



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR, 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/19/2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lincoln City Plan Amendment
DLCD File Number 007-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, January 02, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

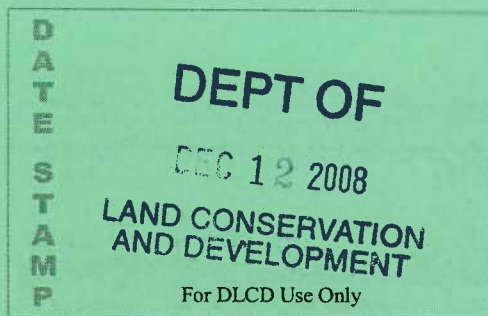
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Richard Townsend, City of Lincoln City
Gloria Gardiner, DLCD Urban Planning Specialist
Bill Holmstrom, DLCD Transportation Planner
Laren Woolley, DLCD Regional Representative

<paa> YA/

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Lincoln City Local file number: 20A 02-08
Date of Adoption: December 8, 2008 Date Mailed: December 11, 2008
Date original Notice of Proposed Amendment was mailed to DLCD: August 22, 2008

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input checked="" type="checkbox"/> Other: <u>Municipal Code Amendment</u> |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendment to add a new chapter - 12.28 - Access and Circulation - to the Lincoln City Municipal Code. The purpose of the Chapter is to ensure that developments adjacent to Hwy 101 provide safe and efficient access and circulation for pedestrians and vehicles. This is not a land use regulation.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

The original draft applied to properties between SE/SW 16th & SE/SW 37th (along Hwy 101). At ODOT request, scope of ordinance was broadened to ~~include~~ include properties between SE/SW 12th & SE/SW 37th (along Hwy 101) and properties within 200' of the highway that abut streets intersecting w/ Hwy.

Plan Map Changed from: N/A to: _____

Zone Map Changed from: N/A to: _____

Location: Nelscott & Delake areas (generally) Acres Involved: _____

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: _____

Was and Exception Adopted? YES NO

DLCD File No.: 007-08 (17099)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

Local Contact: Richard Townsend Phone: (541)996-2153 Extension: _____

Address: PO Box 50 City: Lincoln City

Zip Code + 4: 97367- Email Address: rtown@lincolncity.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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ORDINANCE NO. 2008 - 20

**AN ORDINANCE ADOPTING VEHICULAR ACCESS AND CIRCULATION
STANDARDS FOR PROPERTIES THAT ABUT HIGHWAY 101 BETWEEN SE/SW 12th
STREET AND SE/SW 37TH STREET, AND PROPERTIES WITHIN 200 FEET OF
HIGHWAY 101 THAT ABUT STREETS INTERSECTING WITH THE HIGHWAY,
AND ADDING CHAPTER 12.28 TO THE LINCOLN CITY MUNICIPAL CODE**

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The City Council finds:

- A. The Oregon Department of Transportation is planning a highway modernization project for Highway 101 between SE/SW 12th Street and SE/SW 37th Street in Lincoln City.
- B. This project requires that an access management program be in place for the area of the project.
- C. It is desirable for the City to craft the access management program to meet its access management and circulation needs.
- D. The Planning Commission, on November 18, 2008 considered the Municipal Code amendment contained within this ordinance. The Planning Commission voted to transmit the amendment to the City Council with a recommendation that it be adopted.
- E. The City Council held a public hearing on December 8, 2008 during which the Council considered the proposed amendment transmitted by the Planning Commission.

Section 2. Chapter 12.28 is added to the Lincoln City Municipal Code to read as follows:

Chapter 12.28 – Vehicular Access and Circulation

Sections:

12.28.100 Purpose

12.28.200 Vehicular Access and Circulation

12.28.100 Purpose

The purpose of this Chapter is to ensure that developments adjacent to Highway 101 between SE/SW 12th Street and SE/SW 37th Street provide safe and efficient access and circulation for pedestrians and vehicles. Section 12.28.200 provides standards for vehicular access and circulation.

1 **12.28.200 Vehicular Access and Circulation**

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

5 **B. Applicability.** This Chapter applies to Highway 101 between SE/SW12th Street and SE/SW
6 37th Street, to all properties that abut the Highway, and to all properties within 200 feet of the
7 Highway that abut streets intersecting with the Highway. The standards apply when lots are
8 created, consolidated, or modified through a land division, partition, lot line adjustment, lot
9 consolidation, or street vacation; and when properties are subject to land use approval or site
10 plan review. The requirements in this Chapter are in addition to requirements relating to
11 properties abutting Highway 101 that are imposed by the Oregon Department of
12 Transportation (ODOT) through the provisions of Oregon Administrative Rule 734-051.
13 Where ODOT requires more restrictive provisions than City requirements, ODOT standards
14 shall prevail.

15 **C. Access Permit Required.** Access to Highway 101 (e.g., a new curb cut or driveway
16 approach) requires an access permit from Lincoln City and a valid approach road permit from
17 the Oregon Department of Transportation. Access to the intersecting streets identified in
18 Section 12.28.200(B) also requires an access permit from the City. An access permit may be
19 in the form of a letter to the applicant, or it may be attached to a land use decision notice as a
20 condition of approval.

21 **D. Notice to ODOT.** Written notice of the following actions shall be provided to ODOT by
22 Lincoln City. Said notice shall be provided when Lincoln City provides notice to other
23 public agencies and city departments. When notice to other public agencies and city
24 departments is not provided, Lincoln City shall provide written notice to ODOT at the same
25 time and manner as public notice is provided to the general public.
26 1. Land use applications that require public hearings;
27 2. Subdivision and partition applications;
28 3. Other applications that affect private access to Highway 101 or the intersecting streets
identified in Section 12.28.200(B).

29 **E. Traffic Study Requirements.** The City may require a traffic impact study prepared by a
30 qualified professional. ODOT may require such a study for properties abutting Highway
31 101. The City and ODOT will use the traffic impact study to make decisions about access,
32 circulation, and other transportation requirements. It is the intent of the City to coordinate its
33 traffic impact study requirements with ODOT so that an applicant need complete only one
34 such study to comply with the requirements of both agencies.

35 **F. Conditions of Approval.** The City may require the closing or consolidation of existing curb
36 cuts or other vehicle access points, recording of reciprocal access easements (e.g., for shared
37 driveways), turn restrictions, development of a frontage street, installation of traffic control
38 devices, and/or other mitigation as a condition of granting an access permit, to ensure the

1 safe and efficient operation of the street and highway system. Installation of traffic control
2 devices on Highway 101 must be approved by ODOT.

3 **G. Corner and Intersection Separation; Backing onto Public Streets.** New and modified
4 accesses shall conform to the following standards:

- 5 1. Property access to Highway 101 is under the concurrent jurisdiction of the Oregon
6 Department of Transportation (ODOT). Access to streets intersecting with the highway
7 shall not be permitted within 100 feet of the intersection unless no other reasonable
8 access to the property is available. Where no other alternatives exist, the City may allow
9 construction of an access connection at a point less than 100 feet from such an
10 intersection, provided the access is as far away from the intersection as possible. In such
11 cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out
12 only). Access to properties with frontage on Highway 101 and other public roads shall be
13 provided only from the roads other than the highway whenever reasonable access can be
14 provided.
- 15 2. Access to and from off-street parking areas shall not permit backing onto a public street,
16 except for single-family dwellings.
- 17 3. The City may reduce required separation distance of access points to city streets where
18 they prove impractical due to lot dimensions, existing development, other physical
19 features, or conflicting code requirements, provided all of the following requirements are
20 met. Where the statewide highway access point spacing requirements in OAR 734-051
21 cannot be met, all the following requirements must be met before the City can complete
22 the "Land Use Compatibility Statement for a State Highway Approach" required for a
23 highway approach road application.
 - 24 a. Joint-use driveways and cross-access easements are provided in accordance with
25 subsection 12.28.200H;
 - 26 b. The site plan incorporates a unified access and circulation system in accordance with
27 this Section; and
 - 28 c. The property owner(s) enter in a written agreement with the City, recorded with the
deed, that pre-existing connections on the site will be closed and eliminated after
construction of each side of the joint-use driveway.

24 **H. Site Circulation.** New developments shall be required to provide a circulation system that
25 accommodates expected traffic on the site. Pedestrian connections on the site, including
26 connections through large sites, and connections between sites (as applicable) and adjacent
27 sidewalks, must be sufficient to safely accommodate expected pedestrian traffic to, from,
within, and across the site.

28 **I. Joint and Cross Access – Requirement.** The number of driveway and private street
intersections with public streets should be minimized by the use of shared driveways for

1 adjoining lots where feasible. When necessary for traffic safety and access management
2 purposes, or to access flag lots, the City and/or ODOT (for access to Highway 101) may
3 require joint access and/or shared driveways in the following situations:

- 4 1. For shared parking areas;
- 5 2. For adjacent developments, where access onto an arterial or collector proposed;
- 6 3. For multi-tenant developments, and developments on multiple lots or parcels. For such
7 joint accesses and shared driveways the City may require the applicant to incorporate any
8 of the following, among other requirements:
 - 9 a. A continuous service drive or cross-access corridor that provides for driveway
10 separation consistent with the applicable transportation authority's access
11 management classification system and standards;
 - 12 b. A design speed of 10 miles per hour and a maximum width of 24 feet, in addition to
13 any parking alongside the driveway; additional driveway width or fire lanes may be
14 approved when necessary to accommodate specific types of service vehicles, loading
15 vehicles, or emergency service provider vehicles;
 - 16 c. Driveway stubs to property lines (for future extension) and other design features to
17 make it easy to see that the abutting properties may be required with future
18 development to connect to the cross-access driveway;

19 **J. Joint and Cross Access – Reduction in Required Parking Allowed.** When a shared
20 driveway is provided or required as a condition of approval, the land uses adjacent to the
21 shared driveway may have their minimum parking standards reduced in accordance with the
22 shared parking provisions of Section 17.56.060.

23 **K. Joint and Cross Access – Easement and Use and Maintenance Agreement.** Pursuant to
24 this Section, property owners shall:

- 25 1. Record an easement with the deed allowing cross-access to and from other properties
26 served by the joint-use driveways and cross-access or service drive;
- 27 2. Record an agreement with the deed that remaining access rights along the roadway for
28 the subject property shall be dedicated to the City and pre-existing driveways will be
closed and eliminated after construction of the joint-use driveway;
3. Record a joint maintenance agreement with the deed defining maintenance
responsibilities of property owners.

L. Access Connections and Driveway Design. All driveway connections to a public right-of-
way (access) and driveways shall conform to all of the following design standards:

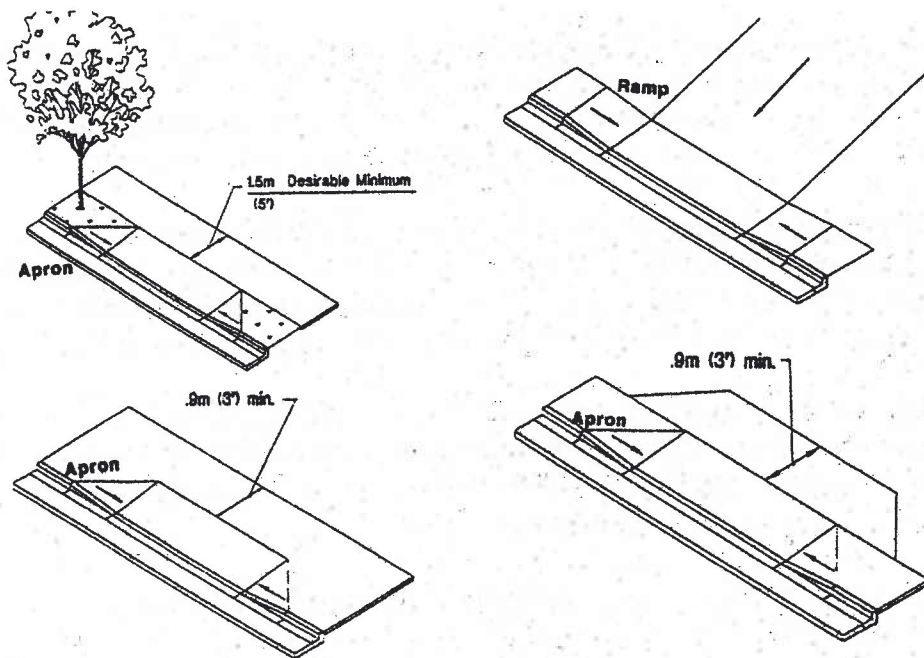
1. Driveways to city streets shall meet the following standards.

- a. One-way driveways (one way in or out) shall have a minimum driveway width of 10 feet, and a maximum width of 12 feet, and shall have appropriate signage designating the driveway as a one-way connection.
- b. For two-way access, each lane shall have a minimum width of 10 feet and a maximum width of 12 feet.

Driveways to Highway 101 shall meet ODOT requirements for design and construction.

2. Driveways shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas.
3. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 12.28.200A. Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 3 feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections.

Figure 12.28.200A Examples of Acceptable Driveway Openings Next to Sidewalks/Walkways



1 **M. Fire Access and Turnarounds.** When required under the Uniform Fire Code, fire access
2 lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a
3 fire equipment access drive shall be provided for any portion of an exterior wall of the first
4 story of a building that is located more than 150 feet from an existing public street or
5 approved fire equipment access drive. The drive shall contain unobstructed adequate aisle
width (14-20 feet) and turn-around area for emergency vehicles. The Fire Marshal may
require that fire lanes be marked as “No Stopping/No Parking.”

6 **N. Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall
7 have a minimum vertical clearance of 13' 6” for their entire length and width.

8 **O. Clear Vision Areas.** No visual obstruction (*e.g.*, sign, structure, solid fence, or shrub
9 vegetation) may be placed in a clear vision area except in accordance with Lincoln City
10 Municipal Code Sections 17.52.060 and 17.52.070. The minimum clear vision area may be
11 modified by the City Engineer upon finding that more or less sight distance is required (*i.e.*,
12 due to traffic speeds, roadway alignment, etc.). ODOT shall establish clear vision
requirements for Highway 101, but if the City’s clear vision requirements are more restrictive
the City’s requirements shall prevail.

13 **P. Construction.** The following development and maintenance standards shall apply to all
14 driveways and private streets, except that the standards do not apply to driveways serving
15 one single-family detached dwelling. For properties abutting Highway 101 development and
16 maintenance requirements established as a part of an ODOT approach road permit also shall
apply.

- 17 1. Surface Options. Driveways, parking areas, aisles, and turnarounds may be paved with
18 asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving
19 material may be used to reduce surface water runoff and protect water quality. Driveway
and street materials shall be subject to review and approval by the City Engineer.
- 20 2. Surface Water Management. When non-porous paving is used, all driveways, parking
21 areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate
22 sheet flow of such waters onto public rights-of-way and abutting property. Surface water
facilities shall be constructed in conformance with applicable engineering standards.
- 23 3. Driveway Aprons. When driveway approaches or “aprons” are required to connect
24 driveways to the public right-of-way, they shall be paved with concrete surfacing and
25 conform to the City’s engineering design criteria and standard specifications. (See
general illustrations in Figure 12.28.200A, above.

26 **Section 3.** In the event that any provision of this ordinance is determined by a court of
27 competent jurisdiction to be invalid or unenforceable, such invalid provision shall be severed and
28 the remaining provisions of the ordinance that have not been held invalid or unenforceable shall
continue to be valid and enforceable to the fullest extent permitted by law.

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PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of
December 2008.


LORI HOLLINGSWORTH, MAYOR

ATTEST:


CATHY STEERE, CITY RECORDER

PLANNING & COMMUNITY DEVELOPMENT
CITY OF LINCOLN CITY
PO Box 50
LINCOLN CITY, OR 97367



Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540