sac off Baleen Drive."

A Traffic Impact Study (TIS) was prepared by Kittelson & Associates Inc. The conclusions of the Kittelson TIS are presented in Section 4e below.

In the Preliminary Plan for Phase 1, Lillian Lane/Ascent Drive provide direct access to all uses. Shared use driveways reduce the number of access to the street.

The Planning Commission questioned the Ascent Drive access for the condominiums located in Phase 1 on the north side of Ascent Drive, and recommended the applicant consider providing a an alternative access or a second access on Sanddollar Drive.

#### 4d. Pedestrian & Bicycle Network

The pedestrian and bicycle network described in the 2014 master plan remains largely intact:

"Pedestrian corridors are planned throughout the site with multiple outside connections. All sidewalks and paths would be open for public use. Street side sidewalks and off-street paths through open space would link destinations and create recreational walking loops. Where there are minimal slopes, street side sidewalks are proposed on both sides of the street as in a traditional street design. On steeper slopes, streets would be designed to shed all runoff to the downhill road edge into a roadside swale. The sidewalk would follow the uphill edge of the road and/or follow a direct downhill path. Stairs are necessary in short stretches. Where practical, sidewalks will be widened to accommodate bicycles and pedestrians.

Adjacent to the site, the Oregon Coast Trail follows the sidewalk on the west side of the Coast Highway through Depoe Bay. This scenic pedestrian corridor extends the full length of the Oregon Coast. When the Lillian Lane intersection reaches warrants for a signal, a crosswalk will be installed linking the site to the Oregon Coast Trail. Northward this sidewalk leads to Boiler Bay State Scenic Viewpoint. A recently installed soft path goes farther north along the west edge of the highway to Fogarty Creek State Recreation Site. It is a <sup>3</sup>/<sub>4</sub> mile walk south to the Whale Watching Center. The Oregon Parks and Recreation Department owns 18 acres directly north of the site. This wooded site does not have visitor improvements. Access is generally allowed but it is frustrated by dense undergrowth."

The Kittelson TIS examined pedestrian accommodations along Highway 101:

"A sidewalk will be provided on US 101 along the site frontage with buildout of the site from Lillian Lane north to the most northern crossing opportunity either at Baleen Drive or a midblock location north of Baleen Drive. Sidewalks should not be provided further north of the last crossing opportunity."

This recommendation reflects ODOT concern for pedestrian safety outside designated crossings. However, as stated above, the Planning Commission finds that, per the 2017 Depoe Bay Transportation System Plan, a pedestrian facility should be extended to the northern Laguna Loop Road along or near the Hwy 101 frontage. The Commission acknowledges ODOT's concern that pedestrians should not be crossing Hwy 101 near the 'Boiler Bay' curve. However, the Commission stated there are ways to discourage pedestrians crossing at this northern location through signage and barriers. Pedestrians in the northern portion of the Whale Watch development will be walking (from the hotel, commercial and residential uses). There is an opportunity to provide pedestrian facilities either along the Hwy 101 frontage in the public right-of-way or a pathway on the Whale Watch property that loops around the wetland/open space area and connects to the nearby uses.

On the revised master plan, a multi-use path is proposed along Baleen Drive from Highway 101 to the northeast corner. A similar path follows Lillian Lane and Ascent Drive from Highway 101 to the east boundary. Both paths are described in the city's transportation plan. See Master Plan Sheet 8.

In the Preliminary Plan for Phase 1, a multi-use walk is proposed on the north side of Lillian Drive/Ascent Drive. See Preliminary Plan Sheet 3.

#### 4e. Traffic Impact Study

Kittelson & Associates, Inc. conducted a Transportation Impact Analysis (TIA) of the combined effects of two planned developments: Whale Watch and Hills of Depoe Bay (Exhibit 9). Parameters of the study were coordinated with the City of Depoe Bay and the Oregon Department of Transportation. Traffic counts were collected during the summer peak season in August 2016. Turning movements were observed during the same period at five access points to tourist accommodations opposite Whale Watch plus the Bay Street intersection. Trip generation was based on build out of the approved master plan for Whale Watch and the proposed master plan for Hills of Depoe Bay. Trip generation forecasts were prepared for weekday PM peak hour (the standard benchmark) and for the Saturday midday peak hour when tourist-related traffic is highest. To mitigate anticipated traffic impacts, two new traffic signals are proposed on US 101: at the intersection of Ascent Drive, and the future intersection of Baleen Drive. The timing of these improvements is estimated as follows:

"Early phases of the development, which are expected to be concentrated along Ascent Drive, will not generate enough trips to warrant a signal and acceptable operations can be maintained with stop-control. A high-level assessment of projected traffic was conducted to assess when a signal will be warranted, based on the four-hour and eight-hour volume warrants provided in the MUTCD. Assuming all development is initially served by the intersection of US 101/Trend West Access 3/Ascent Drive, a signal is expected to be warranted with about 350 total trips to/from Ascent Drive during the Saturday midday peak hour, equating to about 35% build out of the Whale Watch and Hills of Depoe Bay sites.

Once the intersection of US 101/Trend West Access 3/Ascent Drive is signalized, the site can continue to develop while maintaining acceptable operations. It is anticipated at some point the north and center access locations will be developed, which will initially function as stop control. Once the overall site is generating about 530 total trips during the Saturday midday peak hour, equating to about 53% of buildout of Whale Watch and Hills of Depoe Bay, a signal is anticipated to be warranted at US 101/Trend West Access 1/Baleen Drive as well."<sup>6</sup>

The Kittelson TIS further recommends periodic re-assessment to keep pace with changing conditions:

<sup>&</sup>lt;sup>6</sup> Page 30, Transportation Impact Study, Whale Watch and Hills of Depoe Bay (Kittelson, April 2017)
"While this master plan traffic study documents the transportation implications of the proposed developments at build-out, there are on-site access considerations that will need to be assessed when specific site plan applications are made. Further, the phasing and timing of master plan build-out is likely to evolve over time to adapt to market conditions. Accordingly, it is recommended that a transportation compliance letter be prepared for each preliminary plat or site plan application to address on-site transportation, access and pedestrian standards and to ensure that the mitigation measures provided for in this report are applied at the appropriate phase of development."<sup>7</sup>

After completion of the traffic study of the Master Plan, Kittelson & Associates, Inc., reviewed Phase 1 to evaluate trip generation effects on intersections studied in the TIS and to assess access safety of Phase 1. See Exhibit 6. Kittelson concluded that no off-site traffic mitigation was needed for Phase 1 and that on-street parking should be restricted inside the curve on Ascent Drive in order to maintain adequate safe stopping distance.

# 4f. Utilities

No changes are proposed to the utilities plans as described in the 2014 master plan:

"Public and franchise utilities are available along the Coast Highway to serve the site. There is a 10-inch City water main on the east side of the Coast Highway along the southern frontage. New mains would be extended into the site along Lillian Lane, Baleen Drive, and Laguna Loop. These mains would be supplied by the North Reservoir which has a base elevation of 192.9 feet and is capable of serving all of Areas A and B except that individual boosters may be needed for the upper homes in Subarea A-3 and the hotel site. It would also serve the lower half of Area 3. Homes in the upper half of Area 3 could be served by booster pumps. Fire hydrants would be positioned as required by the Depoe Bay Fire District. No deficiencies have been identified in this area although extension of the 10-inch main is listed among the 10-Year Distribution Improvement Projects.<sup>8</sup>

There is an existing City sanitary sewer on the west side of the Coast Highway. Gravity collection mains would be extended into the site along Lillian Lane, Baleen Drive, and Laguna Loop. Going up the hill they would follow public rights-of-way to the extent possible, but may follow contours onto private property in public easements where necessary.

There is an existing storm drain on the west side of the Coast Highway. This is maintained by ODOT in conjunction with the Coast Highway. New connections are limited to predevelopment flows. There are three culverts under the Coast Highway that drain the site (2x18-inch, 1x24-inch). The Stormwater System Master Plan Update indicates the site is located within Basin 4, as area of 58 acres that includes the entire site.<sup>9</sup> The Plan did not identify any major drainage problems in this Basin. Six detention ponds would slow the flow of runoff and vegetated swales would improve the water quality of runoff before discharge through existing culverts to the ODOT system. As needed, water quality storm manholes may be utilized in the final stormwater design.

<sup>&</sup>lt;sup>7</sup> Page 32, IBID

<sup>&</sup>lt;sup>8</sup> Appendix C, Water System Master Plan (HBH Consulting Engineers, 2009)

<sup>&</sup>lt;sup>9</sup> Page 3-11, Stormwater System Master Plan Update (HBH Consulting Engineers, 2009)

Existing franchise utilities operated by Central Lincoln PUD, Century Link, Wave Communications, Northwest Natural, and Coast Communications would serve the site through underground extensions from existing services along the Coast Highway."

In the Preliminary Plan for Phase 1, all utilities are installed in conjunction with street construction. A water pressure booster pump station located between Lots 3 and 4 would pump to the site for a future reservoir in HODB. Individual homes in Phase 1 may be served by booster pumps until the reservoir is operational. There is capacity in the existing water system to accommodate Phase 1. See Exhibit 10.

Gravity sanitary sewer connections would be extended to each lot in Phase 1 from the new sanitary sewer main in Ascent Drive. This main connects to an existing 10-inch main in Highway 101. There is capacity in the existing water system to accommodate Phase 1. See Exhibit 11.

Public facilities including the water system, sewer system, drainage system, and streets would be designed to standards approved by the city, and constructed at developer expense after which the developer would petition the City Council to accept maintenance responsibilities. The developer is willing to maintain streets until the urban renewal district is terminated, a period of approximately ten years.

The developer will work with the postmaster to determine whether it's better to have one centralized post office for the entire community, or cluster mailboxes in each phase.

# 4g. Phasing

Amending an approved planned development master plan is a new planned development approval.<sup>10</sup> The proposed phase schedule for the amended planned development master plan is similar to the approved schedule in that it would maintain a nine-phase schedule, each phase valid for three years that run concurrently in no particular sequence as shown in Table 3. However changes are proposed to the alignment of the phase boundaries and the schedule of each phase.

,	8
Phase	Time Period
1	2017-2020
A2	2020-2023
A3	2023-2026
B1	2026-2029
B2	2029-2032
B3	2032-2035
C1	2035-2038
C2	2038-2041
C3	2041-2044
B3 C1 C2 C3	2032-2035 2035-2038 2038-2041 2041-2044

# Table 3, Phasing Schedule

# <sup>10</sup> DBZO 3.410.10

# 4h. Zoning & Requested Exceptions

Ten zoning amendments and exceptions are proposed:

- a. "Along the Coast Highway approximately 15.5 acres is zoned Commercial. Within that area, four low-lying areas are unsuitable for development and would be enhanced as natural areas. To the east, 33.7 acres are zoned R-1. Proposed Shoreline Drive is aligned with the current zoning boundary between C-1 and R-1. The proposed master plan would refine the location of this zoning boundary according to planned uses. A zone change would be proposed in conjunction with the preliminary plan for Areas A and B to rezone 9.2 acres from R-1 to C-1.
- b. A Planned Development overlay would be proposed in conjunction with the preliminary plan for each Area. This would allow clustering of home sites which preserves larger tracts of natural areas.
- c. A limited use overlay would be proposed in conjunction with the preliminary plan for Areas A and B to allow live work units.
- d. Exceptions may be requested to standards for front, side, and rear yards, lot area, lot width, and lot depth for topographic reasons.
- e. Exceptions may be requested to increase or limit building height by CCRs to enhance or protect view corridors.
- f. Exceptions may be requested to forested hillsides standards in Section 4.820.2.d. It is unclear where this provision is applicable. Merchantable timber was harvested in 2003. Remaining stands of trees are located along the highway frontage. Isolated trees are found throughout the site. The hillside is densely vegetated with blackberries and other opportunistic vegetation.
- g. An exception may be requested to allow a retirement center as an alternative use to commercial or attached single-family homes. The location would be dependent on compatibility and operational characteristics according to conditional use standards."
- h. A mixed use building would span Lots 1-3 as shown on Master Plan Sheet 5. This two-story mixed use building would be occupied initially as a sales office on the ground floor with guest rooms on the second floor for overnight accommodations. As Hills of Depoe Bay expands at the end of Ascent Drive, the sales office could be replaced by another commercial use.
- i. An exception is proposed in Phase 1 to allow mixed use buildings and condominiums to be occupied as tourist accommodations, a use that is currently limited to single-family and two-family dwellings in a residential zone.
- j. An exception is proposed in Phase 1 to increase on-site parking by one space per unit in lieu of providing an overflow parking lot.

# 4i. Architectural Styles

Images which exemplify the general architectural style were compiled for the revised master plan and the preliminary plan for Phase 1. Features include large windows for viewing, exposed timber framing, and more recently, use of architectural details appropriated from the American Craftsman style that was popular in the early 1900s. See Exhibit 5.

# 5. Common Master Plan Approval Criteria

DBZO Section 3.410.7 describes Common Master Plan Approval Criteria including Section 3.410 Planned Development, Comprehensive Plan, zoning ordinance provisions, Article 14 Land Division criteria, providing amenities and protections at a higher level than otherwise provided under conventional land development procedures, encouraging and promoting creativity and innovation, and proposing development in substantial harmony with the surrounding area. The applicant provides the following addressing this criterion:

# 5a. Applicable Requirements

The application materials contain a site plan, drawings of architectural styles, narrative, and other materials as required by Section 3.410.

# 5b. Comprehensive Plan and Zoning Ordinance

The proposed master plan would be consistent with the Comprehensive Plan Housing Goal, *To provide for the housing needs of the (year-around and seasonal) residents of the community.* 

It would also be consistent with the Comprehensive Plan Economy Goal, *To enhance the economic growth of the city while preserving natural resources and character that make Depoe Bay the unique community it is.* 

As discussed elsewhere in this narrative, the proposed master plan complies with zoning ordinance provisions for the R-2 and C-1 to the extent necessary for master plan review. Detailed compliance review would occur with the preliminary plan review for each phase.

# 5c. Article 14 Land Division

The standards of Article 14 are applicable to the preliminary plan for each phase, but they are not applicable to the master plan.

DBZO Section 14.011 states that the provisions of Article 14 Land Division apply to Planned Developments. Article 14 Land Division addresses, in part, streets, public access ways, lots and parcels, and utilities. The applicant is aware that approval of this Master Plan does not guarantee approval of land division standards. Each phase of development will be reviewed by the Planning Commission for conformance with Land Development standards.

# 5d. Amenities and Protections

The master plan and preliminary plan for Phase 1 are designed as a mixed use, pedestrianoriented development with a range of residential types and commercial services, providing essential protection of significant natural resources.

# 5e. Flexibility and Innovation

Exceptions to provisions of the Zoning Ordinance are proposed to allow a compact urban form that is conducive to pedestrian activity and natural resource protections. This flexibility encourages adaptive site design that respects the natural setting and adds character to the area.

# 5f. Substantial Harmony

The master plan portrays a mixed use development of commercial uses along the Coast Highway and residential uses to the east comprised of detached and attached homes live-work areas, and condominiums, interspersed by open spaces and a network of walks and paths.

The layout is consistent with the overall pattern of land use at the northern end of Depoe Bay. To the south are single family homes in C-1 and R-1, to the west is a concentration of tourist accommodations in the C-1 zone, to the north outside the urban growth boundary is State of Oregon land associated with Boiler Bay State Scenic Viewpoint, and to the east is Hills of Depoe Bay (R-2) and commercial timber land outside the urban growth boundary.

# 6. Off-Street Parking and Loading Requirements.

DBZO Section 4.030. <u>Off-Street Parking and Off-Street Loading Requirements</u> describes parking provisions. Additionally, parking within Planned Developments is required to be paved (DBZO Section 3.410.2.k). The applicant states the following:

The revised Master Plan depicts where off-street parking would be provided for various uses Master Plan Sheet 5). The number of parking spaces and their design is approximate on the Master Plan, subject to detailed design on the Preliminary Plan of each phase.

The Planning Commission determined that there are benefits to having parallel parking along the Hwy 101 frontage. The Hwy 101 parallel parking will provide easy identifiable parking within close proximity to commercial establishments within the Whale Watch development. The Planning Commission discussed the possibility of relaxing the required on-site parking spaces associated with the commercial uses near the highway frontage if parallel parking is provided along the highway frontage. This may be a consideration at the time the preliminary plan for this phase is submitted.

# 7. Zone Change Request.

There are two proposed zone changes that are requested. One, when a Planned Development is approved, the 'PD' suffix is added to the underlying zone. Secondly, this amended Master Plan proposes that 9.35 acres of R-1 zoned land be rezoned to C-1 zoning. The initial Whale Watch Master Plan approval included rezoning 9.2 acres from R-1 to C-1. The applicant provided the following narrative regarding the requested zone changes:

The Zoning Ordinance regulates planned developments through the Planned Development Zone, DBZO 3.410. The Planned Development Zone retains the base zone, such as R-1, and takes on the Planned Development Zone as an overlay to the base zone. The process to apply the Planned Development Zone is the same as a change in the base zone, subject to the Zoning Ordinance provisions for amendments set forth in DBZO 10.040. However the base zone does not change when the Planned Development Zone is applied. This zone change is required by Condition 4 imposed by approval of the Whale Watch master plan in 2014:

"Each phase of development requires an application for a zone change. The zone change will include adding the 'PD' suffix to the underlying zone. Additional zone change applications may be required."

The proposed zone change would add the 'PD' suffix to all of Phase 1. The underlying zone of Phase 1 is R-1.

The criteria for a quasi-judicial amendment are set forth in DBZO 10.040.2. Compliance with Subsection 2.a is required plus either 2.b or 2.c or 2.d. The applicable criteria in this application are 2.a and 2.d.

City staff noted that a zone change requires a recommendation from the Planning Commission and final decision by the City Council. Zone changes in conjunction with Planned Developments are typically not finalized until development occurs. Therefore the zone change can be recommended as part of the Master Plan approval however the zone change will not be forwarded to City Council until the Planning Commission grants preliminary plan approvals per phase.

# 8. Steep Slopes.

The subject includes steep slopes. Per DBZO Article 13, areas containing slopes in excess of 20% require a geologic hazards permit. Any preliminary plan submittal for an area that includes slopes exceeding 20% shall include a geologic hazard report in accordance with DBZO Article 13.

The application includes a Percentage Slope Display Map which identifies areas of the property that exceed a 20% slope. The Phase 1 Preliminary Plan, to be reviewed following review and decision of the Master Plan, includes Ascent Drive. Ascent Drive includes slopes exceeding 20%. A geologic hazards permit for Ascent Drive was approved by the Planning Commission (Case file #1-GEO-PC-12). Site specific geologic hazards permits are required prior to approval of building permits on sites with slopes exceeding 20%.

# 9. Comprehensive Plan - 2017 Depoe Bay Transportation System Plan (TSP).

The 2017 TSP identifies six projects in the vicinity of the Whale Watch Planned Development. The six projects are identified below with an analysis of the proposed Whale Watch PD.

# **Project S1.** US 101 Sidewalk Infill – North Segment East Side: North city limits to Lane St. on the east side of US 101.

The Whale Watch Traffic Impact Study recommends that the sidewalk along Hwy 101 extend only to the northernmost highway crossing, i.e. Baleen Drive or a mid-block location north of Baleen Drive. (See Sheet 8 of the Master Plan). ODOT concurs it is appropriate for the frontage sidewalk to end at the most northern pedestrian crossing (see 9/25/17 ODOT Memo). This recommendation reflects ODOT concern for pedestrian safety outside designated crossings. However, as stated above, the Planning Commission finds that, per the 2017 Depoe Bay TSP, a pedestrian facility should be extended to the northern Laguna Loop Road along or near the Hwy 101 frontage. The Commission acknowledges ODOT's concern that pedestrians should not be crossing Hwy 101 near the 'Boiler Bay' curve. However, the Commission stated there are ways to discourage pedestrians crossing at this northern location through signage and barriers. Pedestrians in the northern portion of the Whale Watch development will be walking (from the hotel, commercial and residential uses). There is an opportunity to provide pedestrian facilities either along the Hwy 101 frontage in the public right-of-way or a pathway on the Whale Watch property that loops around the wetland/open space area and connects to the nearby uses.

Project S3. Lillian Ln. Sidewalk Extension: Extends the existing sidewalk on Lillian Lane east.

The Whale Watch Master Plan (Sheet 8) shows the extension of the sidewalk on Lillian Lane.

**Project M1.** Lillian Lane Extension Multi-use Path: Separate path along Lillian Lane extension.

The Whale Watch Master Plan proposes multi-use (pedestrian and bicycle) facilities by providing a 5' wide sidewalk and 28' wide shared vehicular/bicycle travel lanes. Note: Lillian Lane/Ascent Drive was approved in 2009, prior to the 2017 TSP.

# **Project B5.** Lillian Lane Bike Route: Lillian Ln., from US 101 to the beginning of multi-use path M1.

The Whale Watch Master Plan proposes multi-use (pedestrian and bicycle) facilities by providing a 5' wide sidewalk and a 28' wide shared vehicular/bicycle travel lanes. Note: Lillian Lane/Ascent Drive was approved in 2009, prior to the 2017 TSP.

**Project X1.** Worldmark Crosswalk: US 101 at Worldmark main entrance.

The Whale Watch Traffic Impact Study (TIS) identifies, in the long term, a Hwy 101 crosswalk at signalized locations, i.e. Lillian Lane/Ascent Drive and/or Baleen Drive. In the interim (prior to the need for a traffic signal), the TIS recommends Hwy 101 crosswalks be located based on location of retail development.

# **Project T8.** New Northbound Whale Watch Bus Stop: East side of US 101, near planned Whale Watch entrance.

The Whale Watch TIS recommends a bus pullout either north or south of Baleen Drive. The TIS states "A transit stop is recommended along the site frontage with development of the site. It is recommended that the stop be located between Ascent Drive and the site's center access to best serve the retail uses along the site frontage and take advantage of future pedestrian crossing opportunities." Transit improvements will be addressed in the Preliminary Plan phases.

10. **Easement to Harmsen Properties.** There are two tax lots (Tax Lots 1110 and 1111 of Tax Map 09-11-05B) that are located adjacent to and in the northeast portion of the Whale Watch property that are currently landlocked. During the initial Whale Watch Master Plan submittal in 2014, the owners of Tax Lots 1110 and 1111 (Harmsen) submitted a handwritten Easement Agreement signed by Omni financial and the owners of the two landlocked parcels. The Easement Agreement states, in part, "that Omni agrees to grant Harmsen access to the nearest proposed street within the Whale Watch project. Harmsen agrees to support Omni's proposal and to participate in a prorate portion of the development cost of the road and utilities in the access road benefitting the Harmsen property. Omni agrees at its expense to draw up the easement deed or agreement necessary to formalize this contract."

The Planning Commission finds this proposed easement is in the best interest of the properties and the community because the easement will provide access to the two landlocked parcels.

# **Conclusions**

The record and findings support the conclusion that:

Substantial evidence in the record demonstrates that the proposed application is consistent with applicable Planned Development Master Plan standards set forth under applicable sections of the Depoe Bay Zoning Ordinance 24 (as amended).

# <u>Order</u>

It is ORDERED by the Depoe Bay Planning Commission that Case File #2-PD-PC-17 be APPROVED subject to the following conditions:

- 1. **Planned Development Master Plan Approval.** Approval of the 49.23 acre amended Whale Watch Master Plan is based on the submitted narrative, plans dated 11/8/17, and other submitted materials. The approved Master Plan includes a hotel, 75,000 square feet of commercial, and 161 residential dwelling units including 20 live-work units, 64 attached homes, 55 detached homes, and 22 condominiums. Vehicular access and circulation is the same as approved in the original Master Plan. 39% of the total site is proposed to be open space. The Master Plan approval allows for 9.35 acres to be rezoned from R-1 Residential to C-1 Retail Commercial. The Whale Watch planned development will create the need for service-related employment. The applicant acknowledges the need for workforce housing and they will continue efforts to provide workforce housing.
- 2. **Phasing.** The timing of the Master Plan approval for the entire development is based on the following phasing schedule. Preliminary Plan approval for each phase of development is valid for a period of three years that run concurrently in no particular sequence as follows:

Phase No. Substantial Complet		
1	2017-2020	
A2	2020-2023	
A3	2023-2026	
B1	2026-2029	
B2	2029-2032	
B3	2032-2035	
C1	2035-2038	
C2	2038-2041	
C3	2041-2044	

The Phasing Plan is delineated on Sheet 6 of the submitted Plans. Each phase shall extend streets and services in a systematic and orderly fashion. The Phasing Plan may be accelerated. Master Plan approval is no longer effective if the phasing schedule is not adhered to.

- 3. **Subsequent Review and Approval.** Per DBZO 3.410, each phase of development requires preliminary plan approval by the Depoe Bay Planning Commission through a public hearing process. Planned development exceptions may be requested at the time preliminary plans for each phase are submitted. The Planning Commission shall review and make a determination on requested exceptions. Changes to the Master Plan require a Master Plan amendment.
- 4. **Zone Changes.** Upon Preliminary Plan approvals for each phase of development, a zone change will occur that adds the 'PD' suffix to the underlying zone, e.g. "C-1 PD" and "R-1 PD".

This Master Plan includes a requested zone change for 9.35 acres from R-1 Residential to C-1 Retail Commercial. The Master Plan approval does not guarantee approval of the zone change from R-1 Residential to C-1 Retail Commercial. The zone change request will be reviewed by the Planning Commission during the Preliminary Plan submittal process, and a recommendation will be made for a final decision by the City Council.

5. **Tourist Accommodations.** Approved Tourist Accommodations shall be in accordance with the following tables.

Tourist Accommodation Requirements for a Planned Development Master Plan		
Requirement	Proposed Hills of Depoe Bay PD	
Max. 15% of total land area of underlying R-1	Total proposed residential zoned land = 24.79 acres	
through R-5 zones.	15% = 3.72 acres	
	Proposed tourist accommodation area = 3.75 acres	
	(15.13%)	
PD shall have a minimum 5 acres.	PD totals 49.22 acres	
Tourist accommodations in residential zones are	Applicant is requesting a PD exception to allow up to 16	
limited to single family and two-family	condominiums and one 4-plex to be occupied as tourist	
dwellings with a maximum of 5 bedrooms.	accommodations. One building in Area 1 is initially	
	proposed as a sales office with 3 guestrooms and	
	eventually a single family tourist accommodation.	
Tourist accommodations shall be contiguous,	Applicant Sheet #7 identifies the groupings of tourist	
cohesive, and compatible with the entire	accommodation areas. Architectural style is proposed to	
development.	be subject to the same architectural review as other	
	residential homes.	
Tourist Accommodation CC&Rs	A requirement of subsequent preliminary plans for	
	phases is to include specific tourist accommodation	
	standards in CC&Rs.	

Areas Proposed for Tourist Accommodation			
Area	Number, Type of Residential Units	Acres	Phase
1	10 detached homes, 1 detached home is initially proposed as a sales office with 3 guestrooms.	1.31	1
2	6 detached homes	0.74	1
3	16 condominiums	1.10	1
4	4-plex	0.60	C-3
Totals	16 detached homes (1 initially with 3 guest rooms) 16-condominiums,	3.75	
	4-plex		

Tourist accommodations shall be subject to the same architectural review as owner-occupied homes in later phases of Whale Watch. They would be buffered by distance, elevation, and orientation from other homes. To mitigate the potential impacts of tourist accommodations, the following standards would apply to each tourist accommodation:

- Guests would be informed in the rental agreement of the "house rules" including a prohibition against excessive noise, lights, dust, smoke, odors, and electromagnetic frequencies.
- CC&Rs would inform each Owner that only low voltage lighting and/or motion sensor lighting is allowed.
- CC&Rs would inform each Owner that on-site parking would be provided at the time of construction, including one space per bedroom (two spaces minimum per unit) plus one additional parking space per unit. See Preliminary Plan Sheet 3.

- Guests would be informed in the rental agreement that a garbage and recycling enclosure would be sited on Lot 21 for the use of detached homes. This arrangement would be temporary, at least for Phase 1. A permanent location would be designated in a future phase. The condominiums would have a similar enclosure.
- Guests would be informed in the rental agreement that the number of occupants is limited to two persons per bedroom plus one additional person per unit.
- CC&Rs would inform each Owner of their responsibility to maintain a sign posted inside the tourist accommodation unit that identifies a local contact person by name, license number, and telephone number who is available anytime day or night. An exterior sign shall be posted in the tourist accommodation area containing the same information.
- CC&Rs would inform each Owner of their responsibility to obtain a business license from the City of Depoe Bay; to ensure that the property management company has a City business license; and to ensure that transient room taxes are collected and paid to the City and State as applicable. CC&Rs would further notify each Owner that violation of applicable requirements or standards may result in revocation of the business license.

The Master Plan approval does not guarantee approval of the tourist accommodations. The Planning Commission will review and make decisions during the Preliminary Plan submittals when additional detail for the requested tourist accommodations are provided, e.g. size of buildings, number of bedrooms per dwelling, etc.

The Whale Watch plan for managing the rental units will mirror the management of the tourist accommodations at the Hills of Depoe Bay and Tetherow Resort. There will be a Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs) for Whale Watch. In these CC&Rs, there will be a restriction on homes so that they cannot be rented as Overnight Vacation Dwellings. A Supplemental Declaration for the vacation rentals/tourist accommodations will be recorded against all properties that are deemed to be Vacation Rental Dwellings (VRDs) in the Final Master Plan. The tourist accommodations will be managed by a single management company located onsite.

6. **Traffic Impact Study.** Development shall occur in accordance with recommendations identified in the June 2017 Whale Watch and Hills of Depoe Bay Traffic Impact Study (TIS) and in accordance with ODOT and City of Depoe Bay recommendations and approvals. The TIS includes, but is not limited to, the need for traffic signals on Hwy 101 when the developments generate enough trips to warrant the signal(s), sidewalks, crosswalks, and transit facilities. A transportation compliance letter shall be submitted with each Preliminary Plan submittal in order to address on-site transportation, access and pedestrian standards, and to ensure that mitigation measures provided in the TIS are applied at the appropriate phase of development.

The developer and/or homeowners association shall be responsible for maintenance of all streets.

7. **Parking.** Parking plans shall conform to DBZO Section 4.030 and Diagram A. Additionally, parking regulations identified in DBZO Section 4.130 Planned Development shall be adhered to, i.e. tourist accommodation parking requirements and that all parking areas shall be paved within the planned development. Future phases shall include parallel parking along the Hwy 101 frontage.

- 8. **Open Space.** As identified in the Master Plan, a minimum 39% of the site shall be dedicated or reserved for outdoor recreation, park or natural land.
- 9. Streams/Wetlands. Applications for any phase which contains a designated resource shall conform to requirements of DBZO Section 4.800 Protection of Streams, Ponds, Wetlands and Riparian Areas. This includes but is not limited to a description of measures to be taken to protect the designated inland stream in the southeast portion of the site. Measures shall be taken to maintained water quality of the stream during and post-construction from the Whale Watch property to Pirate Cove.
- 10. **Pedestrian Plan.** The connected public pedestrian network shall be provided as described in the application submittal and illustrated on Sheet 8 of the Plans. The Whale Watch trails shall not stub out to the north property line, adjacent to the Oregon Parks & Recreation Department (OPRD) property, without first obtaining approval from OPRD.

The public pedestrian network shall include a sidewalk and/or path along the Hwy 101 frontage between Baleen Drive and Laguna Loop Road, and around the adjacent wetland/open space area. Measures shall be taken to restrict pedestrians from crossing Hwy 101 near the 'Boiler Bay' curve, i.e. through barriers and signage.

- 11. Utilities. Engineered plans, including capacity analyses of existing and planned city utility systems, shall be submitted with any phase of development for water, sewer, and storm drainage. The City Superintendent shall review and approve water, sewer, and storm drain facilities for each phase of development. Adequate utilities facilities must be provided both on-site and off-site. For example, the wastewater treatment plant must have capacity to accommodate sewer for each phase of development. The applicant shall be responsible for all costs the City may incur by hiring a professional engineer to review and comment on engineering plans. The applicant shall be responsible for obtaining applicable state agency review and approval. The applicant will be responsible for obtaining approval of other utilities, i.e. power, gas, cable, telephone, etc.
- 12. **Zoning and Requested Exceptions.** Per the Master Plan submittal, the applicant may request exceptions at the time a Preliminary Plan is submitted for each phase. Requested zoning amendments and exceptions that may be requested include:
  - a. "Along the Coast Highway approximately 15.5 acres is zoned Commercial. Within that area, four low-lying areas are unsuitable for development and would be enhanced as natural areas. To the east, 33.7 acres are zoned R-1. Proposed Shoreline Drive is aligned with the current zoning boundary between C-1 and R-1. The proposed master plan would refine the location of this zoning boundary according to planned uses. A zone change would be proposed in conjunction with the preliminary plan for Areas A and B to rezone 9.2 acres from R-1 to C-1.
  - b. A Planned Development overlay would be proposed in conjunction with the preliminary plan for each Area. This would allow clustering of home sites which preserves larger tracts of natural areas.
  - c. A limited use overlay would be proposed in conjunction with the preliminary plan for Areas A and B to allow live work units.
  - d. Exceptions may be requested to standards for front, side, and rear yards, lot area, lot width, and lot depth for topographic reasons.

- e. Exceptions may be requested to limit building height by CCRs to protect view corridors or to increase building height to enhance views.
- f. Exceptions may be requested to forested hillsides standards in Section 4.820.2.d. It is unclear where this provision is applicable. Merchantable timber was harvested in 2003. Remaining stands of trees are located along the highway frontage. Isolated trees are found throughout the site. The hillside is densely vegetated with blackberries and other opportunistic vegetation.
- g. An exception may be requested to allow a retirement center as an alternative use to commercial or attached single-family homes. The location would be dependent on compatibility and operational characteristics according to conditional use standards."
- h. A building is proposed to span Lots 1-3 as shown on Master Plan Sheet 5. This two-story building would be occupied initially as a sales office on the ground floor with guest rooms on the second floor for overnight accommodations. As Hills of Depoe Bay expands at the end of Ascent Drive, the building would be converted to a single family dwelling/tourist accommodation.
- i. An exception is proposed in Phase 1 to allow mixed use buildings and condominiums to be occupied as tourist accommodations, a use that is currently limited to single-family and two-family dwellings in a residential zone.
- j. An exception is proposed in Phase 1 to increase on-site parking by one space per unit in lieu of providing an overflow parking lot.

With each requested exception, the Planning Commission will review and determine if any requested exceptions are granted. The applicant acknowledges that the summary of proposed exceptions is simply a declaration for possible future requests, and that approval of the master plan does not constitute approval of any particular exception or zone change.

- 13. General Architectural Style. General architectural style of the Whale Watch Planned Development shall be in accordance with the submitted Exhibit 5 (six photographs). Architectural features include large windows for viewing, exposed timber framing, and more recently, use of architectural details appropriated from the American Craftsman style that was popular in the early 1900s.
- 14. **Covenants, Conditions & Restrictions (CC&Rs).** In accordance with DBZO 3.410.5.d, Content of Preliminary Plan, application for Preliminary Plan approval of a Planned Development shall include proposed covenants, restrictions, bylaws, etc. of any homeowners associations and any taxing districts.
- 15. **Geologic Hazard Permits.** Any preliminary plan submittal for an area within identified faults or that includes slopes exceeding 20% shall include a geologic hazard report in accordance with DBZO Article 13.
- 16. Land Division. The applicant shall be aware that approval of this Master Plan does not guarantee approval of land division standards. Each phase of development shall be reviewed by the Planning Commission for conformance with DBZO Article 14 Land Development standards.

- 17. **Easement Agreement.** Prior to submittal of a Preliminary Plan for Phase C-3, a copy of a recorded Easement Agreement granting access and utilities to Tax Lots 1110 and 1111 of Tax Map 09-11-05B shall be provided to the City.
- 18. Archaeological Resources. Development shall be conducted in a manner so as to minimize site disturbance and prevent irreversible loss of archaeological resources. Before and during excavation, any discovery of archaeological resources shall mean that the applicant shall cease excavation activities, notify the State Historic Preservation Office and the Confederated Tribes of Siletz Indians, and meet State statutes before proceeding.

This ORDER was presented to and approved by the Depoe Bay Planning Commission on January 10, 2018.

Jan 11, 2018 Roy Hageman, President Depoe Bay Planning Commission

#### § 152.025 RESIDENTIAL ZONE R-1.

In an R-1 Zone, the following regulations shall apply.

(A) Uses permitted outright. In an R-1 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, and 152.225 through 152.235 where applicable:

(1) A single-family dwelling built on the site;

- (2) Manufactured home;
- (3) Pre-fab heated or modular dwelling;

(4) A temporary manufactured dwelling or recreational vehicle used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, provided the temporary manufactured dwelling or recreational vehicle:

(a) Is located during the time the construction is underway; and

(b) Will not remain more than one year from date of placement or 30 days following substantial completion, whichever is earlier.

(5) Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises;

- (6) Recreational vehicle (unoccupied) or boat, stored on a lot in combination with an approved building;
- (7) Residential homes;
- (8) Family day care provider;
- (9) Transparent occupation; and

(10) Commercial fishing gear storage at the gear owner's dwelling or adjacent lot under the same ownership. The gear must be stored in a neat and orderly manner and must be non-toxic, non-hazardous, and cause no odor off-site.

(B) *Conditional uses permitted.* In an R-1 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, 152.130 through 152.136, and 152.225 through 152.235 where applicable:

- (1) Cemetery;
- (2) Church;
- (3) Community center;
- (4) Day nursery, nursery school, kindergarten, or similar facility;
- (5) Governmental structure or use of land;
- (6) Home occupation;

(7) Golf course or country club, but excluding golf driving range, miniature golf course, or similar facility;

(8) Private non-commercial recreation club, such as tennis, swimming, or archery club, but excluding commercial amusement or recreation enterprises;

- (9) Public park, playground, or swimming pool;
- (10) Public school or private school offering curricula similar to public school;
- (11) Public or private utility facility;
- (12) Radio or television transmitter or tower; and
- (13) Solid waste disposal transfer station.

(C) *Standards.* Except as provided in §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136, in an R-1 Zone, the following standards shall apply.

- (1) Lot size and dimension. The minimum lot size and dimension in an R-1 Zone shall be as follows:
  - (a) The minimum lot area shall be 5,000 square feet;

(b) The minimum lot width at the front lot line shall be 50 feet for an interior lot and 55 feet for a corner lot, except flag lots. The staff of a flag lot shall have a minimum width and frontage of not less than 25 feet;

(c) The minimum lot depth shall be 80 feet; and

(d) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the

landward extent of the property.

- (2) Yards. The minimum yard requirements in the R-1 Zone shall be as follows:
  - (a) The front yard shall be a minimum of 20 feet;

(b) Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever is the greater;

(c) The street side yard shall be a minimum of 20 feet except this may be reduced by one foot for each foot the average lot width is less than 60 feet, however, no street side yard shall be less than ten feet (see *LOT WIDTH* in § 152.003 of this chapter for method of calculation);

(d) The rear yard shall be a minimum of ten feet, except that on a corner lot, it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater; and

(e) No structure shall be located closer than 60 feet from the centerline of any state highway.

(3) Building height. No building in the R-1 Zone shall exceed a height of 30 feet.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 187, passed 2-16-1993; Ord. 236, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 268, passed 11-2-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

## § 152.030 RETAIL COMMERCIAL ZONE C-1.

In a C-1 Zone, the following regulations shall apply.

(A) Uses permitted outright. In a C-1 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, and 152.225 through 152.235 where applicable:

(1) A single-family dwelling built on the site;

(2) Manufactured dwelling;

(3) A temporary manufactured dwelling or recreational vehicle used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, provided the temporary manufactured dwelling or recreational vehicle:

(a) Is located during the time the construction is underway; and

(b) Will not remain more than one year from date of placement or 30 days following substantial completion, whichever is earlier.

- (4) Agricultural use of land provided that no livestock shall be raised or kept on the premises;
- (5) Recreational vehicle (unoccupied) or boat, stored on a lot in combination with an approved building;
- (6) Pre-fabricated or modular dwelling;
- (7) Two-family dwelling;
- (8) Multi-family dwelling;

(9) Retail store or shop, such as food store, gift shop, drug store, apparel store, hardware store, furniture store, or similar establishment;

(10) Repair shop for the type of goods offered for sale in those retail trade establishments permitted in a C-1 Zone provided all repair shall occur entirely within an enclosed building;

(11) The manufacture, fabrication, and/or assembly of those goods offered for sale on the premises, provided all manufacturing, fabricating, assembling, and storage not exceed 50% of the total floor area of the establishment, and provided further that it shall occur within an enclosed building;

(12) Personal or business service establishment, such as barber or beauty shop, laundry or dry cleaning establishment, tailor shop, or similar establishment;

- (13) Clinic;
- (14) Club, lodge, or fraternal organization;
- (15) Financial institution;

(16) Indoor commercial amusement or recreation establishment, such as a bowling alley, theater, pool hall, or aquarium;

- (17) Mortuary;
- (18) Newspaper office or print shop;
- (19) Office;
- (20) Private museum, art gallery, or similar facility;
- (21) Restaurant, bar, or tavern;
- (22) Home occupation;
- (23) Automobile service station, including minor repair, provided it is conducted entirely within an enclosed building;
- (24) Laundromat;
- (25) Retail sale of sporting goods or bait;
- (26) Condominiums;
- (27) Public or private parking lots;
- (28) Residential facility;
- (29) Time share project;
- (30) Tourist accommodation or resort; and
- (31) Commercial fishing gear storage in the part of the zone adjacent to the harbor (Tax Map 09-11-08 AB, tax lots

600, 700, 800, 900, 1000, 1100, 1101, 1200, 1201, 7900, 8000, 8100, 8200, 90000, 90001, 90002, and 90003).

(B) *Conditional uses permitted.* In a C-1 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, 152.130 through 152.136, and 152.225 through 152.235, where applicable:

- (1) Church, non-profit religious, or philanthropic institution;
- (2) Community center;
- (3) Day nursery, nursery school, kindergarten, or similar activity;
- (4) Governmental structure or use of land;
- (5) Mobile vending stand;
- (6) Private non-commercial recreation club, such as tennis, swimming, or archery club;
- (7) Public park, playground, or swimming pool;
- (8) Public school or private school offering curricula similar to public school;
- (9) Public or private utility facility;
- (10) Radio or television transmitter or tower;
- (11) Solid waste disposal transfer station;
- (12) Recreational vehicle park;

(13) Outdoor commercial amusement or recreation establishment, such as miniature golf course or drive-in theater, but not including uses, such as race track or automobile speedway;

- (14) Hospital and/or nursing home;
- (15) Drive-in services, such as a drive-in restaurant;
- (16) Billboards;
- (17) Kennel;
- (18) Animal hospital;
- (19) Automobile repair garage, provided all repair shall be conducted entirely within an enclosed building;

(20) Boat or marine equipment sales, service, storage, or rental; boat or marine equipment minor repair, provided all such repair be conducted entirely within an enclosed building;

- (21) Lumber or building materials, sales, and storage;
- (22) Warehouse or storage area; and
- (23) Child care.

(C) *Standards.* Except as provided in §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136, in any C-1 Zone, the following standards shall apply:

- (1) All yards abutting a lot in a residential zone shall be a minimum of ten feet;
- (2) No building in the C-1 Zone shall exceed a height of 35 feet;
- (3) Outdoor storage shall be screened with a sight-obscuring fence; and
- (4) Kennels shall be located:
  - (a) No closer than 75 feet from a residential zone; and
  - (b) No closer than 20 feet from a property line.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 92, passed 7-7-1982; Ord. 130, passed 4-6-1987; Ord. 154, passed 9-17-1990; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 186, passed 12-22-1992; Ord. 187, passed 2-16-1993; Ord. 217, passed 4-17-1995; Ord. 234, passed 12-16-1996; Ord. 268, passed 11-2-2004; Ord. 279, passed - -2007; Ord. 327-21, passed 4-20-2021) Penalty, see § 152.999

## § 152.042 PLANNED DEVELOPMENT ZONE (P-D).

(A) *Purpose.* 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:

(1) 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;

(2) Respect the surrounding context and enhance community character;

(3) Provide open space;

(4) Provide pedestrian and bicycle facilities, such as sidewalks in commercial and high density areas, hiking trails, and bicycle trails;

(5) Permit greater flexibility in the siting of buildings and other physical improvements, and in the mixing of housing types, in order to accomplish desirable design objectives;

(6) Provide adequate, structurally sound public and private streets and utilities;

(7) Ensure that development occurs in a manner consistent with the intent and purpose of the goals and policies of the Comprehensive Plan;

(8) Ensure the safety of the residents of the city and visitors to the city;

(9) Allow logical, efficient development or redevelopment of adjacent properties within the P-D and properties adjacent to the P-D;

(10) Supersede the provisions of §§ 152.250 through 152.265 of this chapter when the latter are expressly contrary to a specific provision of this section, or upon application to and approval by the Planning Commission, provided such approval is consistent with the purpose of this section; and

(11) Allow for flexibility of land uses, such as allow tourist accommodations in residential zones with standards and ensure the developer and/or management company is responsible for all management of the tourist accommodation, including but not limited to responding to noise, trash, overcrowding, and parking complaints. The intent is to place all responsibility on the developer, management, HOA, or property owner, provide the public with easily-accessible management contact, and minimize city time and expense related to the tourist accommodation use.

(B) General requirements. The following general requirements shall govern planned developments.

(1) A planned development may be established in any zone other than the T-C Zone.

(2) 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 development plan approved in accordance with the provisions of this section, or accessory use to such forms of development, may be established.

(3) (a) A planned development may include any uses permitted outright or conditionally in the underlying zone. Where the underlying zone is residential, any uses permitted in R-1 through R-5 Zones may be permitted when compatible with each other and harmonious with adjacent uses.

(b) The one exception to division (B)(3)(a) above is the possible approval of short-term rentals (tourist accommodations per § 152.003 of this chapter and including time shares) to the planned development. The total area of the development that may be allocated to tourist accommodations in residential zoned areas shall be equal to or less than 15% of the total land area of the underlying R-1 through R5 Zones. A planned development with tourist accommodations in residential zones shall have a minimum of five contiguous acres. Tourist accommodations in residential zones shall be limited to single-family and two-family dwellings with a maximum number of five bedrooms. The tourist accommodation area shall be contiguous, cohesive, compatible with the entire development (use, architectural, traffic, and the like), buffered (space, sight, and sound buffered) from all adjacent uses other than commercial uses, and buffered from adjacent properties that are outside of the P-D. The following city standards shall apply, and the management entity may establish additional standards. These following standards shall be part of the tourist accommodation area CC&Rs.

1. *Nuisance control.* No noise, lights, dust, smoke, odors, and electromagnetic frequencies generated on-site in excess of the amounts normally associated with residential uses shall emanate off-site or interfere with surrounding residential or commercial uses.

2. Lighting. Outside lighting shall be restricted to low voltage lighting and/or motion sensor lighting for security.

3. Off-street parking. For tourist accommodation dwelling uses, off-street parking space requirements are:

a. A single-family or two-family dwelling shall have one on-site parking space for each bedroom. A minimum of two parking spaces shall be provided per dwelling;

b. A multi-family dwelling shall have one parking space for each bedroom located immediately adjacent to the unit. A minimum of two parking spaces shall be provided per dwelling;

c. A parking lot for overflow vehicles, consisting of one additional space per dwelling unit, that shall be in the

immediate area of the tourist accommodations; and

d. If a dwelling unit is a residence plus a tourist accommodation, two additional spaces are required on the same property.

4. Solid waste disposal. For tourist accommodation dwelling uses, a minimum 96-gallon vessel shall be provided for each unit, and the unit shall have "carry-out"/"valet" (no need to put vessels at curb) service. A multi-unit dumpster type unit may be substituted, it must be enclosed to the sight-line. Weekly solid waste pick-up is required during all months of the year.

5. State law compliance. It is the property owner's responsibility to ensure that a tourist accommodation dwelling use remains in substantial compliance with state regulations for the following: health, safety, Building Code, Fire Code, tourist accommodation statutes, and the Uniform Housing Code.

6. *Occupancy.* Tourist accommodation dwellings shall not exceed two persons per bedroom plus one additional person per dwelling.

7. Signage. The management entity shall only have one exterior on-site sign for the tourist accommodation area. The sign shall identify the site as a tourist accommodation area; identify a local contact person; state that the local contact person is available 24 hours each day, seven days a week to handle rentals and complaints; and identify the local contact person's business license number. An interior sign with this same information shall be placed inside each tourist accommodation, such as, near the front door or in the kitchen.

8. *Business license*. For a tourist accommodation dwelling, the property owner and property management company are required to have a city business license. In addition, for tourist accommodation dwelling uses, transient room tax ordinance provisions shall apply.

9. *Revocation.* Any violation of the requirements or standards of this P-D Zone or any other city ordinance may result in revocation of the transient rental unit business license.

(4) Overall residential density shall be as provided for in the underlying 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 non-residential uses allowed in the underlying zone and resources protected under Goal 5, but including common areas.

(5) No building shall exceed the height allowed in the underlying zone.

(6) Yards, setbacks, lot area, lot coverage, and similar dimensional requirements may be reduced, adjusted, or otherwise modified upon application to, and approval by the Planning Commission, consistent with the design objectives of the proposed development.

(7) 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.

(8) A planned development shall have a minimum of two contiguous acres, exclusive of street right-of-way. A planned development with tourist accommodations in residential zones shall have a minimum of five contiguous acres.

(9) Excluding streets and parking, at least 35% of the land will be dedicated or reserved for outdoor recreation, park, or natural land.

(10) Paved concrete sidewalks shall be provided in commercial areas and along Highway 101. The exception to this is the Highway 101 right-of-way and the adjacent 40-foot wide designated forested corridor on both sides of Highway 101 right-of-way from south point street south to the city limits which shall instead include a four-foot wide walking/biking path (§ 152.074(B)(3) of this chapter applies). The planned development shall also include a connected pedestrian system/network.

(11) Parking shall conform to § 152.058 and Diagram A of § 152.031, with the exception that all parking areas shall be paved.

(12) A minimum 5% of a parking area shall be landscaped. Landscaping in parking and common open space areas shall be installed according to plans approved by the city. Landscaping shall be installed in all yards adjacent to a public or private street prior to final building inspections.

(13) Natural existing landscaping may be used to meet landscaping requirements. Landscape design and landscaping areas shall serve their intended functions and shall not adversely impact surrounding areas. Required landscaping shall include a mix of vertical elements (trees) and horizontal elements (grass, shrubs, ground cover, and the like). Section 152.074 of this chapter applies. Landscaped areas and open space shall be maintained. Invasive plant materials, as identified by the USDA Natural Resources Conservation Service state listed noxious weeds shall be removed and shall not be planted.

(C) General approval process. At a minimum, a preliminary plan and lastly a final plan shall be submitted for approval for all planned developments. Once the preliminary plan is approved and the final engineered plans are reviewed and approved by the city, work on the development's infrastructure may proceed. The final plan is primarily an as-built of the streets and infrastructure, and no building permits shall be approved until the effective date of the final approval of the plan. If the planned development is to be developed in a number of individual sections or phases, each which is developed separate from the others (a phased planned development), a master plan shall first be submitted for approval. Once the master plan for the entire development is approved, each phase (section) of the development shall follow the standard preliminary plan

and final plan process.

(1) If the planned development is a phased planned development, the initial step is the submission of the master plan for the entire development, which shall be submitted for approval as per division (D) below.

(a) The master plan is the over-arching plan of the entire development and of all phases. The primary purpose of a master plan is to propose and establish the development's overall concept, overall planning, and the integration of all phases. Master plan approval does not permit development or construction to occur.

(b) If a master plan for a phased development is approved, the applicant or its successor shall obtain separate preliminary and final approvals for each phase. For each individual phase, a preliminary plan shall be submitted for approval as per division (E) below prior to any work starting on the infrastructure of that phase.

(c) If a preliminary plan for an individual phase impacts the master plan, an updated master plan shall be submitted with that preliminary plan.

(d) A master plan is not required for a planned development that is not using a phased development approach.

(2) For a planned development that is not a phased planned development, the initial step of a planned development is the submission of a preliminary plan for the complete development, which shall be submitted for approval as per division (E) below. Work on the development's infrastructure may only proceed once the preliminary plan is approved.

(3) A final plan shall be submitted for approval as per division (H) below upon completion of all conditions and requirements of the individual phase preliminary plan or the entire development's preliminary plan. No building permits shall be approved until the effective date of the final approval of the final plan.

(D) Master plan. A master plan for planned developments shall be developed as follows.

(1) *Master plan review procedure.* The procedure for application and review of a master plan shall be as set forth in § 152.204(C) of this chapter.

(2) Content of master plan. Application for master plan approval of a planned development shall include all items described in division (F) below. In addition, the following shall be included:

(a) A narrative describing the plans for phasing (if applicable);

(b) A summary describing the general locations for any reducing, adjusting, or otherwise modifying yards, setbacks, lot area, lot coverage, and similar dimensional requirements of this chapter; and

(c) A summary describing the general locations for any desired variances, exceptions, deviations, waivers, conditional uses, zone changes, and the like, and a supporting narrative that acknowledges the zoning application procedure and criteria order to obtain each approval.

(3) Approval on findings. Master plan approval by the Planning Commission shall be based on findings that criteria described in division (G) below are satisfied.

(4) Approval date. Master plan approval is valid from the date all legal appeals are exhausted. Changes to an approved master plan require an application for a master plan amendment to be reviewed and approved by the Planning Commission as set forth in § 152.204(C) of this chapter.

(E) Preliminary plan. A preliminary plan for planned developments shall be developed as follows.

(1) Submittal. A preliminary plan shall be submitted for a non-phased planned development.

(2) *Phase development.* For a phased development, a preliminary plan shall be submitted for each phase of development.

(a) A preliminary plan may be submitted for a phase concurrent with a master plan application. The Planning Commission will review the preliminary plan the meeting after the master plan is approved.

(b) Each phase shall meet the criteria of divisions (E)(4), (F), and (G) below independently of the other phases.

(3) *Preliminary plan review procedure.* The procedure for application and review of a preliminary plan, which shall be as set forth in § 152.204(C).

(4) *Content of preliminary plan.* Application for preliminary plan approval of a planned development shall include all items described in division (F) below. In addition, the following shall be included:

(a) Proposed covenants, restrictions, bylaws, and the like of any homeowners associations and any taxing districts;

(b) A narrative describing the locations for any divergence from this chapter in the form of reducing, adjusting, or otherwise modifying yards, setbacks, lot area, lot coverage, and similar dimensional requirements;

(c) Submittal of any requests for variances, exceptions, deviations, waivers, conditional uses, and the like; and

(d) A narrative describing the specific area of any short-term rentals and describing how the rentals will be managed, policed, the city transient room tax (TRT) and the city transient occupancy tax (TOT) are collected, and city TRT and TOT are forwarded to the city.

(5) Approval; findings. Preliminary plan approval by the Planning Commission shall be based on findings that criteria described in division (G) below are satisfied.

(6) *Approval; final engineering plans.* Based on the preliminary plan approval, the applicant is required to submit final engineering plans to be reviewed and approved by the city prior to any construction. The applicant shall be responsible for all costs the city may incur by hiring a professional engineer to review and comment on the final engineering plans.

(7) *Time limit of preliminary plan approval.* Approval of a preliminary plan in accordance with this section is valid after the exhaustion of all appeals (see § 152.208). Infrastructure (streets and utilities) shall be designed and constructed in accordance with current design standards unless specific exceptions are granted by the Planning Commission.

(F) Common content of master plan and preliminary plan. In addition to the forms prescribed by the city, an application for master plan approval or a preliminary plan approval of a planned development shall include the following:

(1) A site plan map or maps depicting:

(a) All proposed residential and non-residential land uses;

(b) Any proposed tourist accommodation area in a residential zoned area, describing the type, location, and number of each type of tourist accommodation (house, apartment, hotel, condo, time-share, and the like), also showing and describing the buffering from adjacent uses;

(c) Parking areas and lots, showing number of spaces;

(d) Proposed lot or parcel boundaries;

(e) Proposed roads;

(f) Proposed pedestrian system and facilities;

(g) Significant natural features, such as wetland, streams courses, environmental hazards, and fish and wildlife habitat areas; and

(h) Proposed open space, recreation areas, or other common elements, and approximate topography with contour intervals of not more than ten feet.

(2) Drawings of the architectural styles of the different areas of the development;

(3) A written narrative describing the character of the proposed development, the manner in which it has been designed to conform to divisions (A) and (B) above, including detailed discussion of how the proposal conforms to the requirements of division (G) below, how the development meets the parking requirements of the § 152.058 of this chapter, proposed methods of providing sewer, water, storm drainage, and other utility services, the method proposed for ownership, funding, and maintenance of common areas, buildings, structures, roads, open space, landscaping, parking areas, fences, buffers and/or sight, sound barriers to adjacent properties, or other facilities, public access to and use of the aforementioned, and the proposed time schedule of development; and

(4) Other maps or narrative materials needed to determine compliance with any applicable provisions of this chapter, as determined by initial review of the application for completeness.

(G) Common master plan and preliminary plan approval criteria. Approval by the Planning Commission of a master plan or a preliminary plan of a planned development shall be based on findings that the following criteria are satisfied:

(1) All applicable requirements of this section are met;

(2) The proposed development is consistent with the Comprehensive Plan goals and policies, and zoning provisions for the area;

(3) Per § 152.251 of this chapter, the provisions of §§152.250 through 152.265 of this chapter shall be applicable to approval criteria unless expressly contrary to a specific provision of this section;

(4) The proposed development will provide the following amenities or protections at a higher level than would otherwise be provided under conventional land development procedure: 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, as examples only, suitably located open space, recreation facilities, and other common facilities for inhabitants of the planned development; includes pedestrian oriented development which reduces reliance on automobile travel, and provides similar measures to promote energy conservation, or avoidance of risks and costs associated with environmental hazards;

(5) In acting to approve, the Commission shall be mindful of the purposes of this section by encouraging and promoting creativity and innovation in site planning, and by allowing for flexibility in the application of design standards. The Commission may also impose any conditions or limitations it finds necessary to achieve compliance with any provisions of this section; and

(6) The proposed development is in substantial harmony with the area at least 250 feet outside the boundary of the

proposed development. In the case of a phased planned development, all phases shall also be in visible agreement with each other architecturally and otherwise.

(H) *Final plan.* Upon completion of all conditions and requirements of a preliminary plan, application may be made for final approval in accordance with the provisions of this section.

(1) *Final plan review procedure.* The procedure for application and review of a request for final plan approval shall be as set forth in § 152.204(C).

(2) *Certifications required for final plan approval.* Requests for final plan approval shall be accompanied by the following certifications, as applicable:

(a) A copy of all covenants and restrictions;

(b) Copies of legal documents required for dedication of public facilities or for the creation of a homeowner's association;

(c) As-built certifications for all required roads and utilities;

(d) If the planned development involves a division of land, the certifications required by §§152.250 through 152.265 of this chapter; and

(e) Other certifications required as a condition of the preliminary plan approval.

(3) Final plan approval criteria. The Commission shall approve a final plan provided that:

(a) The submitted final plan is in substantial conformance with the approved preliminary plan and master plan (if a phased planned development); and

(b) All of the certifications required by division (H)(2) above have been submitted in proper form.

(4) *Permits.* No building permits shall be approved until the effective date of the final approval of the final plan.

(I) *Retroactivity.* The provisions in this section shall not apply to planned developments, or phases thereof, which were granted preliminary plan approval prior to the effective date of this section. In those cases the prior version of this section shall apply, unless said approval expires without applicant having obtained the final approval.

(J) Amending an approved planned development master plan or preliminary plan. When a developer or owner desires to deviate from an approved master plan or preliminary plan, any applicable documents that would result in modification from that change shall be submitted for approval. The review process is identical as a new planned development approval. As a result of the change, the Planning Commission may require changes to approved uses, structures, and other forms of development to ensure the proposed development remains consistent with the Comprehensive Plan goals, policies, and zoning ordinance provisions for the area, and to ensure all areas of the planned development remain in harmony following division (A) and (B) of this section.

(Ord. 24, passed 4-5-1976; Ord. 256, passed 4-6-2004; Ord. 310, passed 11-1-2016) Penalty, see § 152.999

#### § 152.058 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS.

At the time a new structure is erected or the square footage is increased, or the use of the structure is changed, off-street parking spaces, loading areas, and access thereto shall be provided as set forth in this section.

(A) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(B) In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the several uses computed separately.

(C) Owners of two or more uses, structures, or parcels of land may agree to jointly utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use and hours of operation.

(D) Off-street parking spaces for dwellings, hotels, motels, resorts, and time-shares shall be located on the same lot or on a lot immediately adjacent to the lot served by such parking.

(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 adequately for all-weather use, and shall be adequately maintained. Drainage shall conform to the city's storm water master plan and a drainage plan shall be approved the city field superintendent.

(G) Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones, or adjacent to Highway 101, or residential uses shall be designed to minimize visual impacts by use of landscaping or by a fence screened by landscaping.

(H) Parking areas used for public or private parking lots under the conditional use in an R-4 Zone must have garbage containers available for garbage which may be generated by users of the parking lot. Such garbage containers must be emptied on a regular basis and not less than weekly. Parking lots shall be posted with the following sign: "no camping or overnight use" and shall have their hours posted. Parking lot hours shall not extend beyond 10:00 p.m. or open earlier than 4:00 a.m. If the property fails to enforce the parking prohibitions, the Planning Commission may review and consider whether or not to revoke the conditional use permit.

(I) Parking spaces along the outer boundaries of a lot shall contain a curb or bumper rail at least four inches high and set back four feet from the front of the space.

(J) Artificial lighting may be used in parking areas provided it is of low intensity, is pointed generally downward, and is shielded if necessary so as to not create light or glare off-site.

(K) Except with respect to approved driveways, required off-street parking areas shall not be provided in the required front or street side yard areas in a residential zone.

(L) 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.

(M) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(N) Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain offstreet loading berths of sufficient numbers and size to handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this section may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

(O) All spaces shall be permanently and clearly marked. Markings which guide safe and efficient traffic flow shall also be permanently and clearly marked. All markings shall be replaced regularly to remain visible.

(P) All improvements, including surfacing, storm water management, striping, and landscaping shall be fully maintained for the life of the parking facility. Failure to maintain such improvements shall constitute a violation of this chapter.

(Q) All parking lots shall be designed with spaces for handicapped drivers as provided for in the Building Code.

(R) The clear vision requirements set forth in §152.055 of this subchapter shall apply to all parking lots at the intersection of two streets or a street and an alley.

(S) For C-1 Retail Commercial Zoned properties, off-street parking requirements shall be located on the same lot or within 500 feet (as measured by a direct line from the nearest property line to the nearest property line of the parking lot).

(1) On-street parking spaces that front the lot and are adjacent (on the same side of the street) may be counted in the required parking. Over one-half of the parking space shall be directly within the street frontage of the lot in order to be counted in the required parking.

(2) When the square footage of a business or structure is increased, or the use is changed, only the spaces associated

with the increased square footage or area of change must be added.

(3) No person who works or resides in properties fronting Highway 101 shall park a vehicle on Highway 101 while in his or her place of employment, or in his or her residence between 9:00 a.m. and 5:00 p.m. on any day. Single-family dwellings are exempt.

(4) Parking on Highway 101 is limited to four hours between 6:00 a.m. and 6:00 p.m.

(5) All parking shall be general purpose parking/public parking with the exception of residential uses which may have designated off-street parking spaces. If required parking is off-site but within 500 feet, the applicant must provide written documentation from the property owner authorizing the parking. If a variance to parking requirements is pursued, the applicant shall demonstrate that off-site parking is not available within 500 feet.

(T) Off-street parking space requirements:

Animal hospital or kennel	1 space per 500 square feet
Any single- or multi-family residential use, including condominium or time share	2 spaces per unit
Church, auditorium, meeting place, theater, gymnasium, mortuary, or similar place of assembly	1 space for each 50 square feet of floor area used for assembly
Dance hall, skating rink, pool hall, aquarium, bowling alley, or similar commercial amusement enterprise	1 space for each 100 square feet of floor area
Day care, nursery school, kindergarten, elementary and middle schools, and similar uses	2 spaces per classroom or instructional area, plus requirements for offices, places of assembly, and the like
Financial institution, laboratory, or office	1 space for each 300 square feet of floor area
Golf courses	5 spaces per hole, plus the 75% the ancillary parking requirements
High schools	8 spaces per classroom or instructional area, plus requirements for offices, places of assembly, and the like
Hospital	3 spaces for each 2 beds
Laundromat	1 space per three machines
Library or similar facility	1 space for each 300 square feet of floor area
Manufacturing, fabrication, assembly, processing, cabinetry, or similar use	1 space for each 1,000 square feet of floor area
Marina or other moorage facility	1 space per boat mooring space
Medical or dental clinic	1 space for each 200 square feet of floor area
Miniature golf	1.5 spaces per hole
Nursing home, residential facility, residential home, or retirement home	1 space for each 3 beds
Personal or business service	1 space per 250 square feet
Public or private swimming pool	1 space per 100 square feet
Recreational vehicle park	3 spaces for each two RV spaces
Restaurants and bars	1 space for each 100 square feet of serving area (total floor area where public is allowed, excluding restrooms and other specified uses, such as designated retail space)
Retail store not handling bulky merchandise	1 space for each 350 square feet of floor area
Service or repair shop; retail store handling bulky merchandise, such as automobiles, furniture, boats, marine equipment, and the like; automobile service station, feed and seed; heavy equipment; lumber or building supplies; or similar uses	1 space for each 600 square feet of sales, storage, or repair area
Tourist accommodation	1 space for each guest accommodation
Warehouse, storage, and wholesale business	1 space for each 2000 square feet of area

(U) The required size of parking spaces, aisles, driveways, and similar design features are set forth in Diagram A. Required landscaping areas are not shown.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 92, passed 7-7-1982; Ord. 124, passed 7-1-1985; Ord. 130, passed 4-6-1987; Ord. 145, passed 1-3-1989; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 234, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 279, passed - -2007)

## **AMENDMENTS**

#### § 152.185 AUTHORIZATION TO INITIATE AMENDMENTS.

An amendment to the text of this chapter or to a zoning map may be initiated by the City Council, by the Planning Commission, or by application of a property owner.

(Ord. 24, passed 4-5-1976)

#### § 152.186 AMENDMENT PROCEDURE.

(A) The procedure for amending the zoning ordinance specified in §§152.200 through 152.210 of this chapter shall be followed.

(B) In considering an amendment to a zoning map, the Planning Commission shall seek to determine the following:

(1) That the change is in accord with the land use plan for the area; and

(2) (a) That there has either been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or that the zoning adopted for the area was in error.

(b) If the proposed change is not in accord with the land use plan for the area, the Planning Commission and the City Council shall seek to determine that an alteration of the plan can be justified on the basis that there has been a substantial change in the character of the area since the plan was adopted and which warrants a change in the plan, or that the plan adopted for the area was in error.

(C) The office of the City Recorder shall maintain records of amendments to the text and map of this chapter in a form convenient for use by the public.

(Ord. 24, passed 4-5-1976; Ord. 256, passed 4-6-2004)

#### § 152.187 LIMITATION.

No application of a property owner for an amendment to the text of this chapter or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

(Ord. 24, passed 4-5-1976)

## § 152.188 TIME LIMIT ON A ZONING MAP AMENDMENT.

Approval of a zoning map amendment may be voided after two years, unless otherwise specified, by the Planning Commission upon finding at a public hearing that substantial construction has not taken place on the rezoned property.

(Ord. 24, passed 4-5-1976)

## **DEVELOPMENT GUIDELINES**

#### § 152.225 PURPOSE.

Some areas of the city are located on steep slopes, have erosion or landslide potential, or are otherwise of concern. The purpose of this section is to minimize hazards and threats to life and property by regulating building, grading, land clearing, and other human activities in areas identified with landslide topography, steep slopes, areas subject to erosion, high groundwater table, and other hazards. It is also the intent of this subchapter to protect life and property by reducing building density in these areas, by requiring special construction techniques, and by requiring the study of such areas by a state-registered engineering geologist prior to any activity.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.226 WEAK FOUNDATION SOILS.

(A) Many areas within the city are located on areas described by the soil conservation service as containing "weak foundation soils" or other soils limitations.

(B) Construction techniques, through the Building Code, require the effect of weak foundation soils or other soil limitations to be considered in the construction process.

(C) Construction of structures on areas of weak foundation soils or other soils limitations is not deemed to pose a significant hazard to life or property outside the property boundaries. The manner provided in the Building Code to address problems arising from weak foundation soils or other soils limitations is deemed to be an adequate means of protection of life and property. This statement serves as a warning for development on weak foundation soils.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.227 DISCHARGE OF SEDIMENT OR WATER.

(A) Property owners or other persons in charge of property shall not cause, or permit to be caused, the discharge of sediment or water onto adjoining property or the public right-of-way unless the permit application is accompanied by a drainage plan accepted by the affected property owners, or the applicant has demonstrated compliance with state laws regarding discharge of sediment or water.

(B) The following measures are suggested as possible means to prevent such discharges:

- (1) Minimal removal of vegetative cover, particularly trees;
- (2) Temporary measures for controlling run-off, such as berms or holding ponds;

(3) The planting of vegetative cover as soon as possible after each phase of construction, including excavation, grading, and/or land clearing; and

(4) Design of the site to avoid steep areas or other hazards.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.228 AFFECTED AREAS.

The following areas and activities shall be subject to the requirements of this subchapter:

(A) Areas identified as being geologically hazardous by *Environmental Geology of Lincoln County, Oregon, 1973*, Oregon Department of Geology and Mineral Industries, or *Environmental Hazard Inventory, Coastal Lincoln County Oregon,* RNKR Associates, 1978. These documents are referenced as part of the Comprehensive Plan and are available in the office of the City Recorder;

(B) Areas identified by the Natural Resource Conservation Service as having high groundwater;

(C) Areas containing slopes in excess of 20%. (Areas generally containing significant slopes are identified on the attached map. Sites in this area are "affected" unless shown otherwise per § 152.233 of this subchapter); and

(D) Areas fronting the ocean or coastal bluff that are seaward from the line set by the coastal setback requirements of § 152.234 of this subchapter.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.229 GEOLOGIC PERMIT REQUIRED.

A geologic permit shall be obtained for any development within the affected areas. For subsequent building permits, such as for decks or room additions, the original geologic permit is acceptable, if it is no older than five years and the report author evaluates the new building permit plans and sends a letter to the city that bears the stamp of the licensed geologist or

engineering geologist, acknowledging that the submitted plans have been reviewed and that such building activity can be safely accomplished. In areas having slopes greater than 20%, a geologic permit shall also be obtained before removing vegetation from or grading an area in excess of 20,000 square feet or adding or removing 90 cubic yards of earth in an area of 5,000 square feet. Minimal accessory uses that do not require a building permit (playground equipment, small gazebo, and the like) are excluded from the requirements of this subchapter.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.230 PERMIT PROCEDURES.

In order to obtain a geologic permit, the applicant shall submit, along with the appropriate fee, a geologic hazard report which shall be prepared by a registered geologist or a certified engineering geologist recognized by the state and dated no more than one year prior to the application date. The report shall explain fully the activity for which the permit is being sought. If the purpose of the geologic hazard report is for a building permit, then the report shall accompany and address final building plans. Any activities not specifically covered in the report will not be covered by the permit. The report shall also identify the nature, extent, and location of all geologic hazards associated with the proposed site and activity. Finally, the report shall detail exact measures to be taken so as to avoid the occurrence of landslides, erosion, sloughing, puddling, or other identified geologic hazards on the subject and surrounding property or any prohibited activity identified above. For uses requiring removal of vegetation or excavation, plans for the legal disposal of such materials shall be submitted.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.231 SPECIFIC REQUIREMENTS FOR GEOLOGIC HAZARD REPORTS.

Geologic hazard reports provided pursuant to this subchapter shall conform to the following requirements from the *Guidelines for Preparing Engineering Geologic Reports in Oregon* The geologist's report shall have reviewed these specific requirements and the applicant shall address the applicable conditions in the proposal. Sections that are not applicable shall be identified as not applicable.

## (A) General information.

(1) Client or party that commissioned the report;

(2) Name(s) of geologist(s) who did the mapping and other investigation on which the report is based, and dates when the work was done;

(3) Location and size of area, and its general setting with respect to major or regional geographic and geologic features, including a statement of existing surrounding and on-site land uses and public facilities, utilities, and easements. The location shall be identified by the tax map, tax lot number, and the street address to eliminate confusion in identifying the property;

(4) Purpose and scope of the report and geologic investigation, including the proposed use of the site. Also, identify the level of the study, such as, feasibility, preliminary, final, and the like;

(5) Topography and drainage within or affecting the area;

(6) General nature, distribution, and abundance of exposures of earth materials within the area;

(7) Nature and source of available subsurface information and geologic reports or maps. Suitable explanations of the available data should provide a technical reviewer with the means of evaluating the reliability. Reference to cited works or field observations should be made, to substantiate opinions and conclusions;

(8) Disclosure of known or suspected geologic hazards affecting the area, including a statement regarding past performance of existing facilities (such as, buildings or utilities) in the immediate vicinity;

(9) Locations of test holes and excavations (drill holes, test pits, and trenches) shown on maps and sections described in the text of the report. The actual data, or processed data upon which interpretations are based, should be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation;

(10) All field and laboratory testing procedures (by ASTM designation, if appropriate) and test results; and

(11) The signature and seal of the certified engineering geologist who prepared the report.

(B) Geologic mapping and investigation.

(1) Geologic mapping of the area should be done at a scale which shows sufficient detail to adequately define the geologic conditions present.

(a) For many purposes, available published geologic maps are unsuitable to provide a basis for understanding the site conditions, so independent geologic mapping is needed.

(b) If available published geologic maps are used to portray site conditions, they must be updated to reflect geologic or topographic changes which have occurred since map publication.

(c) It may be necessary for the geologist to extend mapping into adjacent areas to adequately define significant geologic conditions.

(2) Mapping should be done on a suitable topographic base or aerial photograph, at an appropriate scale with satisfactory horizontal and vertical control. The date and source of the base should be included on each map or photo.

(3) The geologist doing the investigation and preparing the map should report the nature of bedrock and surficial materials, the structural features and relationships, and the three-dimensional distribution of earth materials exposed and inferred within the area. A clear distinction should be made between observed and inferred features and relationship.

(4) The report should include one or more appropriately positioned and scaled cross-sections to show subsurface relationships that cannot be adequately described in words alone. Fence or block diagrams may also be appropriate.

#### (C) Geologic descriptions.

(1) The report should contain brief but complete descriptions of all natural materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for such interpretations should be clearly stated. Describe all field mapping and exploration procedures (surface geologic reconnaissance, drilling, trenching, geophysical survey, and the like).

(2) The following checklist may be useful as a general, though not necessarily complete, guide for descriptions:

- (a) Bedrock.
  - 1. Identification of rock types;
  - 2. Relative and absolute age and, where possible, correlation with named formations and other stratigraphic units;
  - 3. Surface and subsurface expression, areal distribution, and thickness;
  - 4. Pertinent physical characteristics (such as, color, grain size, nature of stratification, strength, and variability);
- 5. Distribution and extent of zones of weathering; significant differences between fresh and weathered rock; and

6. Special engineering geologic characteristics or concerns (such as, factors affecting proposed grading, construction, and land use).

(b) Structural features: stratification, faults, discontinuities, foliation, schistosity, and folds.

1. Occurrence, distribution, dimensions, orientation, and variability; both within and projecting into the area;

2. Relative ages, where pertinent;

3. Special features of faults (such as, topographic expression, zones of gouge and breccia, nature of offsets, age of movements, youngest faulted unit, and oldest unfaulted unit); and

4. Other significant structural characteristics or concerns.

(c) Surficial deposits: alluvial, colluvial, eolian, glacial, lacustrine, marine, residual, mass movement, volcanic (such as, cinders and ash), and fill.

1. Identification of material, grain size, relative age, and degree of activity of originating process;

2. Distribution, dimensional characteristics, variations in thickness, degree of soil development, and surface expression;

3. Pertinent physical and engineering characteristics (such as, color, grain size, lithology, compactness, cementation, strength, thickness, and variability);

4. Special physical or chemical features (such as, indications of volume change or instability, such as expansive clays or peat); and

5. Other significant engineering geologic characteristics or concerns.

(d) Surface and shallow subsurface hydrologic conditions, including groundwater, springs, and streams and their possible effect on site. Indicate how conditions may be affected by variations in precipitation, temperature, and the like:

1. Distribution, occurrence, and variations (such as, drainage courses, ponds, swamps, springs, seeps, and aquifers);

2. Identification and characterization of aquifers; depth to groundwater and seasonal fluctuations, flow direction, gradient, recharge, and discharge areas;

3. Relationships to topographic and geologic features;

4. Evidence for earlier occurrence of water at localities now dry (such as, vegetation, mineral deposits, and historic records); and

5. Other significant engineering geologic characteristics or concerns, such as fluctuating water table and the effects

of proposed modifications on future hydrologic processes.

(e) Seismic considerations.

1. Description of the seismotectonic setting of the area (including size, frequency, and location of historic earthquakes), current seismic zoning, and expected seismic risk;

2. Potential for area to be affected by surface rupture (including sense and amount of displacement, and width of surface deformation zone);

- 3. Probable response of site to likely earthquakes (estimated ground motion);
- 4. Potential for area to be affected by earthquake-induced landslides or liquefaction; and
- 5. Potential for area to be affected by regional tectonic deformation (subsidence or uplift).

(D) Assessment of geologic factors.

(1) Assessment of existing geologic conditions and processes with respect to intended use of the site constitutes the principal contribution of the report. It involves the effects of the geologic features upon the proposed grading, construction, and land use; and the effects of these proposed modifications upon future geologic conditions and processes in the area.

(2) The following checklist includes topics that ordinarily should be considered in discussions, conclusions, and recommendations in geologic reports:

(a) General suitability of proposed land use to geologic conditions.

- 1. Areas to be avoided, if any, and mitigation alternatives;
- 2. Topography and slope;
- 3. Stability of geologic units;
- 4. Flood and tidal inundation, erosion, and deposition;
- 5. Problems caused by geologic features or conditions in adjacent properties;
- 6. Problems related to coastal erosion; and
- 7. Other general problems.

(b) *Identification and extent.* Identification and extent of known or probable geologic conditions which may result in risk to the proposed land use (such as, flood inundation, shallow groundwater, storm surge, surface and groundwater pollution, snow avalanche, landslide, debris flow, rock fall, expansive soil, collapsible soil, subsidence, erosion, deposition, earthquake shaking, fault rupture, tectonic deformation, liquefaction, seiche, tsunami, and volcanic eruption).

- (c) Recommendations for site grading.
  - 1. Prediction of what materials and structural features will be encountered in proposed cuts;

2. Prediction of stability based on geologic factors; recommended avoidance or mitigation alternatives to cope with existing or potential landslide masses;

- 3. Excavation considerations (hard or massive rock and groundwater flows);
- 4. General considerations of proposed fill masses in canyons or on hillsides;
- 5. Suitability of on-site material for use as compacted fill;

6. Recommendations for positioning fill masses, provision for subdrainage, buttressing, and the need for erosion protection on fill slopes; and

7. Other recommendations required by the proposed land use, such as the angle of cut slopes, position of drainage terraces, need for rock-fall, and/or erosion protection on cut slopes.

- (d) Drainage considerations.
- 1. Protection from inundation or wave erosion along shorelines;
- 2. Soil permeability and suitability for septic systems; and
- 3. Protection from sheet flood or gully erosion, and debris flows or mud flows.

(e) *Limitations of study and recommendations for additional investigations*.Considering the scope of work and intended use of the site, provide a statement of the limitations of the study and the need for additional studies outside the stated scope of work.

- 1. Borings, test pits, and/or trenches needed for additional geologic information;
- 2. Percolation tests needed for design;

3. Program of subsurface exploration and testing that is most likely to provide data needed by the soils or civil engineer; and

4. Program for long-term monitoring of the site to evaluate geologic conditions (survey hubs, inclinometers, extensometers, and the like).

(E) Conclusions and recommendations. The reports shall provide a concise set of conclusions and recommendations, including specifics regarding the acceptable locations of structures (addressing setbacks where appropriate) and the acceptable nature and density of development.

(F) Inspection and monitoring. Reports shall specify inspections and/or monitoring required to verify that the development and construction on the site have been completed according to the recommendations contained in the report. Inspection records and/or "as built" certifications shall be provided for all geologic hazard reports.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.232 DETERMINATION OF COMPLIANCE.

(A) Geologic hazard reports submitted for review in accordance with §§152.200 through 152.210 of this chapter, shall be reviewed by the Planning Commission, which shall determine whether the report addresses the provisions of this subchapter as it reviews the entire application. Land use applications before the Planning Commission shall not be approved until such a determination has been made. Regardless of approval by the city, liability remains with the report signator and the applicant, who must conform with the report's requirements. Signed acceptance of this liability shall accompany the permit application.

(B) In determining compliance, the Planning Commission shall evaluate:

(1) If the report appears to adequately recognize the causes, extent, and potential of the hazards and conforms substantively with the requirements found in § 152.231 of this subchapter;

(2) If the recommendations to overcome the recognized hazards are set out clearly and specifically and are included in the engineered plans of the development;

(3) If the geologic hazard report indicates that possible future danger may exist from a hazard, the applicant or property owner shall complete and sign the declaration of covenants and conditions of responsibility and indemnity (the declaration) provided by the city. Prior to issuance of a building permit, the applicant or property owner shall execute and record the declaration in the deed records of the county;

(4) If the geologic hazard report and the associated plans contain the signature and professional stamp of a licensed geologist or engineering geologist qualified to certify such reports and plans; and

(5) Authorization of a geologic hazards permit shall be void after five years unless substantial construction pursuant thereto has taken place.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.233 PROVISIONS FOR ADDITIONAL INFORMATION.

There may be instances in which specific sites within the area mapped "as having significant slopes" may have topography not exceeding the 20% criterion. Property owners who can demonstrate, through a survey completed within a calendar year of the date of application by a surveyor registered in the state, that their property, or the specific site to be developed, has slopes of less than 20%, shall be exempt from any requirements pertaining to that specific characteristic.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.234 CALCULATION OF COASTAL SETBACKS.

Two areas shall be considered in establishing coastal setback requirements and may simultaneously apply to a given piece of property.

(A) Areas of coastal erosion.

(1) The following categories of coastal erosion are recognized (coastal erosion rates and the methodology used are outlined in the document entitled *Geologic Hazards Associated with Lincoln County Coastal Shoreline*, prepared by CH2M Hill, Inc., and RNKR Associates, 1977):

Less than 2.8 inches/year	Slight
2.8 to 11.3 inches/year	Moderate
More that 11.3 inches/year	Severe

(2) The following coastal setbacks are required for the categories listed above in order to limit the need for structural solutions to coastal erosion. All setbacks shall be measured from the mean higher high water line and/or the base of the bank, whichever requires the greater setback.

Slight erosion	1 foot of setback for each 1 foot of bank height
Moderate erosion	2.15 feet of setback for each 1 foot of bank height
Severe erosion	2.75 feet of setback for each 1 foot of bank height

Example of How to Determine Geologic Setback

(B) Areas of visual concern. This is an area 25 feet landward from the top of a coastal bluff measured on the horizontal, where the top of bluff is the uppermost break in slope (see diagram in division (A) above). Where there is no coastal bluff or no clear break in slope, for example on a smoothly sloping lot, the area of visual concern is an area 25 feet landward (measured on the horizontal) from the line of mean higher high water or the line of non-aquatic vegetation, whichever is the furthest landward.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.235 PROHIBITED ACTIVITIES IN COASTAL SETBACKS.

(A) (1) In the areas of coastal erosion, no excavating, filling, or placement of retaining walls, deck posts, or other permanent structures is allowed, unless based on a geological hazard report approved by the Commission.

(2) Vegetation removal is also prohibited except as allowed in division (A)(2) below with prompt replacement with plants that will stabilize the ground. In this area, such vegetation removal must be in accordance with any required geological hazard report and with a landscaping plan adequately addressing ground stabilization.

(3) In the areas of visual concern, no grading, excavating, or filling that changes the profile of the top of the bluff or the slope seaward from its top; vegetation removal; or placement of a building is allowed except for:

(a) Minor pruning to maintain views;

(b) Removal of brush and trees smaller than six inches in diameter measured four feet above ground in preparation for prompt landscape replanting in the area landward from the top of the bluff;

- (c) Removal of vegetation within ten feet of a building allowed per division (A)(1) above;
- (d) Placement of benches, tables, and chairs; and
- (e) Placement of a single gazebo, provided such a structure is less than 100 square feet in size.

(B) If a geological hazard report is required per division (A)(1) above, any vegetation removal or gazebo placement must comply with this section and recommendations of the geological hazard report.

(Ord. 24, passed 4-5-1976; Ord. 85, passed 3-15-1982; Ord. 172, passed 10-7-1991; Ord. 239, passed 6-2-1997; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

## LAND DIVISION

#### § 152.250 PURPOSE.

(A) (1) As authorized by law, including O.R.S. Chapter 92, the following requirements and standards relating to the division of land apply to all land within the city.

(2) This subchapter is necessary for the protection of the health, safety, and welfare of the city's citizens, and is designed to promote coordinated and appropriate development of land and to carry out the city's Comprehensive Plan.

(B) These regulations have the following objectives:

- (1) To allow for the proper location of utilities;
- (2) To specify the width, location, and improvement of streets;
- (3) To provide for adequate sewage disposal facilities;
- (4) To provide for adequate water supplies;
- (5) To provide for adequate drainage facilities;
- (6) To reduce danger from geologic hazards, floods, fire, and pollution; and
- (7) To provide for adequate open space.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.251 EXCEPTIONS FOR PLANNED DEVELOPMENTS.

The provisions of §§ 152.250 through 152.261 of this subchapter shall be applicable to §152.042 of this chapter, unless expressly contrary to a specific provision of § 152.042 of this chapter.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.252 APPROVAL OF PARTITIONS.

(A) A partition of land shall not be valid until it has been approved and recorded as provided for in this subchapter. No person shall convey any interest in a parcel in any partition, or replat of a partition, until the plat of the partition has been recorded as provided for in this chapter. A person may negotiate to sell any parcel in a partition or replat of a partition upon approval of the tentative plan of the partition.

(B) A person may negotiate to sell any parcel in a partition prior to the approval of the tentative plan for such partition, however, no person may sell any parcel in a partition prior to tentative approval.

(C) No building permits shall be approved for any parcel in a partition until the partition has been recorded.

(D) Partitions shall not be approved that will create a lot smaller than the minimum lot dimensions for the zone in which the partition occurs. If a road divides a parcel, the land on each side of the road shall be considered separately for purposes of calculating minimum lot sizes.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

#### § 152.253 APPROVAL OF SUBDIVISIONS.

(A) No plat or replat of a subdivision of land shall be recorded or have any validity unless and until it has the approval of the city, as provided for in this subchapter.

(B) No person shall negotiate to sell any lot in a subdivision until a tentative plan of that subdivision has been approved, however, no person shall sell any lot in the subdivision prior to final subdivision approval.

(C) No person shall dispose of, transfer, or sell any lot in any subdivision until final approval is obtained and the plat of that subdivision recorded.

(D) No person shall accomplish a property line adjustment without having first secured the approval of the city as provided for in this chapter.

(E) Approval of street or road creations:

(1) No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the city as provided for in this chapter.

(2) No instrument dedicating land to public use shall have any validity unless such instrument bears the approval of the city as accepting such dedication.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010) Penalty, see § 152.999

### § 152.254 GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DEVELOPMENT DESIGN.

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

(A) *Conformity to the Comprehensive Plan*. All subdivisions and partitions shall conform to applicable portions of §§ 152.225 through 152.235 of this chapter, and the purposes of the goals and policies of the Comprehensive Plan.

(B) *Relation to adjoining street system.* If development of a subdivision or partition would otherwise impede or interfere with access to or through existing streets and rights-of-way, a subdivision or partition shall provide for the continuation of said streets and rights-of-way. If physical conditions make such continuation impractical, exceptions may be made.

(1) If the city finds that the off-site effects of a subdivision warrant the necessity of improved streets or rights-of-way, the city may require that the subdivision or partition provide for them. If no such off-site effects are found, the city may require that the lay-out of the subdivision or partition take into account the future development of streets and rights-of-way with regard to setback, access, parks, and open spaces, as well as other requirements of this subchapter.

(2) When a tract is divided into lots or parcels of a size which could allow for further redivision under current zoning, the city may require an arrangements of lots and streets such as to permit a later redivision in conformance with the street requirements and other requirements contained in this subchapter.

(C) Access.

(1) A subdivision, partition, or replat shall provide each lot or parcel with not less than 25 feet of frontage on a public or private road or street, except that where necessitated by adverse sight distances or other factors, greater frontage may be required.

(2) A subdivision or partition shall consider vehicular access to the parcel of existing or proposed roads that addresses traffic congestion, speed, stop signs, and turn lanes for the orderly development of traffic accessing the area.

(D) Private streets.

(1) No street or road which would serve as a collector from existing public streets shall be approved as a private street.

(2) The establishment of a private street shall not be allowed if it will deny the public access to public areas such as beaches or parks.

(3) No road or street shall be approved as a private road in a case where such a road or street presently is or will in the future be needed to provide access to development on adjacent properties or to serve as a collector for other subdivisions or partitions in the area.

(4) All private streets or roads established for the purpose of subdividing, partitioning, or replatting land shall be surveyed and monumented.

(5) Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.

(6) Private road rights-of-way may be approved of less than 50 feet in width but in no instance shall the road right-ofway be less than 30 feet, except that a private road to two lots may be 20 feet in width. In instances where the road access to more than three lots is less than 50 feet in width, utility/slope easements may be required.

(7) Private road standards shall be the same as those for public streets. No more than three lots shall be exempt from standards for improvements.

(E) Public streets.

(1) Right-of-way and improvement requirements for public streets shall conform to the widths as specified in §§152.260 and 152.261 of this subchapter.

(2) If topographical requirements necessitate either cuts or fills for the proper grading of roads, additional right-of-way or slope easements shall be provided.

(3) The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this chapter.

(4) Street improvements, street grades, and center line radii on curves shall meet the minimum requirements as specified in §§ 152.260 and 152.251 of this subchapter.

(5) The city shall only be responsible for maintenance of a public street when the street is accepted by the City Council through dedication. A street that is accepted by the City Council through dedication shall be referred to as a "city street."

(F) 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.

(G) Cul-de-sacs and turnarounds.

(1) Dead-end (cul-de-sac) streets in partitions and subdivisions shall terminate in a turnaround with a minimum property line radius of 40 feet, or other type of turnaround approved by the city.

- (2) Approved turnarounds shall be provided on all dead-end streets.
- (3) No dead-end street may be established without Fire Marshal approval.

(H) *Easements.* Where alleys are not provided, easements of not less than six feet in width may be required on each side of the rear line or side line for necessary 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 or parcels where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainageways or channels.

(I) *Blocks.* Normally, no block shall be longer than 600 feet between street lines. Approval for longer blocks can be given where topographical conditions constrain development.

(J) Public accessways. When necessary for public convenience and safety, the Planning Commission may require the developer to dedicate to the public reasonable accessways to connect to cul-de-sacs, pass through oddly shaped blocks, provide for networks of public paths according to adopted plans, or to provide access to schools, parks, beaches, or other public areas, or for other such design and location as reasonably required to facilitate public use. A subdivision, partition, or replat shall maintain existing public access points to shorelands as required by § 152.039(E)(4) of this chapter. Such access points shall be ascertained as follows:

- (1) By examination of a standard title report;
- (2) By consulting city inventory of such points; or
- (3) Through presentation of other lawful information.
- (K) Lots and parcels.

(1) 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 the staff measurement shall not be less than 25 feet minimum frontage.

(2) Each side line shall be as close to perpendicular to the adjacent street/road or radial to a curved street/road as possible.

(3) Lots/parcels with double frontage shall not be permitted unless, in the opinion of the city, the physical characteristics of the land prohibit any other plan for a subdivision.

(4) The staff portion of a flag lot shall not be used in computing lot size for zoning and building purposes.

(L) Utility easements.

(1) Where alleys are not provided, easements of not less than ten 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.

(2) 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 drainageways or channels.

(M) Water. No partition or subdivision shall receive final approval unless the city has received and accepted:

(1) A certification by the Public Works Director, or such other city official as the city may designate, that water will be available to the boundary line of each, and every lot or parcel depicted in the proposed subdivision or partition; or

(2) A performance agreement, bond, contract, or other assurance that a water supply system will be installed to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition.

(N) Sewer. No partition or subdivision shall receive final approval unless the city has received and accepted:

(1) A certification by the Public Works Director, or other officials as the city may designate, that sewer will be available to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition; or

(2) A performance agreement, bond, contract, or other assurance that sewage disposal lines will be installed by or on behalf of the developer to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition.

(O) Surface drainage and storm sewer.

(1) Drainage facilities shall be provided within subdivisions and partitions, and to connect the subdivision or partition drainage to drainageways or storm sewer outside the subdivision or partition. The connection to the city system shall be engineered using standard practices and shall be approved by the city.

(2) Design of drainage within subdivisions and partitions shall consider the capacity and grade necessary to maintain unrestricted flow from areas draining through the development, as well as to allow extension of the system to serve those areas.

(P) *Phase development.* A plat may be filed on a portion or phase of an approved tentative plan. Each phase of a subdivision must be able to qualify for approval independent of the balance of the approved tentative plan.

(Q) *Geologic hazards.* All land divisions shall comply with the procedures and standards set forth in §§152.225 through 152.235 of this chapter, where applicable.

(R) *Parks and open spaces.* Excluding streets and parking, at least 35% of the land will be dedicated or reserved for outdoor recreation, park, or natural land, for use by the residents of the subdivision.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.255 TRANSPORTATION IMPACT STUDY (TIS).

The purpose of this section is to implement § 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule that requires the city to adopt standards to protect the future operations of roadways and transit corridors and a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes when a TIS must be submitted with a land use application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities.

(A) Applicability; TIS letter. A TIS letter shall be required to be submitted with a land use application if the proposal is expected to generate ten to 30 peak hour trips or 100 to 300 daily trips.

(B) Applicability; TIS report. A TIS report shall be required to be submitted with a land use application if the proposal is expected to involve one or more of the following:

(1) The proposed development would generate more than 30 peak hour trips or more than 300 daily trips;

(2) The proposal is immediately adjacent to an intersection that is functioning at a poor level of service, as determined by the city;

(3) An increase in use of any direct property approach road to Highway 101 by ten vehicles or more per day that exceed 20,000 pounds gross vehicle weight;

(4) A new direct approach to Highway 101 is proposed;

(5) A proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facility(ies); and

(6) An amendment to the Comprehensive Plan or zoning map is proposed.

(C) Preparation.

(1) The TIS letter or TIS report shall be prepared by a state registered professional engineer qualified to perform traffic engineering analysis and will be paid for by the applicant.

(2) The TIS letter or report shall include trip generation estimates that are based on the Institute of Transportation Engineers (ITE) trip generation manual.

(D) *Determination.* Consistent with the city's traffic impact study (TIS) guidelines, the city will determine the project study area, intersections for analysis, scenarios to be evaluated, and any other pertinent information concerning the study that must be addressed in either a TIS letter or a TIS report.

(E) Approval criteria. When a TIS letter or report is required, a proposal is subject to the following:

(1) The TIS addresses the applicable elements identified by the city, consistent with the traffic impact study guidelines;

(2) The TIS demonstrates that adequate transportation facilities exist to serve the proposed development or, in the case of a TIS report, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the city and, when state highway facilities are affected, to ODOT;

(3) For affected non-highway facilities, the TIS report establishes that mobility standards adopted by the city have been met; and

(4) Proposed public improvements are designed and will be constructed consistent with city street design standards and access standards in the transportation system plan.

(F) Conditions of approval.

(1) Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.

(2) Where the existing transportation system is shown to be impacted by the proposed use, improvements such as

paving, curbing, installation, or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required.

(3) Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

(Ord. 326-20, passed 7-7-2020)

## § 152.256 DEDICATION OF PUBLIC STREETS APPLICATION.

Any person wishing to create a public road or street which is not a part of a subdivision shall make written application to the City Council. The application shall consist of a letter addressed to the Council requesting acceptance of the dedication; a dedication deed with a proper description of the proposed dedication signed by all owners of the property being dedicated; and a map showing the proposed road and property intended to be served by the road.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.257 REVIEW.

The City Council shall refer the dedication application to the following:

(A) The Public Works Director, or other designated person, who shall check the proposal for grade and conformance to city road standards;

(B) A title insurance company for a standard preliminary title report; and

(C) The Planning Commission which shall review the proposal for compatibility with the city's Comprehensive Plan, transportation plan, and any adjacent approved tentative plans, plats, or maps.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

#### § 152.258 APPROVAL.

The above reports shall be forwarded to the City Council along with the application for dedication. The dedicator shall furnish a standard title insurance policy insuring title of the dedicated street to the city. A public street will not be maintained by the city unless that street is accepted by the city into the city's road system.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

# § 152.259 PROCEDURE FOR ENSURING COMPLETION OF ROADS AND/OR UTILITIES IN SUBDIVISIONS AND PARTITIONS.

(A) The developer's engineer will prepare cost estimates for completion of roads and/or utilities. Road cost estimates shall be based upon road standards as designated herein. All cost estimates shall be stamped by a registered professional engineer, licensed in the state.

(B) All estimates shall be submitted to the Public Works Director; water and/or sewer cost estimates shall be sent to the Water and Sewer Department for review and approval.

(C) The Public Works Director shall notify the developer as to the amount of bond or other performance agreement required and as to any changes necessary for bond acceptance or other performance agreement.

(D) The developer shall submit the bond or performance agreement and three copies thereof written in favor of the city to city hall for approval.

(E) Upon completion of construction of roads and utilities, the applicant's engineer shall certify that such improvements are built to the standards approved. This certification of completion shall be submitted prior to the release of any bond or performance agreement.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

## § 152.260 STREET WIDTH IN SUBDIVISIONS AND PARTITIONS.

Type of Street	Right-of-Way Width (Feet)	Surface Widths (Feet) +
Arterials	80 to 150 ++	40 to 52 ++
Collector streets and all streets other than arterials	40 to 50 ++	28 to 38 ++
Cul-de-sacs	40	28
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Circular ends of cul-de-sacs	80 +++	60 +++

+ Surface width is that measured from face to face of curbs or shoulders

++ The Planning Commission may require a width within the limits shown based upon adjacent physical conditions,

safety of the public, and the traffic needs of the community

+++ Measured by diameter of circle constituting circular end

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

### § 152.261 STREET IMPROVEMENTS IN SUBDIVISIONS AND PARTITIONS.

Improvements shall meet the following minimum standards unless increased at the request of the Planning Commission:

- (A) All streets shall be rough graded for the full surface width;
- (B) All streets shall have a minimum of eight inches of base material to a minimum width of 28 feet;

(C) All streets shall have a leveling course of three-fourths inch crushed rock, two inches deep compacted; and

(D) All streets shall be paved with two inches of asphalt concrete to a minimum of the width required by the Planning Commission.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

### § 152.262 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 should 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 on the applicable city application form. If the proposal includes new access from a state highway, the applicant shall submit documentation that the Oregon Department of Transportation will be 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, and the procedure for application and review of the tentative plan for a partition shall be as set forth in § 152.204(C) of this chapter.

(D) Tentative plan application and review for replats.

(1) The procedure for review and approval of the tentative plan shall be set forth in §152.204(C).

(2) For replats of previously recorded partition plats, the procedure for review and approval of the tentative plan shall be as set forth in § 152.204(A).

(E) *Time limit for tentative approval.* Approval of a tentative plan in accordance with this section is valid for a period of three years. A single time limit extension may be granted by the Planning Commission only if the development is substantially completed within the three-year time period. A development is deemed to be substantially completed when utilities, streets, and drainage are in and stubbed to the lot line.

(F) *Revision of tentative plan.* If an approved tentative plan for a subdivision is revised in any way, the Planning Commission shall review the proposed revisions to determine if a new application for tentative approval will be required. Such review will be limited to those issues impacted by the revision. If an approved tentative plan is substantially revised, such revision shall be filed as a new application for tentative plan approval.

(G) *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 all legal documents required for dedication of public facilities and/or for the creation of a homeowner's association;

(3) The certification, bond, performance agreement, or statement regarding the installation of water and sewer services;

(4) As-built certifications for all required roads and/or utilities, unless otherwise guaranteed by a bond or performance agreement;

(5) A plat and one exact copy meeting the requirements of §152.263 of this subchapter and the applicable state statute;

(6) When access from a state highway is proposed, a copy of the approach road permit issued by the Oregon Department of Transportation confirming that all required improvements have been satisfactorily completed; and

(7) Such other information as is deemed necessary by the City Planner or Commission to verify conformance with the conditions of tentative approval.

(H) Procedure for final approval of partitions.

(1) The procedure for application and review of a request for final approval of a partition shall be as set forth in § 152.204(A) of this chapter. All such applications shall be accompanied by the certifications set forth in division (G) above.

(2) Upon granting of final approval, the City Planner shall sign the plat and its exact copy.

(3) Upon signing, the City Planner shall deliver the plat and its exact copy to the County Surveyor who shall follow established procedures for obtaining recordation of the plat.

### (I) Procedure for final approval of replats.

(1) If the proposed replat involves three lots or less and is for the purpose of lot boundary changes only, procedure for review of final approval shall be as set forth in § 152.204(A) of this chapter.

(2) If the proposed replat involves four lots or more or includes changes to street rights-of-way, utilities, or any other features besides boundary lines, procedures for review of final approval shall be as set forth in § 152.204(B) of this chapter.

(3) Following the signature of the City Planner or Planning Commission chairperson, the city shall deliver the replat and its exact copy to the County Surveyor who shall follow established procedures for obtaining recordation of the plat.

(J) Procedure for final approval of subdivisions.

(1) (a) When the City Planner determines that all of the certifications set forth in division (G) above 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 agenda of the next scheduled meeting of the Planning Commission for determination that all requirements have been met.

(b) The Commission shall then approve, disapprove for cause, or, when further information is required, postpone a decision on the plat.

(2) Unless appealed, the decision of the Planning Commission shall become effective 15 days after the decision is rendered. When the approval becomes effective, the Planning Commission chairperson shall sign the plat and its exact copy.

(3) Following the Planning Commission chairperson's signature, the city shall deliver the plat and its exact copy to the County Surveyor. The County Surveyor shall review the plat for conformance with the requirements of § 152.263 of this subchapter and the provisions of the applicable state statute.

(4) Upon approval of the County Surveyor, subdivision plats shall be circulated for signing to the following officials:

- (a) The County Treasurer, whose signature shall certify that all taxes on the property have been paid; and
- (b) The County Assessor, whose signature shall certify that the plat is signed by the owner or owners of record.

(5) Upon signing by the County Treasurer and County Assessor, subdivision plats shall be delivered to the County Clerk for recording.

(6) The signature of the chairperson on the final subdivision plat shall be valid for a period of one year. If a plat has not been recorded within one year of the date of the chairperson's signature, the final approval of the plat shall expire, and a new request for final approval shall be required.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

### § 152.263 PLAT REQUIREMENTS.

(A) *Requirements of survey plats.* 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 the applicable state statute.

(B) *Encroachment or hiatus.* In the event that any encroachment, hiatus, or property line discrepancy exists on the property to be platted, such encroachment, hiatus, or discrepancy shall be clearly shown on the plat.

(C) *Elevation bench marks.* Where required, the location, name, and elevation of any elevation bench marks shall be indicated on the face of the plat. The name, year, and elevation of the bench mark upon which the elevation is based shall also be shown.

(D) *Easements.* All recorded and proposed easements will be shown on the plat, along with the following information:

- (1) The specific location and size by dimensions or description;
- (2) If previously recorded, the County Clerk's recording reference; and

(3) The purpose or type of easement and whether it is a public or private easement and, if private, who benefits from the easement. Any public or private easement to be created, or any other restriction made, shall be noted in the declaration. Public easements shall include language in the declaration which dedicates the easement to the use of the public.

(E) Exceptions.

- (1) Parcels created in excess of 80 acres need not be shown on a partition plat.
- (2) Parcels in excess of ten acres created by partition plat need not be surveyed or monumented.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

### § 152.264 STANDARDS AND PROCEDURES FOR PROPERTY LINE ADJUSTMENTS.

(A) Tentative approval.

(1) The procedure for application, review, and tentative approval of property line adjustments shall be as set forth in § 152.204(A) of this chapter. A property line adjustment shall be tentatively approved provided that:

(a) No additional lots or parcels will be created;

(b) The subject lots, parcels, or tracts of land will not be reduced in size to below the minimum area required by the applicable use zone;

(c) The proposed lots, parcels, or tracts of land as adjusted will comply with any required minimum width requirement as set forth in the applicable use zone;

(d) The proposed property line adjustment will not reduce any yard or other setback below that required under applicable zoning;

(e) The proposed property line adjustment will not reduce the street or road frontage of the subject lots or parcels to below that required by the city code;

(f) The proposed property line adjustment will not reduce any setback for an existing on-site sewage disposal system or approved replacement area below the required minimum; and

(g) The proposed property line adjustment will not increase the degree of non-conformity on vacant lots, parcels, or tracts that do not conform to lot size, width, or depth requirements, or on developed lots if the increase in non-conformity results in adjacent property becoming further dividable. The proposed property line adjustment will not increase the degree of non-conformity for required yards.

(2) Tentative approval of a property line adjustment is valid for a period of one year. Tentative approval may be extended by the City Planner prior to expiration of tentative approval. Requests shall specify reasons for requiring a time extension, along with a specific plan and timeline for completion. Only one time extension of up to one year may be granted.

(B) Final approval.

(1) The procedure for application, review, and final approval of property line adjustments shall be as set forth in § 152.204(B) of this chapter.

(2) Final approval of a property line adjustment shall be granted upon submittal of the following:

(a) A copy of a filed survey of the property line adjustment in accordance with the applicable state statute and in substantial conformance with the tentative approval, except that property line adjustments where all lots, tracts, or parcels affected are greater than ten acres need not be surveyed or monumented;

(b) Copies of recorded conveyances conforming to the tentatively approved property line adjustment and containing the names of the parties with proper acknowledgment; and

(c) Such other documentation as may be required by the City Planner to verify conformance with any requirements or conditions of the tentative approval.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

### § 152.265 PROPERTY LINE ADJUSTMENTS IN SUBDIVISIONS AND PARTITIONS.

(A) Except as provided for herein, all property line adjustments within recorded plats shall be accomplished by replatting in accordance with § 152.262 of this subchapter.

(B) Property lines within a recorded plat may be adjusted in accordance with the procedure for property line adjustments rather than by replatting, when the City Planner determines that:

(1) The property line or lines to be adjusted will not result in a substantial reconfiguration of the affected lots or parcels so as to render them unsuitable for their previously approved purpose;

(2) The property line or lines to be adjusted will not result in an increase in lots;

(3) The property line or lines to be adjusted will not reduce the common open space or park and recreational acreage; and

(4) All of the other requirements for property line adjustments set forth in §152.250 of this subchapter will be met.

(Ord. 24, passed 4-5-1976; Ord. 57, passed 6-4-1979; Ord. 87, passed 3-15-1982; Ord. 111, passed 5-21-1984; Ord. 153, passed 7-16-1990; Ord. 155, passed 9-17-1990; Ord. 256, passed 4-6-2004; Ord. 287, passed 5-4-2010)

### § 152.999 PENALTY.

(A) A person violating a provision of this chapter shall, upon conviction, be punished by imprisonment for not more than 30 days or by a fine of not more than \$500 or both. A violation of this chapter shall be considered a separate offense for each day the violation continues. The convicted violator shall be liable for all court costs.

(B) A person violating a provision of § 152.040 shall, upon conviction, be punished by imprisonment for not more than 30 days or by a fine of not more than \$500 or both.

(C) Any person who violates any of the provisions of §§152.090 through 152.103, as now constituted or hereafter amended or revised shall be subject to the procedures and penalties of § 11.99 of this code of ordinances (enforcement procedures). The city may confiscate any sign found to be in violation of §§ 152.090 through 152.103.

(Ord. 24, passed 4-5-1976; Ord. 314, passed 9-5-2017; Ord. 320, passed 10-15-2019)

# CITY of DEPOE BAY

Post Office Box 8 + Depoe Bay, Oregon 97341 Phone (541) 765-2361 + Fax (541) 765-2129 TDD# 1-800-735-2900



Date: August 9, 2023

To: Depoe Bay Planning Commission

From: Kit Fox, AICP, City Planner

Subject: Change of Use - #4-C1-PC-23 - Map & Tax Lot Nos. 09-11-05-BD-00900 & -01000

### Applicant: Harry Napier

**Owner:** Same as Applicant

**<u>Request:</u>** The applicant requests approval of a former automobile service station back to an automobile service station, with minor repair services but no fuel sales, located at the southwesterly corner of S Highway 101 and SW Graham Street, Depoe Bay.

### **Report of Facts:**

1. **Property Location:** The property is located near at the southwesterly corner of S Highway 101 and SW Graham Street, and is further identified on Lincoln County Assessor's Map 09-11-08-BD as Tax Lots 00900 and 01000.



- 2. Zoning Designation: C-1 Retail Commercial Zone
- 3. Plan Designation: Commercial
- 4. Lot Size and Dimensions: The combined tax lots measure approximately 100' wide by 60' deep (average), and 0.14 acre in size.
- 5. **Surrounding Land Use:** Surrounding land use consists of residential and commercial development in the C-1 zone to the north, south, and west; and vacant and developed land in the Light Industrial (L-I) zone across S Highway 101 to the east.

- 6. **Topography:** The property is generally flat.
- 7. Existing Structures: There is an existing 960-square-foot service station building on the property that was built in the 1930s. The building straddles the boundary between the tax lots. An attached pump canopy at the front of the building was recently removed under previous ownership. It is Staff's understanding that the former underground fuel tanks have been removed.
- 8. Utilities: The following utilities serve the subject property:
  - a. <u>Water</u>: City water service.
  - b. <u>Sewer</u>: City sewer service.
  - c. <u>Electricity</u>: Central Lincoln P.U.D.

### 9. Development Constraints:

- a. Existing building straddles tax lot boundary.
- b. Roughly forty (40) feet of the front of each tax lot previously dedicated as public rightof-way to Oregon Department of Transportation (ODOT) for S Highway 101.

### **Relevant Criteria:**

**Depoe Bay Zoning Ordinance** – Complete descriptions of the relevant criteria are attached to this report.

- 1. Section 152.003: Definitions
- 2. Section 152.030: Retail Commercial Zone C-1
- 3. Section 152.031: C-1 Zone Design Standards and Guidelines
- 4. Section 152.055: Clear Vision Areas
- 5. Section 152.058: Off-Street Parking and Off-Street Loading Requirements

### **Findings:**

The Planning Commission finds:

1. **Request:** On June 7, 2023, the applicant<sup>1</sup> met with Staff at the public counter to discuss his proposal to use the above-mentioned property as a business offering minor automotive service and repair, but no fuel sales. The proposed scope of services to be offered is described in the narrative accompanying the attached change-of-use/building permit application. The building was originally constructed as a Standard gasoline/service station in the 1930s, but has been mostly recently used for general retail sales purposes (i.e., the "What Not Shop") from at least the early- to mid-1990s until the end of 2022. Staff and the applicant discussed whether his proposed use was permitted outright or a conditional use in the C-1 zone. Staff agreed to research the issue further and report back to the applicant.

An "automobile service station" is an outright use in the C-1 zone, while an "automobile repair garage" is a conditional use. The definitions of these terms in the Depoe Bay Zoning

<sup>&</sup>lt;sup>1</sup> At the time that the applicant formally submitted the change-of-use request on June 27, 2023, he was under contract to purchase the property. The former property owner provided written authorization for the filing of this request, but the applicant subsequently completed the purchase of the property on July 18, 2023.

Ordinance suggested that the primary function of an automobile service station was fuel sales, with "minor repairs" allowed as a secondary function to fuel sales, while the definition of automobile repair garage focused on more extensive and intrusive "major repair" services such as auto body, frame straightening, painting, welding, and storage of inoperable vehicles. The applicant's proposal appeared (to Staff) to fall somewhere in between these definitions.

In the City's files, Staff found that a very similar request had been made in 1991. In that case, a request for an "auto parts and auto repair" business at this location was found (by the City Planner and Planning Commission President at the time) to be closer to an automobile service station than to an automobile repair garage and was, therefore, an outright permitted use in the C-1 zone. Given the similarities in this case to the previous request, Staff is inclined to agree with this previous determination (see attached memo dated April 3, 1991). Also attached is Staff's detailed email response to the applicant from June 15, 2023.

The applicant proposes little in the way of exterior modifications to the building and site. Repairs would be conducted within the former service bays. Security fencing would be installed around the property perimeter on private property. Two (2) marked parking spaces would be provided.





- 2. **Retail Commercial C-1 Zone Standards:** The C-1 zone does not specify a minimum required lot area, lot width, lot depth, or yards (building setbacks), except for a 10-foot setback requirement from adjacent residential zones. The subject property is not adjacent to a residential zone. The C-1 zone has a maximum building height of 35 feet. As discussed above, there are no proposed modifications to the existing building, and Staff believes that the applicant's proposed use is substantially similar to an automobile service station, which is an outright permitted use in the C-1 zone.
- 3. **C-1 Zone Design Standards and Guidelines:** Pursuant to DBZO Section 152.031(A)(2), the design standards and guidelines that apply to development in the C-1 zone such as public sidewalks and other pedestrian-serving amenities are not required for projects that do not increase the footprint, volume, or height of a structure. Therefore, these standards do not apply to this proposal.
- 4. Clear Vision Areas: DBZO Section 152.055 requires a clear vision area (CVA) to be maintained on the corners of all properties located at the intersection of a street and an alley (driveway). In the C-1 zone, a 15-foot CVA is required. The applicant proposes a 6-foot-tall fence around the perimeter of the property for security purposes. The installation of this fence will need to provide the necessary CVA at the corner of S Highway 101 and SW Graham Street in order to comply with DBZO Section 152.055(B).
- 5. **Parking:** Parking requirements within the C-1 zone shall conform to DBZO Section 152.058. For an automobile service station, one (1) parking space is required for every six hundred (600) square feet of building area. Therefore, the 960-square-foot building will require two (2) marked parking spaces.
- 6. **ODOT Review:** Staff consulted with ODOT about any review or permitting required for this change of use. ODOT indicated that no such review or permitting is required.
- 7. **Signage:** The applicant has not indicated if any signage is proposed. New permanent signage will require the approval of a sign permit by the City.

8. **Tax Lot Consolidation:** The existing building straddles the boundary between the two (2) tax lots. Although not required at this time, Staff recommends that the applicant consolidate the existing tax lots through the Lincoln County Assessor's Office.

### **Conclusions:**

The record and findings support the conclusion that:

- 1. Substantial evidence in the record demonstrates that the site is suitable for use as an automobile service station, without fuel sales, and providing minor repair services.
- Substantial evidence in the record demonstrates that the proposed use is consistent with applicable standards set forth under DBZO Section 152.030 "Retail Commercial C-1 Zone," DBZO Section 152.031 "C-1 Zone Design Standards and Guidelines," DBZO Section 152.055 "Clear Vision Areas," and DBZO Section 152.058 "Off-Street Parking and Off-Street Loading Requirements."
- 3. Approval of the proposed use is consistent with all other applicable standards and procedures of the Depoe Bay Zoning Ordinance.

### **Recommended Order and Conditions of Approval:**

It is the opinion of the City Planner that the request be APPROVED, subject to the following conditions:

- 1. Automobile Service Station: The applicant's proposal is consistent with the definition of an automobile service station, which is an outright permitted use in the C-1 zone. Specifically, the following minor repair services may be provided: oil changes, brakes, minor tune-ups, spark plug and fuel filter replacement, "check engine" light diagnosis, and electrical system repair. There shall be no sales of motor fuel. Days and hours of operation will be Tuesdays through Saturdays from 8:00 AM to 5:00 PM. All repair services shall be provided within the building's service bays.
- 2. **Retail Commercial C-1 Zone Standards:** The existing building shall be maintained in compliance with the development standards of the C-1 zone (DBZO Section 152.130). No expansion of the building is permitted as a part of this approval.
- 3. C-1 Zone Design Standards and Guidelines: Since this proposal does not involve an increase the footprint, volume, or height of the existing structure, it is not subject to the standards of DBZO Section 152.031.
- 4. **Parking:** Parking requirements within the C-1 zone shall conform to DBZO Section 152.058 "Off-Street Parking and Off-Street Loading Requirements." Two (2) off-street parking spaces shall be provided. Driveways shall be hard surface paved. All required parking spaces shall measure at least eight (8) feet in width and twenty (20) feet in depth.
- 5. Clear Vision Areas: The approved project site plan demonstrates that the 15-foot clear vision area required in the C-1 zone will be provided at the intersection of the S Highway 101 and SW Graham Street. Any planting, fences, walls, structures, or temporary or

permanent obstructions in this area shall not exceed  $3\frac{1}{2}$  feet in height, as measured pursuant to DBZO Section 152.055(B).

- 6. **Signage:** All signage shall comply with the provisions of DBZO Sections 152.090-152.103.
- Attachments:Project plot plan and aerial photo<br/>Applicant's narrative describing services offered<br/>Building permit application<br/>Staff's email to applicant (dated June 15, 2023)<br/>Previous use determination memo (dated April 3, 1991)<br/>Relevant DBZO criteria
  - Section 152.003: Definitions
  - Section 152.030: Retail Commercial Zone C-1
  - Section 152.031: Commercial Zone C-1 Design Standards & Guidelines
  - Section 152.055: Clear Vision Areas
  - Section 152.058: Off-Street Parking and Off-Street Loading Requirements



RECEIVED JUL 1 8 2023



Western Title & Escrow

### Parcel ID: R293077

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

RECEIVED JUL 1 8 2023

From:	harry napier
То:	<u>planner</u>
Subject:	Re: Depoe Bay Service Station - 411 S Hwy. 101
Date:	Tuesday, June 27, 2023 12:03:11 PM

### Hello Kit.

The work I intend on doing will be oil changes, Brakes, minor tune ups spark plugs fuel filters. Possible diagnose check engine lights, And electrical. Hours of operation Tuesday-Saturday 8am-5pm. My main intent is to give it that 1930 Era look it use to have back in the day.

Sent from my Verizon, Samsung Galaxy smartphone Get <u>Outlook for Android</u>

From: planner <planner@CityofDepoebay.org>
Sent: Tuesday, June 27, 2023 11:49:41 AM
To: harry napier <harrysauto63@hotmail.com>
Subject: RE: Depoe Bay Service Station - 411 S Hwy. 101

Hi Harry:

Thanks for dropping off the building permit application packet this morning. In addition to the plot plan that we've discussed (see below), please provide a brief narrative describing the proposed use (e.g., types of "minor repair" services to be provided, days and hours of operation, etc.).

Thanks!

Kit Fox, AICP (he/him/his) City Planner City of Depoe Bay (541) 765-2361 x15 planner@cityofdepoebay.org

Tuesdays and Wednesdays only

From: planner
Sent: Wednesday, June 21, 2023 11:22 AM
To: harry napier <harrysauto63@hotmail.com>
Subject: RE: Depoe Bay Service Station - 411 S Hwy. 101

· •									
PERMIT #							REC.		
	LIN	COL	N COUNT. APP	Y DEPART LICATIOI	MENT OF	F PLANN BUILDI	IING AND DEVEI NG PERMIT	_OPMENT	
			Valuati	on					
Date	2		Permit	Fee				Approved	1
			Plan C	k				Disannro	ved
Plan #			F.L.S.					Diodppio	
			St. Src	hg				Date	
			Zoning					By	
P.U. DUX 0 Dence Ray OR 973/	11		OnSite					Бу	
Depoe Day, Or 070-	F 1	+	Total						
Application is made to:	A		Erect Repair Alter	☐ Reloc ■ Chang Occup	ate ge of pancy	В	DWELLING BUILDING STRUCTUR	C E	OCCUPANCY GROUP
5 Owner Ronald Spor	es			Address	411 S.Hi	ighway 10	)1 Depoe Bay Ore	gon 97341	Phone
Applicant Harry Napie	er			Address	525 SW.	. Point Av	w Depoe Bay Ore	gon 97341	Phone 925-998-4860
3 Builder				Address					Phone
Architect				Address					Phone
Site Address:									
Directions to Job Site	_eft s	side	of Highw	ay 101 tra	aveling N	North in	to Depoe Bay		
Lincoln County Assess Setbacks from property	or's <b>f</b> / line:	Map/ s:	Tax Lot # Front	; 0	<b>9</b> -			B D - 3 D - Side_0	0090000 Height 35
Is proposed structure	replac	cing	an existing	structure?	Ye	es 🔄	No		
Is property served by I	PUBL	IC s	ewer syste	:m?	Y	es 📕	No		
Describe work to be d (Only work described	one. herei	<i>INC</i> n wil	LUDE NUI	<b>WBER OF I</b> ved by this	<b>BEDROO</b> permit).	MS EXIS	TING OR PROP	OSED WH	IERE APPLICABLE.
Change use from reta	il to ı	min	or Auto R	epair.					
NOTE 1: SEPARATE PL NOTE 2: SEPARATE PL	IBLIC UMBI	SEV NG,	VER AND W	ATER PERI	MITS MUS ECHANICA	T BE OB	TAINED FROM LC T MUST BE OBTA	CAL DISTR	RICT.
I AGREE TO BUILD TO T CODE OF THE COUNTY	HE A	BOV INC(	E DESCRIP DLN. Any w	TIONS, PLA ork in violatic	NS AND S on of the Zo Signatu	SPECIFIC oning Ordir ure Harr	ATION AND WITHI ance constitutes gr / Napier	N THE REC bunds for re- Digitally signed Date: 2023.06.2	QUIREMENTS OF BUILDING vocation of this Permit. by Harry Napier 21 13:40:24 -07'00'
OFFICE USE ONLY: Planning Division									
On-Site Waste Manage	emen	t							

### **BUILDING INSPECTION INFORMATION**

\* WHEN READY FOR INSPECTION, CALL 265-4192 EXT. 2251. A MINIMUM OF AT LEAST 24 HOURS ADVANCE NOTICE FOR INSPECTION REQUESTS MUST BE GIVEN. Please have the following information ready: permit number, owner name, type of inspection, job address, your name and phone number, when it will be ready and any special directions to site.

### **REQUIRED INSPECTIONS:**

- 1. <u>Foundation Inspection</u>: To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.
- 2. <u>Concrete Slab:</u> Shall be made after all in-slab or under-floor building service equipment, conduit/piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.
- 3. <u>Plumbing. Mechanical and Electrical</u>: Rough inspection: Shall be made prior to covering or concealment of floor sheathing including subsheathing.
- 4. **<u>Framing</u>**: Shall be made after the roof, masonry, all framing, firestopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.
- 5. Insulation: All wall insulation and vapor barrier are in place.
- 6. Lath and/or Gypsum Board Inspection: Shall be made after all lath and/or wallboard interior is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
- 7. Final Inspection: To be made after the building is complete and before occupancy.

### **APPROVAL REQUIRED:**

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official.

### \* NOTE: All building permits require inspections for the work authorized, such as, but not limited to:

- A. <u>Block Wall</u>: To be made after reinforcing is in place, but before any grout is poured. This inspection is required for each bond beam poured. There will be no approval until the plumbing and electrical inspection have been made and approved.
- B. <u>Wood Stove</u>: To be made after completion of masonry ( if applicable ) and when installation is complete. Installation shall be in accordance with an approved nationally recognized testing agency and the manufacturer's installation instructions.

APPROVED PLANS MUST BE ON THE JOB SITE AT ALL TIMES DURING WORKING HOURS. THIS PERMIT WILL EXPIRE IF WORK DOES NOT BEGIN WITHIN 180 DAYS, OR IF WORK IS SUSPENDED OR ABANDONED FOR MORE THAN 180 DAYS. SUSPENSION OR REVOCATION MAY OCCUR IF THIS PERMIT WAS ISSUED ON THE BASIS OF INCOMPLETE OR ERRONEOUS INFORMATION.

ction Contractors Board	Demit#	
700 Summer St NE Suite 300		
PO Box 14140	Address:	
Salem, OR 97309-5052		
Phone: 503-378-4621	Issued by:	Date:
Web Address: www.ccb.state.or.us		

## **Statement: Information Notice to Property Owners About Construction Responsibilities**

**Note:** Oregon Law, ORS 701.055(4) requires residential construction permit applicants who are not licensed with the Construction Contractors Board to sign the following statement before a building permit can be issues. This statement is required for residential building, electrical, mechanical and plumbing permits. Licensed architect and engineer applicants, exempt from licensing under ORS 701.010(7), need not submit this statement. This statement will be filed with the permit.

Fill in the appropriate blanks and initial boxes 1 and 2, and either box 3A or 3B:

4	1		1			1	4 <b>-</b> -		اممام	- A	
	LOWD	reside	in o	r wiii	reside	IN 1	rne.	com	nieteri	STRUCTIN	<u> </u>
		100100	, V	I WW183	100100			00111	pictou	Structur	· • •
			,								

- 2. I understand that I must become licensed as a construction contractor if the structure is sold or offered for sale before or on completion.
  - 3A. My general contractor is:

Constructi

(Name)

(CCB#)

I will instruct my general contractor that all subcontractors who work on the structure must be licensed with the Construction Contractors Board.

OR

3B. I will be my own general contractor.

If I hire subcontractors, I will hire only subcontractors licensed with the Construction Contractors Board. If I change my mind and hire a general contractor, I will contract with a contractor who is licensed with the CCB and will immediately notify the office issuing this building permit of the name of the contractor.

I hereby certify that the above information is correct and that I have read and do understand the Information Notice to Property Owners about Construction Responsibilities on the reverse side of this form.

(Signature of permit applicant)

(Date)

(White copy to issuing agency permit file, yellow copy to applicant).

## SECTION A, SYSTEM DEVELOPMENT CHARGES/CONNECTION FEES "This institution is an equal opportunity provider"

APPLICANT NAME:								
MAILING ADDRES	S:							
TELEPHONE: HC	DME:	WORK:						
OWNERS'S NAME	, IF OTHER THAN APPLIC	CANT:						
PROPERTY ADDR	ESS:							
	ION: (EXAMPLE: T <u>9</u> R <u>11</u> S	EC <u>5AA</u> TAX LOT <u>100</u> )						
T R	SEC	_ TAX LOT						
DESCRIBE PROPO	SED USE/CONNECTION	AND PROPOSED DATE C	OF CONNECTION:					
1. CITY DOES <u>NOT</u> IN (IF AGREEMENT A	NSTALL SEWER: DO YOU WI	SH CITY TO INSTALL WATER S	SERVICE ?					
2. CONNECTION FEE	ES MUST BE PAID AT TIME BU	VILDING PERMIT IS FILED.	NE WEEK IN ADVANCE OF					
DESIRED DATE OI	F CONNECTION.							
	REMENTS FOR SERVICE	CONNECTIONS TO PRO	PERIY					
CITY WATER SERVI	CE INSTALLATION AGRE	EEMENT AVAILABLE? YE	S NO					
		INSPECT						
TYPE	SDC CHARGE	AND/OR INSTALL	TOTAL					
WATER SERVICE		·	÷					
SEWER SERVICE	3 <u></u>	······						
STORM DRAIN			·					
TRANSPORTATION								
PARKS			2					
OTHER (CULVERT? (Per Res. No. 183 and Or	) rd. No. 61)							
GRAND TOTAL								
SIGNATURE:		DATE:						

<u>SDC's (System</u> City of Depoe I	<u>Development Charges)</u> Bay		Rev. February 15, 2022 Eff. February 15, 2022					
Refer to Ordin	Refer to Ordinance # 264 (adopted 6/21/11, eff 7/1/11)							
ENR-Construct	ion Cost Index 04/20-03/21 = 2.95%							
Water SDC: Sewer SDC:	Water SDC:\$ 3,120/EDUplus applicable inspection/installation fees (see below)Sewer SDC:\$ 4,343/EDUplus applicable inspection/installation fees (see below)							
Storm Drain SI	DC: \$1,788/EDU							
Parks SDC: \$7	71/EDU							
Transportatior	SDC: See attached chart							
***Note to Sta (Ex: SDC for a S	iff: View of the Bay Lots 1 thru 28 (Ph Single Family Dwelling is \$ 3,141.29)	ase I) each are credited \$	160.71 toward the Transportation SDC.					
Water & Sewer Refer to Resolu CPI-U - Portlan	Water & Sewer Inspection/Installation ChargesRev. 10/2021Refer to Resolution # 234Rev. 10/2021 = 1.6%							
Charges for ser	vice connections, in addition to SDC's a	are as follows:						
SEWER: Inspec	tion Only	\$ 295						
WATER: 5/8" d	or ¾" Service:							
	Inspection Only, includes meter Inspection & Installation	\$   894 \$ 1,586						
WATER: 1" Sei	rvice							
	Inspection Only, includes meter	\$ 1,164						
	Inspection & Installation	\$ 1,856						
Water: 1.5"	Service							
	Inspection Only, includes meter	\$ 1,220						
	Inspection & Installation	\$ 1,912						
WATER: 2″ Se	rvice							
	Inspection Only, includes meter	\$ 2,338						
	Inspection & Installation	\$ 3,030						
WATER: 3", 4"	or larger service connections:							

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Due to the infrequency of these connections the city does not stock these materials, costs shall be based upon actual cost at the time of application. *"This institution is an equal opportunity provider"* 

### CITY OF DEPOE BAY TRANSPORTATION SDC FEE SCHEDULE

					Rev.	1	0/1/2021	
LAND USE	ITE TRIP	UNITS	PASS BY DEPOE BAY		TRIP		SDC	
(ITE CLASS)	RATE	BASIS	VOL.	TRIP RATE	COST	C	CHARGE	
RESIDENTIAL								
Single Family Detached (210)	9.57	per unit	0%	9.57	364.00	\$	3,483	
Apartment (220)	6.63	per unit	0%	6.63	364.00	\$	2,413	
Condominium Townhouse(230)	5.86	per unit	0%	5.86	364.00	\$	2,133	
Mobile Home Park (240)	4.81	per space	0%	4.81	364.00	\$	1,751	
Planned Unit Dev. (270)	7.5	per unit	0%	7.5	364.00	\$	2,730	
Hotel (310)	8.92	per room	40%	5.35	364.00	\$	1,947	
Suites Hotel (311)	6.24	per room	40%	3.74	364.00	\$	1,361	
Motel (320)	9.11	per room	40%	5.47	364.00	\$	1,991	
Campground/RV Park (416)	9.11	per space	40%	5.47	364.00	\$	1,991	
COMMERCIAL/INDUSTRIAL								
Marina (420)	2.96	per berth	0%	2.96	364.00	\$	1,077	
General Light Industrial (110)	6.97	1,000 SF	0%	6.97	364.00	\$	2,537	
General Heavy Industrial (120)	1.5	1,000 SF	0%	1.5	364.00	\$	546	
Industrial Park (130)	6.96	1,000 SF	0%	6.96	364.00	\$	2,533	
Manufacturing (140)	3.82	1,000 SF	0%	3.82	364.00	\$	1,390	
Warehousing (150)	4.96	1,000 SF	0%	4.96	364.00	\$	1,805	
Mini Storage (151)	2.5	1,000 SF	0%	2.5	364.00	\$	910	
Elementary School (520)	1.02	student	0%	1.02	364.00	\$	371	
Middle School/Jr High (522)	1.45	student	0%	1.45	364.00	\$	528	
High School (530)	1.79	student	0%	1.79	364.00	\$	652	
Jr/Community College (540)	1.54	student	0%	1.54	364.00	\$	561	
University (550)	2.38	student	0%	2.38	364.00	\$	866	
Day Care (565)	79.26	1,000 SF	80%	15.85	364.00	\$	5,769	
Nursing Home (620)	2.61	per bed	40%	1.57	364.00	\$	571	
Clinic (630)	31.45	1,000 SF	20%	25.16	364.00	\$	9,158	
General Office (710)	11.01	1,000 SF	20%	8.8	364.00	\$	3,203	
Medical/Dental Office (720)	36.13	1,000 SF	20%	28.9	364.00	\$	10,520	
Specialty Retail Center (814)	40.67	1,000 SF	40%	24.4	364.00	\$	8,882	
Building Materials/Lumber(812)	39.71	1,000 SF	20%	31.77	364.00	\$	11,564	
Discount Store (815)	56.63	1,000 SF	40%	33.98	364.00	\$	12,369	
Hardware/Paint (816)	51.29	1,000 SF	40%	41.03	364.00	\$	14,935	
Nursery/Garden Center (817)	36.08	1,000 SF	40%	21.65	364.00	\$	7,881	
Shopping Center (820)	42.92	1,000 SF	40%	25.75	364.00	\$	9,373	
Restaurant (831)	89.95	1,000 SF	20%	71.97	364.00	\$	26,197	
High Turnover Restaurant(832)	130.34	1,000 SF	40%	78.2	364.00	\$	28,465	
Fast Food w/Drive Thru (834)	496.12	1,000 SF	80%	99.22	364.00	\$	36,116	
Quick Lube (837)	40	svc pos.	40%	24	364.00	\$	8,736	
Car Sales (841)	67.5	1,000 SF	20%	30	364.00	\$	10,920	
Auto Parts (843)	61.91	1,000 SF	40%	37.15	364.00	\$	13,523	
Fuel Service Station (844)	168.56	fuel pos.	80%	33.71	364.00	\$	12,270	
Fuel Service w/Market (845)	162.78	fuel pos.	80%	32.56	364.00	\$	11,852	
Fuel Svc w/Mkt/Car Wash(846)	152.84	fuel pos.	80%	30.57	364.00	\$	11,127	
Car Wash (847)	5.79	wash stall	80%	1.16	364.00	\$	422	
Supermarket (850)	111.51	1,000 SF	40%	66.91	364.00	\$	24,355	
Convenience Market (851)	737.99	1,000 SF	80%	147.6	364.00	\$	53,726	
Discount Club (861)	41.8	1,000 SF	40%	25.08	364.00	\$	9,129	
Pharmacy/Drugstore (880)	90.06	1,000 SF	40%	54.04	364.00	\$	19,671	
Drive In Bank (912)	265.21	1,000 SF	80%	53.04	364.00	\$	19,307	

ENR of 2.95%

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Prior Year was 353.63

### SECTION B, BUILDING PERMIT REVIEW FEE

BY AUTHORITY OF CITY OF DEPOE BAY ORDINANCE #245, A DEVELOPMENT REVIEW FEE IS ASSESSED WITH EACH BUILDING PERMIT APPLICATION FOR CONSTRUCTION WITHIN THE CITY. THIS FEE IS DETERMINED BY THE GROSS SQUARE FOOTAGE OF THE AREA OF NEW CONSTRUCTION OR RECONSTRUCTION COVERED BY THE PERMIT. GROSS SQUARE FOOTAGE IS DETERMINED BY EXTERIOR DIMENSIONS OF EACH TYPE OF CONSTRUCTION FOR WHICH A PERMIT IS SOUGHT. PLEASE NOTE GROSS SQUARE FOOTAGE DOES INCLUDE DECKS, GARAGES, PORCHES, ETC.

THE FEE SHALL BE DETERMINED BY THE FOLLOWING SCHEDULE:

TYPE OF CONSTRUCTION	SQUARE FOOTAGE	FEE	TOTAL
RESIDENTIAL: NEW OR REMODEL		X \$.04	
COMMERCIAL: NEW OR REMODEL		X \$.07	

\* \* \* MINIMUM FEE: \$10.00 \* \* \*

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS OF SQUARE FOOTAGE ARE TRUE AND ACCURATE

APPLICANT

"This institution is an equal opportunity provider"

### CITY OF DEPOE BAY

### SINGLE FAMILY DWELLING STANDARD CERTIFICATION FORM

Applicant/Owner:

Subject Property Map and Tax Lot #: \_\_\_\_\_

### Section 4.600. Design Features for Single-Family Dwelling. (added 12/6/93-ORD 194)

1. All single-family dwellings located within a residential zone (except for manufactured homes located within a manufactured home subdivision or a 'mobile home park') shall utilize at least two of the following design features:

## Please indicate which two or more features will be provided with the proposed dwelling:

- a. 🛛 Dormers
- b. 

  Becessed entries
- c. 🗆 Cupolas
- d. 🛛 Bay or bow windows
- f. D Off-sets on building face or roof (minimum 12 inches)
- g. 🛛 Gables
- h.  $\Box$  Covered porch entry or unenclosed deck
- i. D Pillars or posts
- j. D Tile, shake or elongated (not corrugated) metal roofing
- k. D Horizontal lap siding or shakes.
- 2. Individual lots shall be residentially landscaped and maintained similar to surrounding neighborhood development. Use of native vegetation shall be encouraged wherever possible.
- 3. A driveway having a durable and dustless surface shall be provided.
- 4. Single-family dwellings and other improvements shall be developed in compliance with applicable provisions set forth in the City Zoning Ordinance.

As the Applicant for a Building Permit to construct a new single family dwelling, I hereby certify that the proposed dwelling will comply with the applicable standards of Sections 4.600.

### CITY OF DEPOE BAY APPLICATION FOR WATER AND SEWER SERVICE P.O. BOX 8, DEPOE BAY, OR 97341 • 541-765-2361

	OFFICE USE ONLY:	Residential / Commercial
	Account # -	Former Owner -
Se	rvice address:	
I,		, certify that I am the owner of the above
pro	operty as of	(date), and hereby request water and sewer service be
pro	ovided.	
rate ow ser occ <b>Sig</b>	es/charges for water and se ner of the property to whic rvice and usage charges an cupant. gnature:	ewer as established by the City Council. I understand that as the h the service is provided, I shall be legally liable to pay all the id fees, whether service is supplied to the owner, renter, or other Date:
Ma	illing Address:	
Cit	y, State, Zip:	
Но	me Phone:	Work Phone:
Em	nail:	
	This ir	nstitution is an equal opportunity provider.

The following information is requested by the Federal Government in order to monitor compliance with Federal Laws prohibiting discrimination against applicants seeking to participate in this program. You are not required to furnish this information, but are encouraged to do so. This information will not be used in evaluating your application or to discriminate against you in any way. However, if you choose not to furnish it, we are required to note the race/national origin of individual applicants on the basis of visual observation or surname.

- 1982 -

Race: (Mark one or more)	Ethnicity:
White	Hispanic or Latino
Black or African American	Not Hispanic or Latino
American Indian/Alaska Native	
Asian	
Native Hawaiian or other Pacific Islander	
	Date:

#### APPROVED CHECKLIST FOR COMPLIANCE JURISDICTION: Lincoln County WITH OAR 918-090-0320 APPLICANT: Associated Permits \_\_\_\_ Elec \_\_\_ Plmb \_\_\_ Mech \_\_\_ Other ONE & TWO FAMILY DWELLING

BUILDING PERMIT APPLICATION CHECKLIST

The following items are required for plan review and shall be used by the jurisdiction to determine a complete set of plans and compliance with OAR 918-020-0090(3)(a)(c) and (4).

		Yes	No	N/A
1	Complete Sets of Legible Plans Drawn to Scale. Showing conformance to the applicable local and state building codes. Lateral design details and connection must be incorporated into the plans on a separate fill size sheet attached to the plans with cross-references between plan location and details. Plan review cannot be completed if convribit violations are evident.			
2	Site/Plot Plan Drawn to Scale. The plan must show: lot and building setback dimensions; property corner elevations (if there is more than 4ft. elevation differential, the site plan mist show contour lines at 2ft. intervals for a distance away from the building necessary to show compliance with OTFDC Sec. 401); location of easements and driveway, footprint of structure (including decks), location of wells/septic systems, utility locations, and known fill sites or landslide hazard areas, direction indicator, lot area, impervious area, existing structures on site and surface drainage.			
3	Foundation Plan and Cross Section. Showing footing and foundation dimensions, anchor blots, any hold- downs and reinforcing steel, connection details, foundation vent size and location and soil type.			
4	Floor Plans. Show all dimensions, room identification, door and window sizes and locations, location of smoke detectors, water heater, HVAC equipment, ventilation fans, plumbing fixtures, balconies and decks 30 inches above the grade, etc.			
5	<b>Cross-Section(s) and Details.</b> Showing all framing member sizes and spacing such as floor beams, headers, joists, sub-floor, wall construction, roof construction. More than one cross section may be required to clearly portray construction. Show details of all wall and roof sheathing, roofing, roof slope, ceiling height, siding material, footings and foundation, stairs, fireplace construction, thermal insulation, etc.			
6	Elevation Views. Provide elevations for new construction; minimum of two elevations for additions and remodels. Exterior elevations must reflect the actual grade if the change on grade is greater than 4ft. at building envelope. Full size sheet addendum showing foundation elevations with cross-references are acceptable.			
7	Wall Bracing (prescriptive path) and/or Lateral Analysis Plans. Building plans must show construction details and locations of lateral brace panels; for non-prescriptive path analysis provide specifications and calculations to engineering standards.			
8	Floor/Roof Framing Plans. Showing all floor/roofs assemblies indicating member sizing, spacing and bearing locations, nailing and connection details. Show location of attic ventilation.			
9	Basement and Retaining Wall Cross-Sections and Details. Must show placement of reinforcing steel, drains and waterproofing, Engineered plans are required for retaining wall exceeding 4ft in height and basement walls not complying with the prescriptive code requirements. For engineered systems, see item 13, for "Engineer's Calculations".			
10	Beam Calculations. Placement of reinforcing steel, drains and waterproofing shall be provided. Engineered plans are required for retaining wall exceeding 4ft in height and basement walls not complying with the prescriptive code requirements. For engineered systems, see item 13, for "Engineer's Calculations".			
11	Manufactured Floor/Roof Truss Design Details.			
12	Energy Code compliance. Identify the prescriptive path or provide calculations.			
13	Engineer's Calculations. When required or provided, (i.e. shear wall, roof truss, retaining walls exceeding 4ft.) shall be stamped by an engineer or architect licensed in Oregon and shall be shown to by applicable to the project under review by cross-reference to the applicable plan location.			
Jurisdi	ctional Specifics. (Local requirements for zoning and land use may be added to the checklist).			
14				
15				
16				
17				
18				

Checklist must be completed before plan review start date.

▶ Minor changes or notes on submitted plans may be in blue or black ink. ◀

Red ink is reserved for department use only.

## PLOT PLAN REQUIREMENTS

Using Your Own Dimensions Show or Identify:

- All Streets by Name
  All Easements
  All Setbacks (House & Drainfield)
  All Porches & Decks
  All Additions
  All Existing Structures
- Driveway
- •Front of House
- Drainfield Location
- Drainpipe Lengths

•Replacement Drainfield Locatio

- •Septic Tank Location
- •Distribution . Box Location
- •All Property Line Dimensions
- •Scale
- •North Arrow
- •Owner Name & Address
- •Legal Description

### A TYPICAL PLOT PLAN



### To Applicant:

Please be advised that it may be helpful to you to contact the following companies currently servicing the Depoe Bay area:

- Cable Television/Internet/Home Phone Wave Broadband
   Street Address: 646 S.E. Hwy. 101, Depoe Bay
   Telephone: (866) 928-3123
   Website: wavebroadband.com
- Electricity Central Lincoln P.U.D. Street Address: 2129 N. Hwy. 101, Newport Telephone: (541) 265-3211 Website: clpud.org
- Garbage North Lincoln Sanitary Street Address: 1726 S.E. Hwy. 101, Lincoln City Telephone: (541) 994-5555
   Website: northlincolnsanitary.com
- Gas Northwest Natural Gas Street Address: 1405 S.W. Hwy. 101, Lincoln City Telephone: (541) 994-2111 Website: nwnatural.com
- Postal Service U.S. Post Office
   Street Address: 486 N.E. Hwy. 101, Depoe Bay
   Telephone: (541) 765-2480 or (800) 275-8777
   Website: usps.com
- Telephone/Internet CenturyLink
   Telephone: (800) 201-4099 for Home or (800) 201-4102 for Business
   Website: centurylink.com
- Water/Sewer Service City of Depoe Bay Street Address: 570 S.E. Shell St., Depoe Bay Telephone: (541) 765-2361 Website: cityofdepoebay.org

Dear Harry:

Thank you for stopping by City Hall last week, and giving me the opportunity to look more deeply into your questions about the permitted use of this property under the C-1 zoning.

As you'll recall, we discussed whether your proposal was closer to an "automobile service station" or an "automobile repair garage," as those terms are defined in <u>Section 152.003 of the Depoe Bay</u> <u>Zoning Ordinance</u> (DBZO). An automobile service station is "[any] premises used for supplying gasoline, oil, minor accessories, and services, excluding body and fender repair, for automobiles at retail direct to the customer," while an automobile repair garage is "[a] use providing for the major repair and maintenance of motor vehicles and includes any mechanical and body work, straightening of body parts, painting, welding, or storage of motor vehicles not in operating condition." Within the C-1 zone (<u>DBZO Section 152.030</u>), "Automobile service station, including minor repair, provided it is conducted entirely within an enclosed building" is a use permitted outright, while "Automobile repair garage, provided all repair shall be conducted entirely within an enclosed building" is a conditionally-permitted use.

As the site was originally developed and used (i.e., selling gasoline), it clearly met the definition of "automobile service station." Without gasoline sales, however, it falls into a gray area somewhere between the two uses discussed above. As I recall, you indicated that you only plan to do minor repairs such as oil changes, but have no interest or intention in resuming gasoline sales.

I did some research in the City's files and found that the same issue was raised with this property back in 1991. A business license application was filed for "auto parts & auto repair" in the building. It appears that the building was being used for general retail sales at the time; we have a copy of the business license for the "What Not Shop" on the premises from 1974. The applicant indicated that they wanted to do minor auto repairs inside the building, but did not intend to sell gasoline. The city planner and the Planning Commission chair (at the time) determined that this was "in conformance with uses associated with an automobile service station." It's unclear if the business license was actually issued or how long the business might have operated, but by 1995, the City's files show that the "What Not Shop" was again the permitted use of the premises. This continued for the next 27 years until the business license expired at the end of 2022 (after the former property owner passed away).

Based upon the scope of services you described and the previous determination from 1991, I'm inclined to find that your proposal is closer to an automobile service station than an automobile repair garage, and would be permitted as an outright use in the C-1 zone. However, the change of the use of the property from general retail back to automotive service station still requires the approval of the Planning Commission pursuant to <u>DBZO Section 152.203</u>. This would <u>not</u> be for review of a conditional use permit (CUP) as we discussed last week since the proposed use is allowed outright, but it would need to formally presented to the Planning Commission for its review at one of

its regular, once-a-month meetings.

You may recall that we spoke about whether or not certain design standards and guidelines in the C-1 zone would apply to a change of use for this property. So long as the change of use results in no alteration of the footprint, volume, or height of the building, these standards would not apply, pursuant to <u>DBZO Section 152.031(A)(2)</u>.

Please feel free contact me if you have questions or need additional information.

Sincerely,

Kit Fox, AICP (he/him/his) City Planner City of Depoe Bay (541) 765-2361 x15 planner@cityofdepoebay.org Tuesdays and Wednesdays only

From: harry napier <harrysauto63@hotmail.com>
Sent: Wednesday, June 14, 2023 6:44 AM
To: planner <planner@CityofDepoebay.org>
Subject: Depoe Bay Service Station.

Goodmorning Kit. Checking in with you we meet last Wednesday the 7th about permits. Thank you, Harry Napier.

Sent from my Verizon, Samsung Galaxy smartphone Get <u>Outlook for Android</u>



TO: ROBERT WILLER, D.B.A. AUTO PORT FROM: JESSICA BONDY, CITY PLANNER

SUBJECT: AUTHORIZATION FOR AUTOMOBILE SERVICE STATION IN A C-1, RETAIL COMMERCIAL ZONE

MR. WILLER OBTAINED A CITY OF DEPOE BAY BUSINESS LICENSE ON MARCH 3, 1991 TO OPERATE AN AUTOMOBILE SERVICE STATION AT 411 S.W. HIGHWAY 101 IN DEPOE BAY, OREGON. THE SUBJECT PROPERTY IS IDENTIFIED ON LINCOLN COUNTY ASSESSOR'S MAP #9-11-8BD AS TAX LOTS 900 AND 1000. ACCORDING TO CITY ZONING MAPS, THE SUBJECT PROPERTY IS ZONED C-1, RETAIL COMMERCIAL, WHICH PERMITS AN AUTOMOBILE SERVICE STATION AS AN OUTRIGHT USE (ORDINANCE NO. 24, SECTION 3.110 (X)). AN AUTOMOBILE SERVICE STATION IS DEFINED AS ANY PREMISES USED FOR SUPPLYING GASOLINE, OIL, MINOR ACCESSORIES AND SERVICES, EXCLUDING BODY AND FENDER WORK REPAIR, FOR AUTOMOBILES AT RETAIL DIRECT TO THE CUSTOMER (SEE ATTACHED DEFINITIONS FROM ORDINANCE NO. 24, ARTICLE 1, SECTION 1.030(7)(B)).

THE APPLICANT'S PROPOSAL INCLUDES OPERATION OF AN AUTOMOBILE SERVICE STATION IN ACCORDANCE WITH THE DEPOE BAY ZONING ORDINANCE. THE ORDINANCE ALLOWS MINOR REPAIRS TO BE DONE AT A SERVICE STATION, PROVIDED THEY ARE CONDUCTED ENTIRELY WITHIN AN ENCLOSED BUILDING. THE APPLICANT INDICATES THAT ALL MINOR REPAIRS WILL BE CONDUCTED ENTIRELY WITHIN THE EXISTING 25' X 40' STRUCTURE. OF THE 1000 SQUARE FOOT STRUCTURE, 176 SQUARE FEET CONSISTS OF AN OFFICE. THE BALANCE OR 824 SQUARE FEET WILL BE USED AS WORK AREA. OFF-STREET PARKING REQUIREMENTS FOR THE PROPOSED USE NECESSITATES THAT AT LEAST THREE SPACES BE AVAILABLE (ONE FOR THE OFFICE AREA, TWO FOR THE SERVICE AREA; SEE ORDINANCE NO. 24, SECTION 4.030(14)(k)(1). THE APPLICANT INDICATES THAT AT LEAST SIX (6) OFF-STREET PARKING SPACES ARE PRESENTLY AVAILABLE WHICH EXCEEDS THE MINIMUM REQUIREMENT.

OPERATING CHARACTERISTICS OF THE USE INCLUDES WORK TYPICALLY PERFORMED AT A SERVICE STATION. THE APPLICANT PROPOSES TO PROVIDE THE FOLLOWING LIMITED SERVICES: TUNE-UPS, CARBURETOR REBUILDING, LUBRICATION AND OIL CHANGE, MINOR BRAKE REPAIR, ELECTRICAL SERVICING, AND SERVICE TRANSMISSIONS (CHANGE FLUIDS AND FILTERS). THE SERVICE STATION WILL NOT, HOWEVER, SELL GASOLINE. THE INTENT OF THE APPLICANT IS TO PROVIDE LIMITED, MINOR REPAIR SERVICES, AND IS NOT PROPOSING TO ESTABLISH AN AUTOMOBILE REPAIR GARAGE.

AN AUTOMOBILE REPAIR GARAGE IS DEFINED UNDER THE DEPOE BAY ZONING ORDINANCE AS A USE PROVIDING MAJOR REPAIR AND MAINTENANCE OF MOTOR VEHICLES AND INCLUDES ANY MECHANICAL AND BODY WORK, STRAIGHTENING OF BODY PARTS, PAINTING, WELDING, OR STORAGE OR MOTOR VEHICLES NOT IN OPERATING CONDITION. THE APPLICANT HAS SPECIFICALLY STATED THAT HE WILL NOT PERFORM BODY WORK, WELDING, PAINTING, MAJOR



ENGINE REPAIR OR REBUILDING, NO TRANSMISSION REBUILDING OR MAJOR REPAIR, OR OTHER MAJOR MOTOR OR BODY WORK CUSTOMARILY ASSOCIATED WITH A REPAIR GARAGE. THE APPLICANT IS NOT AUTHORIZED TO ESTABLISH AN AUTOMOBILE REPAIR GARAGE.

THE APPLICANT AGREES TO LIMIT HIS SERVICES TO ONLY THOSE PERMITTED AT AN AUTOMOBILE SERVICE STATION AS DEFINED UNDER THE DEPOE BAY ZONING ORDINANCE. ANY SUBSTANTIAL ALTERATION OR EXPANSION OF THE APPROVED PLAN REQUIRES THAT THE APPLICANT SUBMIT A NEW PROPOSAL FOR CITY PLANNING REVIEW.

AS CITY PLANNER, I DISCUSSED THIS MATTER WITH THE CITY PLANNING COMMISSION CHAIRMAN WHO STATED THAT THE PROPOSAL WAS IN CONFORMANCE WITH USES ASSOCIATED WITH AN AUTOMOBILE SERVICE STATION.

CTTY PLANNER ESSICA BONDY,

RØBERT WILLER, APPLICANT, D.B.A. AUTO PORT

### § 152.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS. The way or means by which pedestrians and/or vehicles enter and leave property.

ACCESSORY STRUCTURE. A detached structure subordinate and normally incidental to the main use of a property and located on the same lot as the main use.

ACCESSORY USE. A use subordinate and normally incidental to the main use of a property and located on the same lot as the main use.

*AIRPORT.* A tract of land or water that is maintained for the landing and take off of aircraft and for receiving and discharging passengers and cargo and the repair, storage, and supplying of aircraft.

ALLEY. A public way, providing a secondary means of access to property.

**ALTER.** To change any of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

APPEAL. A request for a review of a decision.

AQUACULTURE. The raising, feeding, planting, and harvesting of fish, shellfish, or marine plants, including facilities necessary to engage in the use.

### AREA OF SHALLOW FLOODING.

(1) A designated AO or AH Zone on the flood insurance rate map (FIRM). Wherein base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

(2) AO is characterized as sheet flow and AH indicates ponding.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the floodplain subject to a 1% or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

### AUTOMOBILE.

(1) **REPAIR GARAGE.** A use providing for the major repair and maintenance of motor vehicles and includes any mechanical and body work, straightening of body parts, painting, welding, or storage of motor vehicles not in operating condition.

(2) **SERVICE STATION.** Any premises used for supplying gasoline, oil, minor accessories, and services, excluding body and fender repair, for automobiles at retail direct to the customer.

(3) **WRECKING YARD.** Any property where two or more vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles or the parts thereof.

BASE FLOOD (100-YEAR FLOOD). A flood having a 1% chance of being equaled or exceeded in any given year.

**BASEMENT.** A portion of a building which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six feet or more above the grade.

**BASEMENT (FLOOD HAZARD ZONE).** Any area of the building having its floor subgrade (below ground level) on all sides.

**BLOCK.** An area of land which contains one or more tax lots and which is normally bounded on all sides by streets. A **BLOCK** must be bounded on at least one side by a street, and may be bounded on the remaining sides by streets, unsubdivided land, streams, the ocean, or any combination thereof.

BOUNDARY LINE. The line defining the perimeter of a lot, parcel, area, or tract of land.

(1) **FRONT LINE.** The **BOUNDARY LINE** separating the lot or parcel from the street, other than an alley. In the case of a corner lot or parcel, the shortest **BOUNDARY LINE** along a street, other than an alley, or in the case of a lot or parcel which does not front directly upon a public street, that line toward which most houses in the immediate area face.

(2) **REAR LINE.** A **BOUNDARY LINE** which is opposite and most distant from the front line. In the case of an irregular, triangular, or other shaped lot or parcel, a line which is a minimum of ten feet in length, parallel to and at maximum distance from the front line, connecting at least two side lines.

(3) SIDE LINE. Any BOUNDARY LINE not a front or rear line.

**BREAKAWAY WALL.** A wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

### § 152.030 RETAIL COMMERCIAL ZONE C-1.

In a C-1 Zone, the following regulations shall apply.

(A) Uses permitted outright. In a C-1 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, and 152.225 through 152.235 where applicable:

(1) A single-family dwelling built on the site;

(2) Manufactured dwelling;

(3) A temporary manufactured dwelling or recreational vehicle used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, provided the temporary manufactured dwelling or recreational vehicle:

(a) Is located during the time the construction is underway; and

(b) Will not remain more than one year from date of placement or 30 days following substantial completion, whichever is earlier.

- (4) Agricultural use of land provided that no livestock shall be raised or kept on the premises;
- (5) Recreational vehicle (unoccupied) or boat, stored on a lot in combination with an approved building;
- (6) Pre-fabricated or modular dwelling;
- (7) Two-family dwelling;
- (8) Multi-family dwelling;

(9) Retail store or shop, such as food store, gift shop, drug store, apparel store, hardware store, furniture store, or similar establishment;

(10) Repair shop for the type of goods offered for sale in those retail trade establishments permitted in a C-1 Zone provided all repair shall occur entirely within an enclosed building;

(11) The manufacture, fabrication, and/or assembly of those goods offered for sale on the premises, provided all manufacturing, fabricating, assembling, and storage not exceed 50% of the total floor area of the establishment, and provided further that it shall occur within an enclosed building;

(12) Personal or business service establishment, such as barber or beauty shop, laundry or dry cleaning establishment, tailor shop, or similar establishment;

- (13) Clinic;
- (14) Club, lodge, or fraternal organization;
- (15) Financial institution;

(16) Indoor commercial amusement or recreation establishment, such as a bowling alley, theater, pool hall, or aquarium;

- (17) Mortuary;
- (18) Newspaper office or print shop;
- (19) Office;
- (20) Private museum, art gallery, or similar facility;
- (21) Restaurant, bar, or tavern;
- (22) Home occupation;
- (23) Automobile service station, including minor repair, provided it is conducted entirely within an enclosed building;
- (24) Laundromat;
- (25) Retail sale of sporting goods or bait;
- (26) Condominiums;
- (27) Public or private parking lots;
- (28) Residential facility;
- (29) Time share project;
- (30) Tourist accommodation or resort; and
- (31) Commercial fishing gear storage in the part of the zone adjacent to the harbor (Tax Map 09-11-08 AB, tax lots

600, 700, 800, 900, 1000, 1100, 1101, 1200, 1201, 7900, 8000, 8100, 8200, 90000, 90001, 90002, and 90003).

(B) *Conditional uses permitted.* In a C-1 Zone, the following uses and their accessory uses are permitted, subject to the provisions of §§ 152.055 through 152.076, 152.115 through 152.117, 152.130 through 152.136, and 152.225 through 152.235, where applicable:

- (1) Church, non-profit religious, or philanthropic institution;
- (2) Community center;
- (3) Day nursery, nursery school, kindergarten, or similar activity;
- (4) Governmental structure or use of land;
- (5) Mobile vending stand;
- (6) Private non-commercial recreation club, such as tennis, swimming, or archery club;
- (7) Public park, playground, or swimming pool;
- (8) Public school or private school offering curricula similar to public school;
- (9) Public or private utility facility;
- (10) Radio or television transmitter or tower;
- (11) Solid waste disposal transfer station;
- (12) Recreational vehicle park;

(13) Outdoor commercial amusement or recreation establishment, such as miniature golf course or drive-in theater, but not including uses, such as race track or automobile speedway;

- (14) Hospital and/or nursing home;
- (15) Drive-in services, such as a drive-in restaurant;
- (16) Billboards;
- (17) Kennel;
- (18) Animal hospital;

(19) Automobile repair garage, provided all repair shall be conducted entirely within an enclosed building;

(20) Boat or marine equipment sales, service, storage, or rental; boat or marine equipment minor repair, provided all such repair be conducted entirely within an enclosed building;

- (21) Lumber or building materials, sales, and storage;
- (22) Warehouse or storage area; and
- (23) Child care.

(C) *Standards.* Except as provided in §§ 152.055 through 152.076, 152.115 through 152.117, and 152.130 through 152.136, in any C-1 Zone, the following standards shall apply:

- (1) All yards abutting a lot in a residential zone shall be a minimum of ten feet;
- (2) No building in the C-1 Zone shall exceed a height of 35 feet;
- (3) Outdoor storage shall be screened with a sight-obscuring fence; and
- (4) Kennels shall be located:
  - (a) No closer than 75 feet from a residential zone; and
  - (b) No closer than 20 feet from a property line.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 92, passed 7-7-1982; Ord. 130, passed 4-6-1987; Ord. 154, passed 9-17-1990; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 186, passed 12-22-1992; Ord. 187, passed 2-16-1993; Ord. 217, passed 4-17-1995; Ord. 234, passed 12-16-1996; Ord. 268, passed 11-2-2004; Ord. 279, passed - -2007; Ord. 327-21, passed 4-20-2021) Penalty, see § 152.999

### § 152.031 COMMERCIAL ZONE C-1.

### (A) Applicability.

(1) The provisions of this section shall be applicable to §152.030 of this subchapter. The provisions of this section shall override any conflicts between provisions of this section and § 152.030 of this subchapter.

(2) Any structure lawfully permitted which is made non-conforming by adoption or amendment of this chapter is a nonconforming structure. Existing structure non-conformities may continue indefinitely (grandfathered). Normal maintenance and repairs are permitted that do not result in the alteration of the footprint, volume, or height of the structure.

#### (B) General information.

(1) In the Commercial Zone C-1 on arterials (specifically Highway 101), these commercial guidelines help create a vibrant pedestrian environment by slowing traffic down, providing a storefront business friendly character to the street, and especially by encouraging walking for the enjoyment of residents and visitors. To create a social and approachable streetscape, the setback standards are flexible to encourage public spaces between sidewalks and building entrances (such as, extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The addition of these pedestrian amenities serves as informal gathering places for socializing, resting, and enhanced enjoyment of the city commercial district.

(2) The standards encourage the formation of solid blocks of commercial and mixed-use buildings for individual walkable districts that are tied to the overall business district.

(3) Along Highway 101, frontage, landscaping, building setbacks, and other pedestrian amenities sustain the feel of a small community located between two state parks and vegetated corridors. These amenities will distinguish the city from many cities and towns that have arterial development dominated by pavement, parking lots, and stark building facades immediately adjacent to narrow sidewalks.

(4) Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage permanent housing near employment, shopping, and services, and to encourage affordable, amiable housing for families that desire to play and live in the city.

### (C) Building setbacks.

(1) *Generally.* These setback standards shall apply to primary structures, as well as accessory structures on arterials (Highway 101). The standards may be modified only by approval of a variance in accordance with §§ 152.170 through 152.173 of this chapter.

### (2) Front yard setbacks.

(a) Minimum setback. There is no minimum front yard setback required.

(b) *Maximum setback.* There is no maximum front yard setback required, but a usable public space with pedestrian amenities (such as, plaza, pocket park, managed landscaping, outdoor dining area, or town square with seating) shall be provided in the entire area between the building and front property line (see also divisions (G) and (H) below).

(3) Rear yard setbacks. There is no minimum rear yard setback.

(4) Side yard setbacks. There is no minimum side yard setback required but in the case of a side yard on a corner lot, a usable public space with pedestrian amenities (such as, extra-wide sidewalk, plaza, pocket park, managed landscaping, outdoor dining area, or town square with seating) shall be provided in the entire area between the building and side property line (see also divisions (G) and (H) below).

(5) Clear vision standards. All buildings shall conform to the clear vision standards in §152.055 of this chapter and the applicable fire and building codes for attached structures, fire walls, and related requirements.

- (D) Lot coverage of buildings on arterials (Highway 101).
  - (1) There is no maximum or minimum lot coverage requirement.
  - (2) All buildings on arterials (Highway 101) shall have a minimum 1,000 square feet.
- (E) Building orientation on arterials (Highway 101).
  - (1) Buildings shall have their primary entrance(s) oriented to (facing) Highway 101, except as noted below.

(a) Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (such as, to a cluster of units or commercial spaces).

(b) Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.

(c) On corner lots, buildings entrances may be oriented to the street corner.

(2) Developments may be configured to provide a driveway or interior parking court. If interior parking courts are created, then pedestrian pathways shall be provided between buildings from the street right-of-way to interior parking courts,

to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.

- (3) Off-street parking, driveways, or other vehicular circulation shall not be placed between a building and Highway 101.
- (F) Building height on arterials (Highway 101).
  - (1) Maximum height of buildings shall not exceed a height of 35 feet.

(2) (a) Building height shall be measured at the front of the building from the lowest point from the adjacent sidewalk, or the existing paved street elevation where a sidewalk does not currently exist. For corner lots and through lots, the front shall be along the major street.

(b) The one exception to the above is on the west side of Highway 101 from Sunset Street to the bridge where building height is measured in accordance with § 152.003 of this chapter.

### (G) Building architectural standards.

(1) This section applies to all building types on arterials (Highway 101).

(2) All buildings along Highway 101 shall contribute to the storefront character and visual relatedness of the city's C-1 Zone buildings. This criterion shall be met by providing architectural features as listed in divisions (G)(2)(a) through (G)(2)(d) below, in the front or "main street" facade or elevation, as applicable. Buildings situated on corners shall include the stated criteria in the side street elevation or facade as well. Buildings on through-lots (lots that face a street along the front and rear of the property) shall treat the secondary street facade in a manner similar to that as the main street facade is treated. Additionally, if the architectural character along the secondary street is other than commercial, that facade should be compatible with the architectural character of that neighborhood as much as possible while maintaining the architectural integrity of the main building.

(a) *Fenestration and decoration.* Appropriately spaced and/or shaped windows with window hoods, cornices, and/or canopies or special trim at all windows on all building stories. Windows shall be of a design that is consistent with the architectural character of the building and as described in this section.

(b) *Display windows.* Large display windows shall be provided on the ground floor and shall be set off by extended mullions, applied columns, or a storefront cornice to separate the ground floor from upper stories. Street ground floor exterior walls shall contain a minimum of 50% of either display windows or entrance area measured across the length of the exterior wall. Display windows are not required for residential or tourist accommodation uses. For all building types and uses, floors facing streets shall not have less than 25% window area measured across the length of the exterior wall. Proportion of windows shall conform to general architectural standards.

(c) *Decoration.* Decorative cornices and/or fascias on street facades at top of building (flat roof), or eaves on buildings with pitched roofs and/or expressions of roof structure, such as projected roof trusses or decorative roof overhangs.

- (d) Additional design features. A minimum of two of the following design features are required:
  - 1. Cedar shake shingle appearance for the roof and siding;
  - 2. A steeply pitched roof with gable ends;
  - 3. Multiple dormers;
- 4. Shutters by windows;
- 5. Window boxes;
- 6. Pilasters surrounding doors; and
- 7. Bright white trim.

(3) Other than receptacles for the public use, trash containers (including recyclables and garbage) shall not be located along Highway 101, unless they are non-conforming ("grandfathered"), and shall be obscured by a fence or similar, or otherwise hidden from view.

(4) A minimum 15% of C-1 properties with Highway 101 frontage north of Bradford Street and south of Evans Street shall be landscaped with native vegetation including a mix of trees, shrubs, and ground cover. Properties shall contain at least one tree indigenous to the northwest.

(H) Pedestrian amenities in the C-1 Zone.

(1) Pedestrian sidewalks shall be provided on all street sides of buildings, parking areas, and the like in the entire C-1 zoned area. These sidewalks shall have a minimum eight-foot width along Highway 101, and minimum five-foot width elsewhere. Sidewalks shall be concrete with a city-approved surface material that is consistent with adjacent and nearby sidewalks. All sidewalks shall be ADA compliant to meet current laws.

(2) Every building and development on arterials (Highway 101) shall provide one or more of the "pedestrian amenities" listed below:

(a) A managed landscaped plaza, courtyard, square, or recessed area next to the building;

(b) Sitting space, such as dining area, benches, or sitting ledges (minimum of 16 inches in height and 30 inches in width) between the building and sidewalk;

(c) Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space, and minimum eight-foot above the sidewalk or other pedestrian space); or

(d) Multi-family housing and tourist accommodations that do not have a majority (greater than 75%) of retail on the ground floor shall have a minimum of eight feet of landscaped grounds between the building(s) and sidewalk.

(I) Special standards for certain uses in the C-1 Zone.

(1) Common areas. All common areas (such as, walkways, drives, courtyards, private alleys, parking courts, landscaped areas, and any otherwise unused right-of-way areas between the property line and developed road, and the like) and building exteriors shall be maintained by the property owner. Copies of any applicable covenants, restrictions, and conditions shall be recorded by the applicable agency and provided to the city prior to building permit approval.

(2) Accessory uses and structures.

(a) An accessory structure shall not be allowed before or without a primary use.

(b) Accessory structures on arterial (Highway 101) property shall comply with the setback standards herein, except that the maximum setback provisions shall not apply.

(c) Accessory structures on arterial (Highway 101) property shall comply with division (G) above.

(d) A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way without prior written approval by the applicable agency.

(e) The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

(f) No accessory use structure shall be viewable from Highway 101.

### (J) Parking, garages, and driveways in the C-1 Zone.

(1) Parking requirements within the C-1 Zone shall conform to §152.058 of this chapter. Parking-related provisions of this section shall supersede provisions of § 152.058 of this chapter that are expressly contrary to this section. The required size of parking spaces, aisles, driveways, and similar design features are set forth in Diagram A below. Due to the increased length of vehicles, longer parking spaces are highly recommended. No "compact" sized spaces are allowed.

(2) If an existing commercial building is presently non-conforming in regards to parking ("grandfathered"), increasing the square footage of the building will not require the building owner/developer to fulfill the existing non-conforming portion of the parking space requirement. The owner/developer will be required to fulfill any additional parking requirement relating to the increased square footage.

(3) (a) All off-street paved vehicle areas along arterials (Highway 101), including surface lots, driveways, parking areas, and garages, shall be accessed from alleys or a side or back street, and shall be located in areas located behind or to the side of a building.

- (b) They may be placed in structures above the ground floor.
- (c) Side yards on corner lots shall not be used for surface parking.
- (d) Parking areas on the side of a building shall be limited to one row of diagonal parking maximum.

(e) All garage entrances facing a street (such as, structured parking) shall be recessed behind the front elevation by a minimum of four feet.

(f) On corner lots, garage entrances and driveways shall be oriented to a side street (such as, away from Highway 101 when vehicle access cannot be provided from an alley).

(g) Parking areas or parking spaces shall not be placed in front of a building on arterials (Highway 101), other than the public parking spaces provided within the public right-of-way.

(4) Between 9:00 a.m. and 5:00 p.m. on any day, no individual who works or resides in the C-1 Zone shall park a vehicle on Highway 101 north of the Depoe Bay Bridge while in their place of employment or in their place of residence, except for vehicles with authorized disabled placards. One exception is on the west side of Highway 101 from Sunset Street south to Whale Park Memorial Wall (Bradford Street). Tourist transients are also excluded. No structure in the applicable area shall be considered non-conforming or ("grandfathered") from this specific standard.

(5) Driveways, alleyways, and any other vehicle access shall be hard-surface paved and shall be at the existing road grade level at the point the driveway meets the public right-of-way. In cases where the current developed road is not the full width of the public right-of-way, the vehicle access shall be at the elevation the road grade level would be as if the road were expanded to the edge of the public right-of-way.

(6) Regardless of use, all parking lots, parking areas, parking courts, and parking spaces shall be hard-surface paved and striped for individual parking spaces. The parking spaces along the outer boundaries of a lot or parking area shall

contain a curb or bumper rail at least four inches high and set back four feet from the front of the space. At least 5% of parking areas over six stalls shall be landscaped.

(Ord. 319, passed 10-1-2019) Penalty, see § 152.999
#### § 152.055 CLEAR VISION AREAS.

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and an alley.

(A) A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting end of the other two sides.

(B) A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height feet above grade.

(C) The following measurements shall establish clear vision areas:

(1) In a residential zone, the minimum distance shall be 30 feet; and

(2) In all other zones where yards are required, the minimum distance shall be 15 feet except that when the angle of intersection is less than 30 degrees, the distance shall be 25 feet.

(Ord. 24, passed 4-5-1976; Ord. 256, passed 4-6-2004)

#### § 152.058 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS.

At the time a new structure is erected or the square footage is increased, or the use of the structure is changed, off-street parking spaces, loading areas, and access thereto shall be provided as set forth in this section.

(A) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(B) In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the several uses computed separately.

(C) Owners of two or more uses, structures, or parcels of land may agree to jointly utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use and hours of operation.

(D) Off-street parking spaces for dwellings, hotels, motels, resorts, and time-shares shall be located on the same lot or on a lot immediately adjacent to the lot served by such parking.

(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 adequately for all-weather use, and shall be adequately maintained. Drainage shall conform to the city's storm water master plan and a drainage plan shall be approved the city field superintendent.

(G) Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones, or adjacent to Highway 101, or residential uses shall be designed to minimize visual impacts by use of landscaping or by a fence screened by landscaping.

(H) Parking areas used for public or private parking lots under the conditional use in an R-4 Zone must have garbage containers available for garbage which may be generated by users of the parking lot. Such garbage containers must be emptied on a regular basis and not less than weekly. Parking lots shall be posted with the following sign: "no camping or overnight use" and shall have their hours posted. Parking lot hours shall not extend beyond 10:00 p.m. or open earlier than 4:00 a.m. If the property fails to enforce the parking prohibitions, the Planning Commission may review and consider whether or not to revoke the conditional use permit.

(I) Parking spaces along the outer boundaries of a lot shall contain a curb or bumper rail at least four inches high and set back four feet from the front of the space.

(J) Artificial lighting may be used in parking areas provided it is of low intensity, is pointed generally downward, and is shielded if necessary so as to not create light or glare off-site.

(K) Except with respect to approved driveways, required off-street parking areas shall not be provided in the required front or street side yard areas in a residential zone.

(L) 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.

(M) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(N) Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain offstreet loading berths of sufficient numbers and size to handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this section may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

(O) All spaces shall be permanently and clearly marked. Markings which guide safe and efficient traffic flow shall also be permanently and clearly marked. All markings shall be replaced regularly to remain visible.

(P) All improvements, including surfacing, storm water management, striping, and landscaping shall be fully maintained for the life of the parking facility. Failure to maintain such improvements shall constitute a violation of this chapter.

(Q) All parking lots shall be designed with spaces for handicapped drivers as provided for in the Building Code.

(R) The clear vision requirements set forth in §152.055 of this subchapter shall apply to all parking lots at the intersection of two streets or a street and an alley.

(S) For C-1 Retail Commercial Zoned properties, off-street parking requirements shall be located on the same lot or within 500 feet (as measured by a direct line from the nearest property line to the nearest property line of the parking lot).

(1) On-street parking spaces that front the lot and are adjacent (on the same side of the street) may be counted in the required parking. Over one-half of the parking space shall be directly within the street frontage of the lot in order to be counted in the required parking.

(2) When the square footage of a business or structure is increased, or the use is changed, only the spaces associated

with the increased square footage or area of change must be added.

(3) No person who works or resides in properties fronting Highway 101 shall park a vehicle on Highway 101 while in his or her place of employment, or in his or her residence between 9:00 a.m. and 5:00 p.m. on any day. Single-family dwellings are exempt.

(4) Parking on Highway 101 is limited to four hours between 6:00 a.m. and 6:00 p.m.

(5) All parking shall be general purpose parking/public parking with the exception of residential uses which may have designated off-street parking spaces. If required parking is off-site but within 500 feet, the applicant must provide written documentation from the property owner authorizing the parking. If a variance to parking requirements is pursued, the applicant shall demonstrate that off-site parking is not available within 500 feet.

(T) Off-street parking space requirements:

Animal hospital or kennel	1 space per 500 square feet	
Any single- or multi-family residential use, including condominium or time share	2 spaces per unit	
Church, auditorium, meeting place, theater, gymnasium, mortuary, or similar place of assembly	1 space for each 50 square feet of floor area used for assembly	
Dance hall, skating rink, pool hall, aquarium, bowling alley, or similar commercial amusement enterprise	1 space for each 100 square feet of floor area	
Day care, nursery school, kindergarten, elementary and middle schools, and similar uses	2 spaces per classroom or instructional area, plus requirements for offices, places of assembly, and the like	
Financial institution, laboratory, or office	1 space for each 300 square feet of floor area	
Golf courses	5 spaces per hole, plus the 75% the ancillary parking requirements	
High schools	8 spaces per classroom or instructional area, plus requirements for offices, places of assembly, and the like	
Hospital	3 spaces for each 2 beds	
Laundromat	1 space per three machines	
Library or similar facility	1 space for each 300 square feet of floor area	
Manufacturing, fabrication, assembly, processing, cabinetry, or similar use	1 space for each 1,000 square feet of floor area	
Marina or other moorage facility	1 space per boat mooring space	
Medical or dental clinic	1 space for each 200 square feet of floor area	
Miniature golf	1.5 spaces per hole	
Nursing home, residential facility, residential home, or retirement home	1 space for each 3 beds	
Personal or business service	1 space per 250 square feet	
Public or private swimming pool	1 space per 100 square feet	
Recreational vehicle park	3 spaces for each two RV spaces	
Restaurants and bars	1 space for each 100 square feet of serving area (total floor area where public is allowed, excluding restrooms and other specified uses, such as designated retail space)	
Retail store not handling bulky merchandise	1 space for each 350 square feet of floor area	
Service or repair shop; retail store handling bulky merchandise, such as automobiles, furniture, boats, marine equipment, and the like; automobile service station, feed and seed; heavy equipment; lumber or building supplies; or similar uses	1 space for each 600 square feet of sales, storage, or repair area	
Tourist accommodation	1 space for each guest accommodation	
Warehouse, storage, and wholesale business	1 space for each 2000 square feet of area	

(U) The required size of parking spaces, aisles, driveways, and similar design features are set forth in Diagram A. Required landscaping areas are not shown.

(Ord. 24, passed 4-5-1976; Ord. 71, passed 8-19-1980; Ord. 92, passed 7-7-1982; Ord. 124, passed 7-1-1985; Ord. 130, passed 4-6-1987; Ord. 145, passed 1-3-1989; Ord. 172, passed 10-7-1991; Ord. 173, passed 12-2-1991; Ord. 234, passed 12-16-1996; Ord. 256, passed 4-6-2004; Ord. 279, passed - -2007)

Date: August 9, 2023

To: Depoe Bay Planning Commission

From: Kit Fox, AICP, City Planner

### Re: Proposed "Quality of Life" Code Amendments – Signs

At its meeting on April 18, 2023, the City Council endorsed amending the City's sign regulations to prohibit A-frame, banner, and feather signs in non-residential zones, with the intention of addressing issues of pedestrian access conflicts and visual clutter. Staff has also identified an issue with the current sign regulations whereby the City Planner's action on sign permit applications is appealable directly to the City Council rather than to the Planning Commission (as would typically be the case with City Planner decisions). Staff believes that these text amendments could be considered concurrently with the "quality of life" amendments.

As the Planning Commission may recall, concerns have been raised in the past about the aesthetic impacts of signage in the harbor area. DBZO Section 152.096(A)(8) states that "[no] sign shall detract from and/or block any area of scenic value, as inventoried in the Comprehensive Plan." The harbor area is identified as an area of scenic value (see attached Comprehensive Plan diagram), but the Zoning Ordinance provides no guidance to interpret the terms "detract" or "block" in this context.

In June 2021, the Planning Commission rejected a request for a sign permit at a location facing the main channel of the harbor near the Depoe Bay bridge. In testimony before the Commission, Councilor Recht offered suggested language to implement DBZO Section 152.096(A)(8) in the area surrounding the harbor (see attached Minutes of the June 9, 2021, meeting). Staff believes this language provides needed guidance to interpret what is otherwise very subjective language in the Zoning Ordinance.

#### <u>Attachments</u>

- Sign Ordinance Draft Revisions
- Diagram of Exceptional Aesthetic Resources
- Minutes of June 9, 2021, Planning Commission meeting

## SIGNS

#### § 152.090 PURPOSE.

The city is known for the natural beauty of its surroundings. The perceived character of the city is an important economic asset to the residents of the area; and, by reason of the foregoing, reasonable and proper regulation of signs and advertising structures is conducive to the fullest enjoyment by the people of the community of such natural and traditional advantages and is necessary to prevent depreciation of property values in residential and commercial areas of the city. Further, unless reasonably and properly regulated, signs and advertising structures are a potential hazard to the community by reason of the structural nature, illumination, and electrification thereof.

(Ord. 314, passed 9-5-2017)

### § 152.091 NON-CONFORMING SIGNS.

(A) Any sign lawfully existing or lawfully permitted and constructed within the time allowed by the sign permit but which is made non-conforming by adoption or amendment of this chapter is a non-conforming sign.

(B) Non-conforming signs shall be removed or brought into compliance if any of the following occurs:

(1) The sign or sign structure is moved, removed, replaced, or structurally altered. Changes in removable faces or panels are not structural alterations. Exception: when a nonconforming sign is damaged by natural events beyond the control of the owner, such as, a wind storm, the sign may be rebuilt to the same size and height, using the same types of original material. This exception does not include a sign that is damaged by lack of maintenance, such as, dry rot, rust, or similar types of damage; or

(2) The use of the property where the sign is located changes to a different use. For purposes of this section, a change in use includes situations in which services or goods offered or provided on the property are totally changed.

(Ord. 314, passed 9-5-2017)

### § 152.092 SCOPE.

Every sign erected, altered, or relocated within the city shall conform to the provisions of this subchapter. It does not regulate traffic and street signs erected and maintained by a road authority as defined in O.R.S. 801.445, trespass signs posted in accordance with O.R.S. 164.245 to 164.270, holiday decorations, temporary interior window signs, or the display of the national or state flag. United States flags, state flags, and federally recognized tribal

flags of any quantity or size may be placed anywhere. They must meet any applicable safety standards, and shall not slow pedestrian or bicycle flow traffic or impede visibility, and shall not interfere with vehicle traffic flow or visibility. United States flag, state flag, and federally recognized tribal flag displays shall not include business, company, or commodity advertising.

(Ord. 314, passed 9-5-2017)

# § 152.093 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-FRAME SIGN (SANDWICH BOARD SIGN). A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

AWNING. A shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. The entire awning shall be included in the sign area calculation when the awning is backlit and the awning material exhibits the characteristics of luminosity obtained by means of a source of illumination.

BANNER or FEATHER SIGN. A ground-mounted or building-mounted banner, pennant, flag, or similar type of sign on fabric or similar material.

BUILDING SIGN. A wall, projecting/hanging, window, or roof sign.

CANOPY; ATTACHED. A multi-sided overhead structure supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

CANOPY; FREESTANDING. A multi-sided overhead structure supported by columns, but not enclosed by walls, which is installed as a permanent building structure under which vehicles can be driven.

DIGITAL SIGNS. Include signs that display text that is updated, and signs that have discrete lights or elements to display text, a symbol, or an object.

FREESTANDING SIGN. A sign which is supported by a separate independent structure and is not attached to or supported by any other building or structure.

MONUMENT SIGN. A ground-mounted sign supported from grade with a solid base that is at least 75% of the width of the sign. A MONUMENT SIGN can also be supported with multiple architectural-designed posts. Single posts are prohibited.

NON-CONFORMING SIGN. A sign which was erected legally but which does not comply with currently applicable sign restrictions and regulations.

OFF-PREMISES SIGN. Any sign used for the purpose of displaying, advertising, identifying, or directing attention to a business, service, activity, or place, including products offered for sale or sold on premises other than on the premises where such sign is displayed.

PROJECTING SIGN. A sign which is attached to the wall, overhang, or awning of a building and which projects more than 12 inches beyond the wall, overhang, or awning of the building.

PUBLIC RIGHT-OF-WAY. Land that is open and accessible as of right to the public and typically designed for travel by vehicle, on foot, or other mode of transportation. PUBLIC RIGHT-OF-WAY does not have an assigned tax lot on the County Assessor's maps.

SIGN. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.

SIZE. The aggregate area of all sign display surfaces located on a single structure, but excluding posts and base that are without attached identification, description, or illustration. Two surfaces parallel and back to back on the same structure, such as, a projecting sign or two-sided monument sign, shall be considered a single display surface.

TEMPORARY SIGN. Any sign which is not permanently installed to or affixed to any sign structure or building, and is accessory to an event, election, government or institutional sponsored activity, lease, rental, or sale of limited, fixed duration. A TEMPORARY SIGN does not include an A-frame sign as identified above.

WALL SIGN. A sign attached to or painted on a wall of a building with a display surface which projects no more than 12 inches from the surface of the wall and not higher than the lowest roof edge above the building wall to which it is attached.

WINDOW SIGN. A sign attached to the inside or outside of a window and seen from the outside.

(Ord. 314, passed 9-5-2017)

# § 152.094 SIGN PERMITS REQUIRED.

(A) Except as herein provided, no sign shall be erected, replaced, altered, or relocated without the business owner first obtaining a sign permit and the property owner (if different) granting permission for a sign permit, demonstrating that the sign is or will be in compliance with all provisions of this chapter. A-frame signs, banners, and feather signs, as defined in § 152.093 of this subchapter, are exempt from sign permits.

(B) Permits are issued for specific property only. Permits may transfer with ownership, provided the signage is not altered or moved except to bring it into compliance with this section.

(C) Permits are not required for routine maintenance, nor required for changes in the text on signs.

(D) Signs conforming to the current code that are damaged by acts of nature, vandalism, or accident shall not be assessed a new sign permit fee when repaired to the pre-damaged condition. The owner of freestanding signs shall be required to obtain a building permit prior to construction.

(E) The permit application shall be forwarded to the City Planner for review and processing. Any decision of approval or denial may be appealed to the <u>Planning</u> <u>Commission</u> <u>City Council</u>. An appeal shall be heard in a manner as prescribed <u>in § 152.208</u> by the City Council. Permit application review fees and appeal processing fees shall be established, and may be revised from time to time, by resolution of the City Council.

(Ord. 314, passed 9-5-2017) Penalty, see § 152.999

# § 152.095 RESIDENTIAL AND NCA OVERLAY ZONE REQUIREMENTS.

(A) In the R-1, R-2, R-3, R-4, and R-5 Zones: one sign shall be allowed and shall be limited to the following sizes and restrictions:

(1) Only wall signs are allowed in the R-1, R-2, R-3, R-4, and R-5 Zones;

(2) A sign not exceeding two square feet in size accessory to a single-family dwelling or a home occupation;

(3) No moving or flashing signs, lit signs, roof signs, A-frame signs, or banner signs shall be allowed in the R-1, R-2 and R-3, R-4, and R-5 Zones; and

(4) No sign shall be placed within ten feet of any government-installed sign within a public right-of-way (stop signs, traffic-control sign, and the like).

(B) In the NCA Overlay Zone, signs are allowed per § 152.032. No sign permit is required.

(Ord. 314, passed 9-5-2017) Penalty, see § 152.999

# § 152.096 C-1, L-I, AND M-P ZONE REQUIREMENTS.

(A) General sign requirements.

(1) No freestanding or projecting sign shall be placed within ten feet of any government-installed sign within a public right-of-way (stop signs, traffic-control signs, and the like).

(2) Signs may be illuminated internally or externally (includes neon).

(3) External light illuminating from a sign shall be directed away from a residential use or zone and shall not be located so as to distract motorists.

(4) No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or interfere with the effectiveness of an official traffic sign, device, or signal.

(5) Strobe or rotating lights shall are not permitted on private property.

(6) All signs shall conform to acceptable safety requirements as determined by the city. Analysis of safety of electrical design of aluminum signs may be required.

(7) There shall be no advertising signs for businesses or activities located outside of the city or its urban growth boundaries.

(8) No sign shall detract from and/or block any area of scenic value, as inventoried in the Comprehensive Plan. Within the harbor area, no signs are allowed along the shoreline and cliffs surrounding the harbor, below the elevation of the top of the railing of the Depoe Bay bridge where the bridge is in the viewshed, and below the elevation of the top of the railing of the railing of the Compares where the moorages are in the viewshed.

(9) Where it can be demonstrated that directional signs are needed for directing or controlling vehicular access, or where such signs are required as a condition of approval for public safety, such signs may be permitted in addition to any other signs permitted by this section. Such signs shall be placed at each motor vehicle entrance or exit, shall not exceed nine square feet in size and six feet in height, and shall not restrict required sight distances or pedestrian and vehicular flow.

(10) Movable planters are encouraged in front of businesses. Planters shall not slow pedestrian, or bicycle flow traffic or impede visibility, and they shall not interfere with vehicle traffic flow or visibility. They shall not include business, company, or commodity advertising other than allowed in this section.

(B) Sign types.

(1) Wall and window signs.

(a) A maximum 20% of a building facade is allowed to have signs. This includes the total combined area of wall and window signs. Multiple facades may not be aggregated for purposes of determining sign size.

(b) Murals are not allowed on buildings.

(2) Projecting signs.

- (a) Projecting signs are allowed for non-residential uses.
- (b) If a business has a projecting sign, then A-frame signs are prohibited.

(c) Projecting signs shall be installed on the primary use building. Multiple-tenant buildings may have one sign on each tenant's storefront that provides customer access.

(d) Projecting signs shall be located on the first story, except that a projecting sign may be installed on the wall of the second story, provided the sign and sign supports are installed no higher than the second floor window opening or 24 feet above grade, whichever is lower. Projecting signs shall not extend above the roofline or roof eave or above the parapet of the building.

(e) Projecting signs shall not exceed nine square feet in area and shall be no more than three feet wide, three feet tall, and have a maximum thickness of 18 inches. Projecting signs shall extend no more than 42 inches from the building or within two feet of the curb, whichever is less.

(f) A minimum clearance of eight feet between the bottom of the sign and the finished grade below the sign is required. At alleys, when no curb exists, a minimum height of 14 feet between the bottom of the sign and the finished grade below the sign is required.

(3) Roof signs. Roof signs are prohibited.

(4) Permanent freestanding and monument signs.

(a) No more than one freestanding or monument sign is permitted per street frontage per property.

(b) The sign shall be placed on the private property of the business.

(c) The sign shall not be located on the sidewalk, pedestrian way, public right-of-way, or in such other manner as to interfere with the orderly flow of pedestrian traffic along the street, sidewalk, pedestrian way, or public right-of-way.

(d) The sign shall not be located upon the private property in such a manner as to interfere with the clear vision area of motor vehicles, or to cause, in any other manner, a hazard to motor vehicle traffic.

(e) Single pole signs are prohibited.

(f) Freestanding and monument signs shall have a maximum eight-foot height, maximum ten foot width, and maximum 50 square feet.

(g) Electrical service to freestanding and monument signs shall be underground.

(h) Prior to freestanding or monument sign placement, construction, or alteration, a building permit shall be obtained if freestanding or monument signs are required by the County Building Official.

(5) A-frame signs. <u>A-frame signs are prohibited</u>.

(a) No more than one A-frame sign is permitted per business.

(b) If a business has an A-frame sign, projecting signs are prohibited.

(c) A-frame signs may be placed on private property.

(d) A-frame signs may be placed within the public right-of-way fronting the business. A-frame signs shall not be located within eight feet of vehicular travel lanes. A-frame signs may not be located in bicycle lanes or parking spaces, nor impede pedestrian access or opening of vehicle doors. A-frame signs may be placed on a sidewalk, however a minimum four feet of lateral clearance shall be maintained on a sidewalk. Placement of A-frame signs within Highway 101 right-of-way are subject to agreement with the Oregon Department of Transportation.

(e) A frame signs shall be a maximum of eight square feet with maximum dimensions of two feet wide by four feet tall.

(f) A-frame signs shall be secured by means of attaching an interior weight so as not to be movable (pushed, pulled, blown, and the like).

(g) Any object attached to A-frame signs, such as, balloons, banners, and the like, shall be in accordance with the above A-frame sign standards.

(h) A frame signs are only permitted during business hours and should be removed during periods of high winds.

(6) Banner and feather signs. <u>Banner and feather signs are prohibited</u>.

(a) One banner or feather sign is allowed per ten feet of business frontage.

(b) Banner and feather signs shall not exceed 20 square feet.

(c) Ground-mounted banner and feather signs may be placed on private property and not be mounted in or extend into public right-of-way. Banner and feather signs attached to a building may extend over a sidewalk within the public right-of-way with a minimum clearance of seven and one-half feet from the ground so as to not impede pedestrian access.

(d) No banner or feather sign, other than the American flag, shall be placed in any flagpole holes along Highway 101, and no banner or feather signs shall be placed in planters located in the public right-of-way.

(e) Banner and feather signs are only permitted during business hours and should be removed during periods of high winds.

(7) Digital signs. A digital sign may be a wall, window, freestanding, or monument sign. A digital sign is subject to all sign regulations. For example, if a digital sign is a freestanding or monument sign, no more than one freestanding or monument sign is permitted per street frontage per property.

(a) One digital sign is allowed per business or institution. In addition, one digital "open" sign is allowed per business.

(b) Digital signs may not be externally or internally illuminated by a flashing light or a light that varies in intensity.

(c) Digital signs must be equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.

(d) Digital signs that have dynamically moving content, video, streaming, or scrolling text are not allowed.

(e) Digital signs must be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.

(f) The change from one message to another message may not be more frequent than once every 15 seconds and the actual change process must be accomplished in two seconds or less.

(g) If attached to a building or displayed inside a building so as to be visible from outside, the digital sign shall be considered to be a building sign and included in the maximum 20% of a building facade that is allowed to have signs.

(h) If the digital sign is a freestanding or monument sign, no other freestanding or monument sign is permitted per street frontage per property.

(8) Awning and canopy signs.

(a) Awning and canopy signs are allowed for non-residential uses. Awnings and canopies shall be installed in compliance with current editions of adopted building codes and subject to permitting and inspection by the Building Safety Division.

(b) Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied. Signs shall not be attached on top of or project beyond the fascia of a freestanding canopy. Signs may be installed on top of a canopy that is attached to and supported by the building, provided the sign does not extend above the roofline or eaves of the building. The sign area shall be deducted from the building sign area allowance.

(c) Awnings and canopies shall not interfere with any government-installed sign within a street right-of-way (stop signs, traffic-control sign, and the like).

(d) Awning and canopies attached to the building are allowed on the first story only. Attached awning or canopy structures shall maintain a clearance of eight feet above a public right-of-way or finished grade. The valance shall maintain a seven-foot clearance. An awning or canopy shall not extend within two feet from the street curb. Posts or columns beyond the property line are not permitted. Awning and canopies shall not project above the roofline.

(9) "Open" signs. "Open" signs not exceeding two square feet are allowed and shall not be counted in the maximum 20% facade coverage. Sign permits are not required for these "open" signs.

(Ord. 314, passed 9-5-2017) Penalty, see § 152.999

§ 152.097 M-W ZONE REQUIREMENTS.

In the M-W Zone, only signs in conjunction with an existing or approved activity are allowed, provided the sign is constructed such that it meets the requirements of § 152.040 of this chapter.

(Ord. 314, passed 9-5-2017)

## § 152.098 TEMPORARY SIGNS.

In addition to the allowances for signs provided by this section, temporary signs are allowed on private property with the following standards.

(A) No more than one temporary sign is permitted per business. Temporary signs are not permitted in the public right-of-way.

(B) The maximum size of temporary signs shall be as follows:

- (1) Real estate sign for property with building: four square feet;
- (2) Real estate sign for vacant property: eight square feet;
- (3) Other temporary signs: six square feet; and
- (4) Community event signs: unlimited.

(C) Temporary signs are allowed for not more than 30 consecutive days or for any period of time during which the property is for sale, lease, or rent, or for an election or event.

(D) Temporary signs shall be secured so as not to be movable (pushed, pulled, blown, and the like).

(E) No objects shall be attached to temporary signs, such as, balloons, banners, and the like.

(Ord. 314, passed 9-5-2017) Penalty, see § 152.999

§ 152.099 EXCEPTIONS.

Provisions and regulations of this subchapter shall not apply to the following signs:

(A) Real estate signs not exceeding six square feet in area which advertise the sale, rental, or lease of the premises upon which such signs are located only;

(B) One professional name plate not exceeding one square foot in area;

(C) Temporary public agency or institutional signs not over eight square feet in area for may be placed within the public right-of-way. Temporary public agency or institutional

signs shall be for a specific event and allowed to be placed no more than three days prior to the event and no more than one day following the event. The signs shall not be located within eight feet of vehicular travel lanes, not be located in bicycle lanes or parking spaces, nor impede pedestrian access or opening of vehicle doors. The signs may be placed on a sidewalk, however a minimum four feet of lateral clearance shall be maintained on a sidewalk. Placement of temporary public agency or institutional signs within Highway 101 right-of-way are subject to agreement with the Oregon Department of Transportation;

(D) Signs denoting the architect, engineer, or contractor when placed upon work under construction, and not exceeding 12 square feet in area;

(E) An occupational sign denoting only the name and profession of an occupant in a commercial building, public institution building, or dwelling house, and not exceeding two square feet in area;

(F) Memorial signs or tablet, names of buildings and date of erection when cut into any masonry surface, or when constructed of bronze or other incombustible materials;

(G) Traffic or other municipal signs, legal notices, danger, and such temporary, emergency, or non-advertising signs as may be approved by the City Council;

(H) Election campaign signs not exceeding six square feet in area which are in compliance with state law; and

(I) Any community/civic events: limited to events that are part of, endorsed, sanctioned, condoned, or officially approved by the city or the city Chamber of Commerce.

(Ord. 314, passed 9-5-2017)

# § 152.100 MAINTENANCE AND APPEARANCE OF SIGNS.

All signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and maintained in a safe condition. All signs shall be maintained in a neat, clean, and attractive condition.

(Ord. 314, passed 9-5-2017)

# § 152.101 ABANDONED SIGNS.

(A) Any sign shall be removed when the associated business or event has been discontinued or completed, or when the sign is no longer properly repaired or maintained as required by this subchapter.

(B) Abandoned non-conforming signs shall be removed in their entirety.

(Ord. 314, passed 9-5-2017)

### § 152.102 VARIANCES.

To provide for reasonable interpretation of this subchapter, and in certain instances where this subchapter will produce hardship, a business owner (with permission from the property owner, if different) may apply for a variance pursuant to §§ 152.170 through 152.173 of this chapter.

(Ord. 314, passed 9-5-2017)

# § 152.103 LIABILITY.

The sign owner shall remain fully responsible for the consequences, including the safety of the public, of constructing and maintaining the signs. Sign owner further agrees to indemnify, defend, and hold the city harmless against and from any and all claims, damages, losses, liabilities, including fines and penalties, and expenses, including, without limitation, reasonable legal, accounting, consulting, laboratory, engineering, and other expenses (collectively, the "losses") which may be imposed upon or incurred by the city or asserted by any other party or parties (including without limitation, a governmental entity), arising out of or in connection with the placement, construction, and maintenance of signs, regardless of whether or not such losses arise from activities of sign owner.

(Ord. 314, passed 9-5-2017)



1	Depoe Bay Planning Commission									
2	Regular Meeting									
3	Wednesday, June 9, 2021 – 6:00 PM									
4	Depoe Bay City Hall									
5	DDESENT: C Steinke E Buby M Dhilling I Fougatt E Damar									
7	ABSE	NT.	L Haves							
8	STAFF: City Planner		City Planner I. White Recording Secretary C. Duering							
9	5170		ony mainers. White, Recording Secretary C. Duching							
10	I.	CALLI	MEETING TO ORDER							
11										
12	Phillip	Phillips called the meeting to order and established a quorum at 6:00 PM.								
13	-									
14	II.	APPRO	VAL OF MINUTES: May 12, 2021, Regular Meeting							
15										
16	Motion: Faucett moved to approve the minutes of the May 12, 2021, regular meeting as written. Steinke se									
17										
18		Vote: N	Action passed.							
19		<u>Ayes</u> : 3	steinke, Ruby, Phillips, Faucett, Berner							
20	TIT	DIRI	THEADINGS							
22	111.	TODLK	J HEARINGS							
23	There	were none								
24	THOLE	were none								
25	IV.	NEW B	USINESS							
26										
27	There	was none.								
28										
29	V.	UNFIN	ISHED BUSINESS							
30										
31		A.	Applicant: Signs on Properties Adjacent to the Harbor							
32	The DI	onnor cum	morized that at the last meeting the Commission discussed permitting signs around the inner harbor							
34	area in	cluding th	he aesthetic value and context of the inner harbor as identified in the Depoe Bay Comprehensive							
35	Plan ar	nd Depoe	Bay Zoning Ordinance (DBZO). The Sign Ordinance does not address colors or content.							
36										
37	He pre	sented a	He presented a slide presentation of his walkabout the barbor (conv attached to original of these minutes). The							
38	present	presentation included photographs of existing signage: the harbor in several directions to capture the view corridors.								
39	an aerial view with dots identifying each of the sign locations; and a record of signage permitted in the past.									
	an aeri	tation incl al view w	uded photographs of existing signage; the harbor in several directions to capture the view corridors; ith dots identifying each of the sign locations; and a record of signage permitted in the past.							
40	an aeria	tation incl al view w	uded photographs of existing signage; the harbor in several directions to capture the view corridors; ith dots identifying each of the sign locations; and a record of signage permitted in the past.							
40 41	Writter	tation incl al view w n public c	uded photographs of existing signage; the harbor in several directions to capture the view corridors; ith dots identifying each of the sign locations; and a record of signage permitted in the past. omments were received from Fran Recht and Debbie Callender. (copy attached to original of these							
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standards (2004); (2) Since then there have been no signs marring the beauty of the harbor or the historic bridge; and (3) She asked the Planning Commission to interpret the Sign Ordinance and read into the record For the harbor area, no advertising signs are appropriate or allowed along the shoreline and cliffs surrounding the harbor, below the elevation of the top of the railing of the bridge, where the bridge is in the viewshed and below the elevation of the top of the railing of the fencing around the moorages where the moorages are in the viewshed).

She reiterated how advertising signage in the gorgeous, amazing, scenic bridge area would detract from the harbor area of exceptional scenic resources. She does not want visual pollution in an area she considers one of her sacred places.

> B. Applicant: Carrie Newell – Whale Museum Application: Sign Facing Harbor Channel Zone, Map and Tax Lot: Commercial C-1, 09-11-08-BA #05701 Location: Highway 101

Applicant, Carrie Newell, showed a photograph on her computer of the proposed sign. She reminded the Commission that she has revised the sign content as requested.

White and Newell utilized a photograph from the slide presentation to demonstrate the proposed location - northern part of a 38 ft. long concrete structure (280 sq. ft.) and size of the sign - 56 sq. ft. (20% of the façade).

22 Phillips asked for public comments.

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24 Fran Recht asked the Commission to deny the application and read sections of her written testimony detailing the reasons why. (copy attached to original of these minutes). She reiterated that the proposed sign is not in compliance with the Sign Ordinance or the DBZO Section 4.820 Protection of Coastal Headlands, Areas of Exceptional Aesthetic Resources.

29 A Commissioner asked the Planner to clarify if it were necessary for the Commission to adopt Recht's 30 recommended interpretation of the Sign Ordinance to decide to deny or grant approval of the subject application. 31 The Planner responded: (1) He deferred the application to the Planning Commission to decide what the aesthetic 32 context is of the area and whether a sign of this nature could be permitted; (2) The process does not require 33 preparation of a findings, conclusions, and final order document or staff report; (3) The code is clear in the Sign 34 Ordinance: Comprehensive Plan, and DBZO however the interpretation is subjective; and (4) The Commission 35 needs to determine if the sign meets the intent, the uses; and aesthetic quality as presented.

37 Carrie Newell thanked the Planning Commission for listening. She stated she never intended to break any laws. 38 She owns and operates a whale watching charter business and whale museum that attracts thousands of people to 39 the community. She is not asking for anything different than other businesses. She was heartbroken that someone 40 would be angry about her sign.

42 She reiterated: (1) The Sign Ordinance does not address color schemes; (2) The proposed location of her sign should 43 be considered equal to the numerous visible existing signage surrounding the harbor; and (3) She wants a fair 44 decision based on the Planning Commission's interpretation at this time. She apologized for any grief she may 45 have caused, not her intention, and asked for approval of her sign stating her business name comparable to Dockside, 46 Tradewinds, and Channel House.

47 48 The Planning Commission and Planner discussed: (1) How the Comprehensive Plan relates to the DBZO; (2) The 49 historical and aesthetic value of the harbor and bridge; (3) Distraction from navigational signage; (4) Recht's 50 recommendation regarding interpretation is a separate issue and could be taken into consideration in the future; (5) 51 The Comprehensive Plan and Zoning Ordinance identify numerous locations in Depoe Bay as having high aesthetic 52 value and further defines areas with exceptional aesthetic value; (6) The grandfathered signage near the bridge 53 would not be permitted today; (7) The Depoe Bay bridge is an iconic image and the inner harbor is a special natural 54 area; (8) Making a distinction between the views to the east versus views to the west; (9) Appreciation of the business owner's contribution to the community and their natural desire to want to advertise; and (10) Considering a text amendment in the future.

Motion: Faucett moved to deny approval of the sign application based on the aesthetic requirements of the Comprehensive Plan and protection of the City's areas of aesthetic value. Ruby seconded.

Vote: Motion passed. Ayes: Ruby, Phillips, Faucett, Berner, Steinke

Phillips thanked Newell. Newell thanked the Planning Commission for their time.

VI. PUBLIC COMMENTS - ITEMS NOT ON TONIGHT'S AGENDA

Fran Recht stated the Depoe Bay Urban Renewal Agency recently held a workshop regarding the South of the Bridge project. She asked the Planning Commission to reconsider revising the DBZO parking requirements to include language that all required parking will contribute to public parking. There are several private parking lots throughout town i.e., Channel House, Lareisa Plaza Condominiums, etc. with signage that restricts parking to their guests/customers. She will send the Chair a copy of her prior testimony/recommendation. Recht believes that after the recent comments/concerns/discussion regarding parking the Council may consider the matter in a new light.

VII. CITY COUNCIL LIAISON REPORT

Ruby announced he will not be able to attend the July 20, 2021, City Council Meeting. Phillips volunteered to attend.

VIII. PLANNER'S REPORT

 White reviewed the Planner's Report – Land Use and Building Permit Activity May 13, 2021 – June 9, 2021 (copy attached to original of these minutes).

He reported on the: (1) Urban Renewal Agency workshop discussing the Highway 101 South of the Bridge Project;
 (2) Shell Avenue project; (3) Planning Commission vacant position; and (4) Potential of four public hearings at the
 July meeting.

35 IX. PLANNING COMMISSION CONCERNS

Steinke: Depoe Bay needs to address the City's parking problem. The Planning Commission needs to urge the
 Council to take a serious comprehensive view of the parking issue. Consider a parking structure behind the
 commercial area.

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41 Discussion followed regarding: (1) The recommendation process; (2) Underutilization of the Bay Street/Williams
42 public parking lot; (3) Directional signage; (4) Pedestrian and traffic safety issues; (5) Lack of vacant land and
43 funding; and (6) Other parking solutions.

X. ADJOURN

There being no further business, the meeting was adjourned at 7:39 PM.

Carla Duering, Recording Secretary

Michael Phillips Vice-President

# CITY OF DEPOE BAY 2023 LAND USE & BUILDING PERMIT ACTIVITY

#### **July 2023**

Date	Applicant	Type of Activity	Zoning	Location	Description	Status/Comments
			District			
7/13/23	Jon Thompson	<b>Building Permit</b>	R-4	09-11-08-AB-10300	New residence and	Under review
	Construction			435 SE Winchell St.	garage	
7/18/23	Harry Napier	Building Permit/	C-1	09-11-08-BD-00900 &	Change of use for	Complete
		Change of Use		09-11-08-BD-01000	former auto service	
				411 S Hwy. 101	station	
7/26/23	City of Depoe	Conditional Use	<b>R-4</b> /	09-11-05-CA-15800 &	Reissue expired CUP	Under review
	Bay	Permit	C-1	09-11-05-CA-15900	for City parking lot	
				20/26 NW Vista St.		
7/31/23	N/A	Complaint	R-4	09-11-05-CD-06100 &	Lareisa Plaza parking	Under investigation
				09-11-05-CD-06200	lot use restrictions	
				50/60 NE Combs Ave.		

- Special City Council meeting on July 11, 2023 (rescheduled from July 4, 2023):
  - Received the Planning Commission Liaison report for June 2023.
- Regular City Council meeting on July 18, 2023:
  - No planning-related items on agenda.
- Special Planning Commission meeting on July 20, 2023 (rescheduled from July 12, 2023):
  - Conducted the following Public Hearing(s):
    - Closed public hearing for variance and expansion of non-conforming use for parking lot on N Hwy. 101 (Case File #1-VAR-PC-23) and approved application.
    - Approved with modifications a variance and sign permit application to repair existing, off-premise Inn at Arch Rock sign in the right-of-way of NW Sunset St. (Case File #2-VAR-23-PC)
    - Approved coastal shorelands application for new residence on SW McDonald Ave. in the *Whale Cove* subdivision (Case File #5-CS-PC-23).
  - o Discussed noise and exterior lighting standards for the "Quality of Life" code amendment.