



BECON, LLC

Civil Engineering and Land Surveying

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**Burden of Proof Narrative
Development Review Application
Sam Apartments**

Applicant: Sam Apartment Homes LLC
PO Box 540
Lincoln City, OR 97367

Owner: Sam Apartment Homes LLC
PO Box 540
Lincoln City, OR 97367

Engineer: BECON Civil Engineering & Land Surveying
549 SW Mill View Way, Suite 100
Bend, OR 97702

Architect: Studio 3 Architecture
275 Court Street NE
Salem, OR 97301

Location: The subject properties are located on the west side of NE West Devils Lake Rd. The addresses are 2627 and 2611 NE West Devils Lake Rd. The tax lots are 07-11-11-BA-01000-00 and 07-11-11-BA-01000-00.

Request: Development review and approval for an 18-unit apartment building and associated site improvements in the R-M zone.

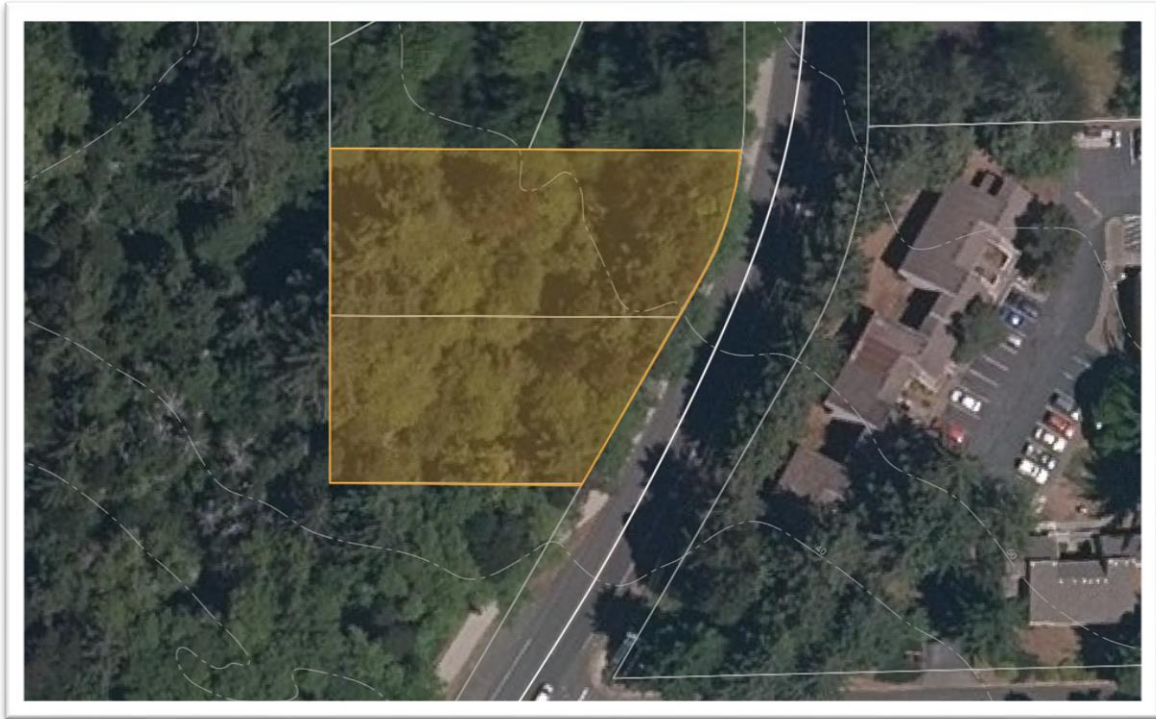
I. Applicable Criteria, Standards, and Procedures:

Lincoln City Municipal Code Title 17 - Zoning

- Chapter 17.20 - Multiple-Unit Residential (R-M) Zone
- Chapter 17.52 - Supplementary Regulations and Exceptions
- Chapter 17.55 - Landscaping Standards
- Chapter 17.56 - Off-Street Parking and Loading
- Chapter 17.74 - Design Standards

II. General Facts:

1. **LOCATION:** The subject properties are located on the west side of NE West Devils Lake Rd. The addresses are 2627 and 2611 NE West Devils Lake Rd. The tax lots are 07-11-11-BA-01000-00 and 07-11-11-BA-01000-00.



2. **ZONING:** The properties are zoned Multiple-Unit Residential (R-M) on the Lincoln City Zoning Map, dated November 22, 2017.

3. **SITE DESCRIPTION & SURROUNDING USES:** The subject properties total 0.609 acres in size and are irregular in shape. The properties are undeveloped and there are no designated Areas of Special Interest or special features on the properties. The subject properties are surrounded to the east by NE West Devils Lake Rd, to the south and west by an undeveloped lot zoned Residential (R-1-10), and to the north by two undeveloped lots zoned Multiple-Unit Residential (R-M) zone.

4. **PROPOSAL:** The proposal includes development review and approval for an 18-unit apartment building and associated site improvements. Further information on the proposal is given in this burden of proof narrative and attached submittals.

5. **SUBMITTALS:** In addition to this burden of proof narrative, the applicant submits the following submittals in support of this proposal:

- Development Review Application
- Ownership Deed
- Preliminary Architectural Drawings
- Preliminary Engineering Plans

III. Conformance with Land Use District Criteria:

Chapter 17.20 – Multiple-Unit Residential (R-M) Zone

17.20.020 Uses Permitted

H. Multi-unit dwellings.

Response: The proposed apartment building meets the definition of multi-unit dwelling listed in LCMC Chapter 17.08 Definitions.

17.20.030 Accessory Uses

E. Off-street parking areas directly related to the allowed primary use, subject to the provisions of Chapters 17.55 and 17.56 LCMC.

Response: Proposed off-street parking is for the direct use the proposed primary use. LCMC Chapters 17.55 and 17.56 are addressed later in this document.

17.20.050 Development Standards

		Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments ⁵	Duplexes	Multi-unit dwellings	Conditional uses
1.	Min. lot width	25	None	25 feet	25 feet	Not applicable
2.	Min. lot area (square feet)	2,500	None	2,500	2,500	None
3.	Min. density	None	15 dwelling units per net acre ^{2,3}	None	15 dwelling units per net acre ^{2,3}	Not applicable
4.	Max. building height (see also LCMC 17.52.190 and 17.52.200)					
a.	Primary buildings	35 feet	35 feet	35 feet	40 feet	35 feet
b.	Accessory buildings, structures, uses	25 feet	25 feet	25 feet	25 feet	25 feet
5.	Min. building setbacks (except garage/carport entrances) ⁴					
a.	Front porch	5 feet	5 feet	5 feet	0 feet	5 feet
b.	Front wall	10 feet	10 feet	10 feet	0 feet	10 feet
c.	Side interior	5 feet, but 0 feet for attached walls	5 feet, except 0 feet for attached walls	5 feet	5 feet	10 feet
d.	Side street	10 feet	10 feet	10 feet	0 feet	10 feet
e.	Rear	10 feet	10 feet	10 feet	15 feet	15 feet

		Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments ⁵	Duplexes	Multi-unit dwellings	Conditional uses
6.	Min. setbacks for garage/carport entrances (attached or detached)					
	a. Front-loaded access	10 feet behind front street-facing wall of dwelling	10 feet behind front street-facing wall of dwelling	10 feet behind front street-facing wall of dwelling	Not permitted	Not permitted
	b. Side-loaded access	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of dwelling	Must not project beyond side street-facing wall of primary building	Not permitted
	c. Rear-loaded access	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line	3-foot minimum from rear property line
7.	Max. building coverage	35%	45%	45%	65%	45%
8.	Common area	None required	Required ¹	None required	Required ¹	None required
9.	Vehicle storage space	None required	Required ⁵	None required	None required	None required

¹A minimum of 250 square feet of common area per dwelling unit must be installed as follows:

i. Common area must be designed for passive or active recreational use and may include usable floor area in the development's recreation building or club house. Common area must be located outside of required setbacks and required parking areas. The common area requirement is allowed to count toward the minimum landscape percentage requirement in Chapter 17.55 LCMC.

ii. Common area must be available, accessible, and free for use by occupants and their guests without leaving the development.

iii. Common area must be connected to primary building entrances (in the case of multi-unit dwellings) by an ADA-accessible walkway that is at least five feet wide. The square footage area of ADA-accessible walkways can count towards the minimum common area square footage requirement if they provide at least one connection to each other, connection to other common areas, or connection to public right-of-way or the parking area for the development.

iv. All required common areas must include at least one amenity for users including seating, trash/recycling bins, dog waste stations, or play equipment – all of which must coordinate with and complement the development. If a common area has direct connection to an ADA-accessible walkway, then that connection and ADA-accessible walkway can count as the

amenity for that particular common area. Common areas provided over and above the minimum requirement do not need to provide any amenities.

²Where the minimum density calculation results in a fraction that is 0.50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than 0.50, the fraction is rounded down to the preceding whole number.

³Example: 50,000 gross square feet less 1,200 square feet for significant wetlands and right-of-way dedication equals 48,800 net square feet. $48,800 \div 43,560 = 1.12$ acres $\times 15 = 16.8$ or 17 dwelling units minimum density.

Response: All development standards are met in the proposed site design (refer to sheet C3.0). The building setbacks are 15' rear, 5' side, and 0' front. Building maximum height is 40'. 39'-2" building height proposed. Minimum density is met ($0.609 \text{ AC} \times 15 = 9$ dwelling units min, 18 dwelling units proposed). Maximum building height and minimum setbacks are met. Maximum building coverage is met (65% max, 20.2% proposed). Common area requirements are met ($250 \text{ SF} \times 18 = 4,500 \text{ SF}$ min, 4,500 SF proposed).

17.20.060 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Response: Landscaping requirements are addressed later in this document.

17.20.070 Signs

Signs shall be allowed in accordance with Chapters 9.34 and 17.72 LCMC.

Response: Any proposed signs will be designed in accordance of LCMC Chapters 9.34 and 17.72 and applied for during the building permit application.

17.20.080 Supplementary Regulations and Exceptions

Supplementary regulations and exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

Response: Supplementary regulations and exceptions are addressed later in this document.

17.20.090 Off-Street Parking and Loading

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

Response: Parking requirements are addressed later in this document.

17.20.100 Design Standards

Design standards shall be adhered to in accordance with Chapter 17.74 LCMC.

Response: Design standards are addressed later in this document.

17.20.110 Restrictions

No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development.

Response: There is an existing 12” water main in NE West Devils Lake Rd, and an existing water service of unknown size stubbed to the site. The size of this water service is to be determined. There is no sewer service to the proposed development. Sheet C5.0 of the preliminary engineering plans show a preliminary design for a pressure sewer line to be installed from the site to an existing gravity manhole north of the site. Pressure sewer size and route to be determined.

Chapter 17.52 – Supplementary Regulations and Exceptions

17.52.060 Clear-Vision Area Requirement

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

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

Response: The proposed development is residential so clear-vision areas are not required to be shown on the plans.

17.52.100 Landscaping

Response: Landscaping requirements are addressed later in this document.

17.52.120 Utilities

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

Response: There is an existing 12" water main in NE West Devils Lake Rd, and an existing water service of unknown size stubbed to the site. The size of this water service is to be determined. There is no sewer service to the proposed development. Sheet C5.0 of the preliminary engineering plans show a preliminary design for a pressure sewer line to be installed from the site to an existing gravity manhole north of the site. Pressure sewer size and route to be determined.

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

Response: All proposed utilities will be underground.

17.52.150 Exterior Lighting

Response: The Development Review Application provides the option to defer the exterior lighting plan until the building permit stage. This application elects to defer the exterior lighting plan at this time.

17.52.170 Solid Waste, Garbage, Trash, Recycling, and Composting Receptacle Storage Areas

All solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure that is at least 20 feet or more from any pedestrian space which screens the receptacle from the view of neighboring property, pedestrian space, or from right-of-way, except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured dwelling.

Response: The proposed development is residential, so no commercial pedestrian spaces are proposed. The trash enclosure will be screened with solid wood picket fence, 6'-0" in height.

17.52.180 Placement and Screening of Mechanical Equipment

A. Any heating, air conditioning, or other mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent properties, pedestrian spaces, and from public right-of-way, and shall not be located within 20 feet of pedestrian space.

B. Rooftop mechanical units shall not be visible from any public right-of-way and shall not exceed the allowable building height.

C. Ground-mounted mechanical units shall be limited to the sides or rears of buildings and screened from view from adjacent properties and from public right-of-way.

D. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation when other alternative locations exist.

Response: Rooftop and ground-mounted mechanical units are not proposed for the building. The building units will use PTAC's

17.52.190 Building Height Limitations

A. No structure used for human habitation that exceeds 45 feet in height shall be permitted in any zone unless consent is first approved by the voters of the city at a regular or special election. For the purpose of this section, "height" means the average vertical distance from the grade at the center of all walls of the building to the highest point of the roof, excluding those excepted in LCMC 17.52.200.

Response: The average maximum building height is 39'-2".

B. No structure that exceeds 35 feet in height shall be permitted in a residential zone within 500 feet of any shoreline without prior approval of the planning commission at a public hearing.

Response: The average maximum building height is 39'-2". This building is not within 500' of a shoreline.

C. No structure used for human occupancy shall be permitted to exceed the building height limitations of the zones in which they are located. To ensure that this standard is met the following rules apply:

1. Building permit applications must include elevations of all exterior walls of the proposed structure showing:
 - a. The line of the approved grade in the plane of the wall; and
 - b. The highest part of the structure.
2. The grade may not rely on retaining walls, riprap, other artificial restraints, or berming to increase elevation at the point of height measurement.
3. For the purposes of this subsection, "approved grade" means:
 - a. The existing grade, meaning one of the following:
 - i. The ground level before any human disturbance as shown by survey or other reliable evidence; or
 - ii. The ground level shown on the city's 2009 LIDAR data (which is available from the planning and community development department); or
 - iii. If the proposed building site has existing structures or other disturbances to the land that existed lawfully prior to October 1, 2010, the ground level established when the structure or disturbance was created (which may be determined by any of the above means); or
 - iv. If there has been grading on the proposed building site, without a grading permit, the planning and community development director, in consultation with the city engineer, will determine the existing grade.
 - b. The grade shown on a grading plan approved as a part of one of the following:

- i. A final master plan for a planned unit development under LCMC 17.52.210; or
- ii. A partition or subdivision under Chapter 16.08 LCMC; or
- iii. A site plan under LCMC 17.52.240; or
- iv. A conditional use permit under Chapter 17.60 LCMC; or
- v. A grading plan under Chapter 12.08 LCMC; or
- vi. A building permit for a structure not subject to any of approvals in subsections (C)(3)(b)(i) through (v) of this section.

Response: The R-M zone allows for maximum building height of 40' for multi-unit dwellings. The average maximum building height is 39'-2".

17.52.220 Tree Protection and Removal

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

1. A tree removal permit may be issued only for:

b. Multifamily Dwellings, Commercial or Industrial Sites, Undeveloped Sites, Trees More Than 100 Feet from Single-Family Dwellings and Duplexes or Two-Family Dwellings, and Attached Single-Family Dwellings on the same lot. Removal of trees is allowed with a permit for the following reasons only:

vi. Development. Removal of tree(s) for the placement of structures and other improvements, in accordance with subsection (F)(9) of this section and provided:

(A) The city has approved a site plan, subdivision, planned unit development or building permit; and

(B) The city has approved a tree protection plan, if required by subsection (H) of this section.

2. Conditions. The city may place conditions on any tree removal permit as appropriate to assure that the tree removal is conducted in a manner consistent with this section and LCMC 12.08.050(B), which regulates land disturbing activities. Where conditions of a permit conflict with requirements of this section, the more restrictive shall apply.

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

Where a tree protection plan is required for development review, the city shall not issue a tree removal permit until the applicant has demonstrated compliance with all conditions of the development approval that are required to be met prior to the start of any land clearing, grading, or construction.

4. Fee. The city council may adopt by resolution a fee to cover the actual or average costs of reviewing or issuing a tree removal permit.

5. Authority. The city manager or the city manager's designee, including the director of planning and community development in the case of development approval, or the public works director in the case of a public works permit, is authorized to issue, extend, enforce, and revoke a tree removal permit.

6. Permit Notice and Appeal.

a. The city shall provide notice of decision or hearing in conjunction with the required notice for subdivision, partition, site development review, planned development or conditional use and in accordance with Chapter 17.76 LCMC, Administrative Provisions. Notice shall not be required for other tree removal permits.

b. Appeals of a tree removal permit shall be as provided in this title for quasi-judicial land use decision. Administrative decisions by the director of planning and community development may be appealed to the planning commission, which shall be the final appeal. Decisions of the planning commission, not including appeals of administrative decisions, may be appealed to the city council in the same manner as provided for in Chapter 17.76 LCMC.

c. The city shall not issue a tree removal permit approved in conjunction with a development review until the time allowed for appeals has passed and no appeal has been filed, or after all appeals have been exhausted. The timely filing of an appeal shall have the effect of suspending the issuance of a permit pending the outcome of the appeal.

7. Display of Permit – Inspection. The tree removal permit shall be kept on site during permitted activities. The permit grantee shall allow city representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this section.

8. Duration. A tree removal permit shall be effective for 18 months from the date of approval. Upon written request by the applicant prior to the expiration of the existing permit, a tree removal permit shall be extended for a period of up to one year if the approval authority finds that the applicant is in compliance with all prior conditions of permit approval and that no material facts stated in the original application have changed.

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

a. Timing of Permit Issuance.

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

ii. Infrastructure. A tree removal permit may not be issued under this subsection for removal for installation of street, gutter, curb, sidewalk, sanitary sewer, storm sewer, and water system improvements until the city engineer has given final approval to the design of the improvements and to the grading and erosion control plans, and, to the extent otherwise required by this section or this code, the owner has entered into a public infrastructure improvement agreement for the improvements and provided financial security therefor, including for tree mitigation; and the director of planning and community development has approved a tree protection and mitigation plan, if required.

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

b. Tree removal shall conform to the approved tree protection and replacement plan, if required by subsection (H) of this section, and to subsection (I) of this section, Tree Protection and Replacement Plan Required.

c. Revegetation. Immediately following completion of the improvements, areas disturbed by tree removal shall be revegetated in accordance with the requirements of LCMC 17.52.100(F), (G), (H), and (I).

d. Bond Required. Whenever trees are removed that according to this chapter require replacement, if removal is in conjunction with a development, the anticipated cost of replacement trees and vegetation required shall be covered by the bonding mechanism approved for the development, or a separate bond expressly for the purpose of required tree replacement.

Response: The proposed development is anticipated to be approved in 1 phase. The tree removal permit will be applied for by following the requirements listed in section 17.52.220 at the same time as the building permit is applied for.

17.52.230 Public Infrastructure Improvement Requirements

Response: The street has already been developed along the frontage of this property. An existing 10' concrete sidewalk runs along the property side of this frontage. This will be replaced with a site entrance as required by the city. There is an existing 12" water main in NE West Devils Lake Rd, and an existing water service of unknown size stubbed to the site. The size of this water service is to be determined. There is no sewer service to the proposed development. Sheet C5.0 of the preliminary engineering plans show a preliminary design for a pressure sewer line to be installed from the site to an existing gravity manhole north of the site. Pressure sewer size and route to be determined. Other public infrastructure improvements requirements to be determined during the development review process.

17.52.300 Traffic Impact Study (TIS) Requirements

A. Purpose. The purpose of traffic impact study (TIS) requirements is to implement Sections 660-012-0045(2)(b) and (e) of the Oregon Transportation Planning Rule that require the city to adopt standards and a process to protect the future operations of roadways and transit

corridors. This section establishes when a land use application requires a TIS and the city's criteria for approval. This section establishes the TIS as a basis for requiring improvements to minimize impacts to transportation facilities and ensure adequate facilities for both motorized and nonmotorized modes of transportation, access, and circulation. The city will coordinate its traffic impact study requirements with ODOT, so that an applicant need complete only one such study to comply with the requirements of both agencies.

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

1. An amendment to the Lincoln City comprehensive plan or zoning map;
2. A new direct property approach road to US 101;
3. Likely generation of 50 or more p.m. peak-hour trips on US 101, or 100 or more p.m. peak-hour trips on the local transportation system, according to the Institute of Transportation Engineers (ITE) Trip Generation Manual;
4. If use on any street or direct property approach road intersecting with US 101 increases by 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight;
5. An existing or proposed access driveway that does not meet minimum spacing or sight distance requirements, or a driveway located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard; or
6. A change in internal traffic patterns that may cause safety problems, such as back-up onto the highway or traffic crashes in the approach area.

Response: A Transportation Impact Study (TIS) is not included in this application. The proposed project is unlikely to generate 100 or more p.m. peak-hour trips on to the local transportation system.

Chapter 17.55 – Landscaping Standards

17.55.040 Landscaping Requirements for All Development Other Than Detached Single-Unit Dwellings, Attached Single-Unit Dwellings, Manufactured Dwellings, and Duplexes

A. Landscaping is required on all portions of the site not covered by buildings, structures, or impervious surfaces.

B. Fifteen percent of the total gross area of the site shall be landscaped with live vegetation according to the standards contained within this chapter. Existing plants and trees that are healthy and noninvasive count towards the 15 percent live vegetation requirement, provided they will be protected during development adequately enough to ensure future preservation.

1. At a minimum, the site shall contain three distinct and separate landscape areas, containing an overall total of the following spaced and/or grouped according to best planting practices and aesthetics:

- a. One tree per 20 feet of total lot perimeter; and
- b. One shrub per 10 feet of total lot perimeter; and
- c. Living ground cover.

2. If islands are required in parking areas, each island must contain at least one tree, sized appropriately for the area of the island. The remainder of the island must be covered with shrubs and/or living or nonliving ground cover, subject to the standards set out in subsection (C) of this section and LCMC 17.55.050. Islands count towards both the parking landscaping requirement and the 15-percent landscaping requirement.

C. Ground Cover and Mulch.

1. Ground cover used as mulch between plantings shall be placed at a minimum two- to three-inch-thick layer to ensure effective erosion control and to avoid leaching of excessive nutrients.
2. Acceptable mulch materials are straw, well-aged compost and leaves, wood mulch or bark dust, or wood nuggets that are a minimum diameter of one inch. Mulching with manure that has not been composted or aged is prohibited.
3. Nonliving ground cover materials such as noncompacted pea gravel, river rock, pumice, stones, boulders, bark dust, and cedar chips are acceptable ground cover.
4. Standards for living ground cover are those set out in LCMC 17.55.050.

Response: A preliminary landscape plan addressing these requirements is included with the preliminary engineering plans. Refer to sheet C3.1. A complete landscape plan with greater detail will be submitted with the building permit application.

17.55.050 Selection, Preparation, and Installation for All Landscaping

A. Selection of Materials.

1. Invasive and noxious plants as defined in LCMC 8.12.010 or by the Oregon Department of Agriculture are prohibited.
2. Hydro-seeding is prohibited.
3. All selections must be healthy and disease-free at the time of planting.
4. Sizes of Plantings.
 - a. Deciduous trees must be a minimum of one and one-half caliper inches at the time of planting.
 - b. Conifer trees must be a minimum of five feet in height at the time of planting.
 - c. Ground cover plants must be at least four-inch pot size.

d. Shrubs must be at least three-gallon size at the time of planting, unless three-gallon sizes are not available for purchase at the time of planting for the particular shrub selected. In those instances, one- or two-gallon size is allowed.

e. Plantings at their mature height shall not be higher than five feet if they would block the view of any shoreline of the Pacific Ocean, Siletz Bay or Devils Lake.

f. All plantings must be one, or a combination of, the following: native to the Pacific Northwest; selected from the City of Lincoln City Guide to Landscape Selections; or suitable for the site conditions as certified by a written and signed statement from a landscape architect licensed in the state of Oregon or a landscape nursery person.

B. Preparation.

1. All newly landscaped areas must be cleared of invasive and noxious plants as defined in LCMC 8.12.010 and by the Oregon Department of Agriculture prior to installation of new landscaping.

2. All newly landscaped areas must be cleared of dead, dying, or diseased vegetation prior to installation of new landscaping.

C. Installation.

1. Plant materials must be installed to current nursery industry standards.

2. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

3. All landscaping shall be installed prior to issuance of a certificate of occupancy or:

a. Agreement to Delay Installation. If all landscaping has not been satisfactorily completed prior to requesting issuance of a certificate of occupancy and the director determines that a delay in completion of the landscaping is appropriate because there has not been a reasonable amount of time for the completion of the landscaping or for other reasons, then the director may require, as a condition of such issuance or use, a landscaping agreement signed by the owner, in a form satisfactory to the director. A landscaping agreement shall:

i. Identify all landscaping to be completed and establish a time period, not to exceed 120 days, within which the owner shall complete the landscaping;

ii. If the identified landscaping is not completed within the established time period, then this shall be considered a Class B violation with a fine of up to \$1,000 per day for each day the identified landscaping remains incomplete.

Response: A preliminary landscape plan addressing these requirements is included with the preliminary engineering plans. Refer to sheet C3.1. A complete landscape plan with greater detail will be submitted with the building permit application.

Chapter 17.56 – Off-Street Parking and Loading

17.56.010 Applicability

The requirements of this chapter are applicable for all zoning districts, unless specifically stated otherwise, and shall be adhered to when:

A. A new building is hereafter erected.

17.56.020 General Standards

A. The provision and maintenance of off-street parking, bicycle parking, and loading spaces and associated improvements is a continuing obligation of the property owner. The subsequent use of the property shall be conditional upon the unqualified continuance and availability of the amount of off-street parking, bicycle parking, and loading spaces required by this chapter.

B. Any requirement resulting in less than a whole number shall be rounded up to the nearest whole number for the required number of spaces. (Example: 0.75 equals one space; 1.25 equals two spaces; 1.50 equals two spaces; 1.75 equals two spaces.)

C. Areas needed to meet the off-street parking and loading requirements shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use, until the parking required for the original user of said parking or loading area is provided at another allowable location.

1. Required parking areas shall be available for the parking of operable passenger vehicles of residents, customers, patrons, and employees only.

2. Required parking and loading spaces and areas may not be used for the parking or storage of equipment, storage of goods or merchandise, displays of goods or merchandise, or any other use other than fulfilling the off-street parking or loading space requirements.

D. Portions of off-street parking areas may be redeveloped for transit-related uses, such as transit shelters or park-and-ride lots, to the extent the off-street parking area continues to meet applicable standards and subject to approval through the applicable procedural review.

17.56.030 Number of Off-Street Parking Spaces Required

A. The number of off-street parking spaces required shall be as set forth in Table 17.56.030-1.

Table 17.56.030-1 – Number of Spaces Required

Use	Requirement
A. Residential:	
2. Multi-unit dwelling containing three or more dwelling units	1.5 spaces per dwelling unit for those units with two or more bedrooms and 1 space per dwelling unit for one bedroom or studio units

Response: The proposed development consists of 18 apartment units. The apartments require 1.5 parking spaces per unit with 2+ bedrooms (12 proposed), and 1 parking space per unit with 0-1 bedrooms (6 proposed). A minimum of 24 parking spaces are required. 24 parking spaces

are proposed. A reduction of 10% of the required parking spaces per the bicycle parking reduction listed below applies to this project. This reduces the required parking spaces to 22 minimum.

B. Exceptions to the Number of Off-Street Parking Spaces Required. One or more exceptions may apply to a development.

2. The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement for every five bicycle parking spaces provided over and above the standard requirement for bicycle parking spaces.

3. The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement by preserving at least two mature and healthy trees. To receive this credit, a licensed Oregon arborist must certify the trees to be preserved are healthy, and the grading plan must show enough protection and lack of disturbance around the roots (again, as certified by a licensed Oregon arborist) that the trees will be protected and preserved throughout construction and thereafter.

Response: Per LCMC 17.56.090 one bicycle parking space is required for every 20 vehicle parking spaces. This site proposes 24 vehicle parking spaces so one bicycle parking space is required. The site proposes five additional bicycle parking spaces to qualify for the 10% vehicle parking space reduction.

17.56.040 Number of Off-Street Loading Spaces Required

A. Every building hereafter erected or established, for a use other than residential, having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area.

B. Each loading space shall be not less than 10 feet wide by 25 feet in length and 14 feet in height.

Response: Building is for residential use. No loading spaces are required.

17.56.050 Joint Use of Off-Street Parking and Loading Spaces

Response: Building is for residential use. No loading spaces are required.

17.56.080 Development Standards for Off-Street Parking and Loading Areas for All Uses Other Than Detached Single-Unit Dwellings, Attached Single-Unit Dwellings, Manufactured Dwellings, and Duplexes

A. Location.

1. Off-street parking and loading areas shall be located on the same lot or parcel as the use or on a separate lot or parcel not farther than 1,000 feet from the building or use they are intended to serve, measured in a straight line from nearest property corner to nearest property corner.

2. Area in a public right-of-way or an alley shall not be eligible as fulfilling any part of the off-street parking or loading requirements.
3. Off-street parking and loading spaces shall be located above, beneath, to the rear, or to the side of buildings.
4. Parking and loading spaces must be outside of required building setback areas.
5. Parking and loading spaces must be at least 10 feet from public right-of-way, and the space between the public right-of-way and the parking and loading spaces must be landscaped according to the standards in Chapter 17.55 LCMC.
6. In no case shall any parking area or parking or loading space be located between the front of the building and the front property line.
7. Parking and loading spaces must be located such that there are no backing movements or other maneuvering within public right-of-way. Backing movements or other maneuvering within alleys or private streets is allowed, however.

Response: Proposed parking areas for this develop meet all of the above listed standards.

B. Surfacing.

1. Parking spaces, parking areas, and driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste vehicles and firefighting apparatus.
2. Surfaces shall consist of one or more of the following materials:
 - a. Concrete or asphalt;
 - b. Block pavers of concrete, stone, brick, or similar material. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface;
 - c. Pervious concrete or asphalt; or
 - d. Other materials, as approved by the city engineer.

Response: Proposed parking and driveways for this develop are HMAC surfacing.

D. Installation and Maintenance.

1. Materials shall be installed and maintained adequately for all-weather use, including proper drainage so as to avoid flow of water across sidewalks and any property line.
2. All pervious surfaces shall be designed, installed, and maintained to ensure proper storm water infiltration.

Response: Preliminary stormwater management is shown in the preliminary engineering plans. A storm pond will be used for runoff storage and infiltration.

E. Maximum Impervious Surface. All parking spaces, parking areas, and loading spaces in excess of the minimum required amount shall be surfaced with pervious materials as approved by the city engineer.

1. Except that, since commercial uses and buildings in the business districts do not have an off-street parking space requirement, if off-street parking is provided anyway as part of the development, the number of spaces provided in excess of what would have been required for the same use if it was not located in a business district, shall be surfaced with pervious materials as approved by the city engineer.

F. Curbing and Wheel Stops.

1. Parking spaces shall be contained by a curb or wheel stop so placed to prevent a vehicle from extending into an adjacent property, public right-of-way, private street, sidewalk, or landscaping area.
2. Curbing shall be a minimum of four inches in height and width.
3. Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear.
4. Parking spaces having curbing or wheel stops may be reduced in length by two feet, allowing for overhang of the vehicle parked in that space, provided the curbing or wheel stops are placed two feet back from the front of the parking space.

Response: Proposed parking spaces for this develop meet all of the above listed standards.

G. Marking. All off-street parking and loading spaces shall be permanently and clearly marked, and such marking shall be replaced regularly, so as to remain clearly visible at all times.

Response: Proposed parking spaces for this develop show proposed markings.

H. Landscaping.

1. In all instances except the following when occurring on individual lots – detached single-unit dwellings, attached single-unit dwellings, manufactured homes, and duplexes – and except in the R-1-5, R-1-7.5, R-1-10, R-1-RE, and VR zones, parking areas shall include landscaping to cover not less than 10 percent of the area devoted to parking spaces and areas, which area is computed as a part of the required landscaping of the total gross area pursuant to Chapter 17.55 LCMC.
2. Surface parking lots must have perimeter buffer strip landscaping of not less than four feet in depth (see Figure 17.56.080-1) landscaped in accordance with Chapter 17.55 LCMC.

Response: Landscaping is addressed in Chapter 17.55 of this document.

I. Screening. Any off-street parking area providing five or more parking spaces shall be screened from view by a screening hedge or a six-foot-tall, sight-obscuring fence on each side that adjoins property situated in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, or NCR zones or

the premises of any school. Screening hedges are subject to the provisions of Chapter 17.55 LCMC.

Response: The property located to the west and south of the proposed development is zoned R-1-10. It is undeveloped and heavily forested, so no screening from the proposed development is proposed at this time.

J. Lighting of Parking Areas.

1. If provided, light poles in parking areas shall not exceed a height of 20 feet.
2. Any provided lighting in parking areas shall be shielded or provided with cut-offs to avoid glare, light pollution (night sky) and light spillover onto residentially used properties.
3. Maximum initial luminance of lighting provided in parking areas shall not exceed four foot-candles, with zero foot-candles at property lines.

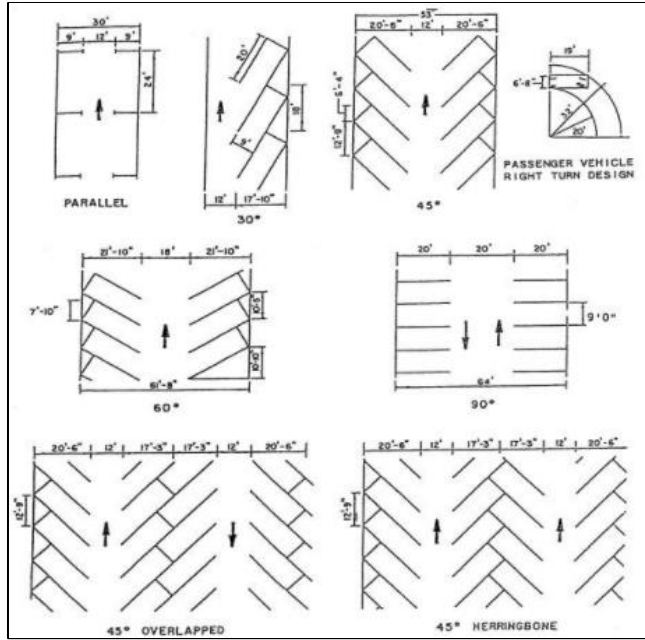
Response: The Development Review Application provides the option to defer the exterior lighting plan until the building permit stage. This application elects to defer the exterior lighting plan at this time.

K. Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of federal, state, and local codes.

Response: The 2010 ADA Standards for Accessible Design requires one van-accessible parking space for lots with 1-25 spaces. This site proposes 24 spaces total.

L. Parking Area Layout and Dimensions.

1. A minimum of 50 percent of the required number of parking spaces must be designed as standard sized spaces with a minimum space width of nine feet and length of 20 feet.
2. No more than 50 percent of the required number of parking spaces may be designed as compact sized spaces with a minimum space width of eight feet and length of 16 feet.
3. A clear pedestrian circulation route from parking stalls to the primary building entrance, or a pedestrian area immediately adjacent to the primary building entrance, must be provided.
4. Parking areas shall be designed as follows:



Response: No compact parking spaces are proposed. The site architect has proposed that the standard sized parking spaces be 9' wide and 19' in length, with the ability for the front of vehicles to overhang landscaping areas or sidewalks. Pedestrian routes are shown in the preliminary engineering plans.

M. Parking Rows.

1. Surface parking lots containing more than 20 parking spaces must have rows of not more than 12 continuous parking spaces and shall include one planting island between every 12 parking stalls.
 - a. Islands must be at least five feet wide, with a minimum area of 190 square feet in a double-loaded parking row or 95 square feet in a single-loaded parking row.
 - b. Islands must be provided with protective curbing to prevent vehicles driving directly into the island.
 - c. Islands count towards the interior parking lot landscaping requirement of subsection (H)(1) of this section.
 - d. Islands must be landscaped pursuant to the provisions of Chapter 17.55 LCMC.

Response: The southern row of parking spaces has 11 continuous parking spaces. The site architect has proposed that the northern row of parking spaces have a continuous width of 14 spaces with one space being an ADA space, and one being a van-accessible aisle.

2. The perimeter of parking lots or the outer parking aisles must contain at least a four-foot-wide landscaping/drainage swale or landscape buffer (see Figure 17.56.080-1) landscaped pursuant to the provisions of Chapter 17.55 LCMC. The perimeter landscaping buffer counts towards the interior parking lot landscaping requirement of subsection (H)(1) of this section.



Response: The proposed parking areas for this develop meets the above listed standards.

17.56.090 Bicycle Parking

A. Number of Bicycle Parking Spaces Required. One bicycle parking space, as defined in subsection (D) of this section, is required for every 20 vehicle parking spaces required in LCMC 17.56.030.

Response: The site proposes 24 parking spaces so one bicycle space is required. The site proposes a total of 6 bicycle spaces to qualify for the 10% parking space reduction per LCMC 17.56.030.

B. Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking area to the primary entrance or the pedestrian area in front of the primary entrance.

Response: The proposed bicycle parking spaces are connected to the building entrance with a 5' walkway.

C. Location. All bicycle parking areas shall be within a well-lighted area within 100 feet of, or clearly visible from, the primary building entrance or public right-of-way. Where necessary, a sign shall direct users to the bicycle parking area.

Response: Bicycle parking is within 100' of the building entrances. The Development Review Application provides the option to defer the exterior lighting plan until the building permit stage. This application elects to defer the exterior lighting plan at this time.

D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.

E. Security. Bicycle parking facilities shall be either a lockable enclosure for storing bicycles or a stationary object (i.e., a rack) to which bicyclists can lock their bicycles. (Ord. 2020-13 § 24)

Chapter 17.74 – Design Standards

17.74.020 Applicability

A. Zoning Districts. The provisions of this chapter apply to the multiple-unit residential (R-M), recreation commercial (RC), general commercial (GC), Nelscott plan district (NP), Taft Village core (TVC), and Oceanlake plan district (OP) zones as follows:

1. Article I, General Provisions.
2. Article II, Design Regulations for Mixed Uses and Uses Other Than Residential.
3. Article III, Design Regulations for Multi-Unit Structures and Developments.

B. Conflicting Regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the strictest requirement shall apply.

C. The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously developed sites, and/or new construction of any building or structure.

17.74.040 Standards versus Guidelines

B. Burden of Proof. The submitted application and associated materials must demonstrate how the proposal meets all the applicable standards contained in this chapter and other applicable city regulations. Through adjustment or modification requests, the application and associated materials must also provide evidence of why a standard is not relevant given the context of the site and proposed use.

Response: This document serves as the burden of narrative for the submitted application.

C. Adjustments and Modifications. Adjustments to or modifications of the standards in this chapter are not variances. The procedures and criteria for variances are addressed in Chapter 17.68 LCMC. The review authority may approve requests for adjustments to or modifications of the standards in this chapter provided the applicant demonstrates the following:

1. The character types and guiding principles, as contained in LCMC 17.74.050, and the intent statement(s) under the standard to be adjusted or modified can be better met through the proposed alternative design solution; or
2. Necessary characteristics of the allowed use present practical difficulties in meeting a standard. In such cases, the submitted materials must provide alternative features to meet the intent of the standard, along with an explanation of how the alternative features meet the intent of the standard being adjusted or modified.

Response: Proposed adjustments and modifications to the standards are described in this narrative, and are listed on the application form.

17.74.060 Site Design

A. Intent.

1. Facilitate the development of a continuous pedestrian pathway network throughout the city.

2. Create a sense of enclosure and human scale by orienting buildings to streets or, where buildings must be set back from the street, by orienting them to pedestrian activity, and design intervening area with pedestrian spaces and landscaping.

3. Maintain views to the ocean, bay, rivers, and forested hillsides and bluffs.

B. General Standards.

1. Site Conditions. Locate buildings to preserve existing topography, views, and natural features to the extent possible, and to take advantage of unique site conditions.

Response: Site design for this project aimed to make the most practical use of available space, and maximum effort was made to use the existing topography for drainage and aesthetic purposes.

2. Pedestrian Space. Maximize opportunities for usable, attractive, well-integrated pedestrian space.

Response: Site design for this project aimed to maximize common area spaces.

3. Site Design. Site designs should maximize the preservation of existing mature vegetation and should provide for on-site storm water quality treatment and management such as through providing bioswales or other natural water treatment features.

Response: The existing topography of the site was used factored into the proposed grading and drainage design. A storm pond is proposed on site. Due to the relatively small size of the site and the required site features, existing vegetation is proposed to be removed and replaced with new landscaping.

4. Natural Features and Systems. Prioritize natural features and systems by orienting buildings around existing native vegetation, significant wetlands, and significant riparian areas, and maximizing passive heating and solar gain, protection from weather, and predominant winds.

Response: There are no existing wetlands or significant riparian areas on the site. The building is south facing, which will aid in passive heating and solar gain.

5. Building Entries. Create clearly identifiable building entries from the street, unless restricted by unique site conditions.

Response: The building entrances are clearly identified, and have a clear path to the street sidewalk.

6. Building Continuity. Where practicable, it is encouraged to extend buildings from side property line to side property line to increase vitality and to maintain continuity of a storefront character.

7. Mixed Use Buffers. Provide buffers at residential entries at sidewalks within mixed use frontages by means of entry courtyards, porches, or stoops as well as landscaping.

8. Retaining Walls. Where new retaining walls are constructed adjacent to public right-of-way, they must consist of one or more of the following: rusticated concrete block, striated or battered concrete, or natural stone.

9. Compliance with Chapter 17.52 LCMC is required. If conflicts occur, the strictest requirement shall apply.

Response: LCMC 17.52 is addressed previously within this document.

10. Drive-Through Facilities and Stacking Lanes. Drive-through facilities, including windows and ordering stations, must not be visible from public right-of-way. Stacking lanes must be able to accommodate all vehicles on the site, such that no part of any vehicle using or in line to use a drive-through facility shall project into or over any portion of public right-of-way.

11. Building Orientation.

a. Building Orientation. A building or structure must extend along at least 50 percent of the lot's street frontage(s). If the lot has more than one street frontage, this requirement shall apply to all of the lot's street frontages. This required 50-percent building frontage must be at the back of a public sidewalk, public right-of-way, or adjacent to an area dedicated to the public. See Figure 17.74.060-2.

Response: Site design for this project aimed to make the most practical use of available space. A modification to building orientation standard is requested. This standard appears to apply more to downtown and typical residential areas rather than lesser developed outlying areas such as this location.

b. Primary Building Entrance.

i. Corner Building. A primary entrance is required at the corner within 10 feet of right-of-way. Where a corner entrance is not practicable, a primary building entrance must be within 40 feet of the corner. See Figure 17.74.060-2.

ii. Interior Building. A primary entrance is required within 10 feet of public right-of-way and directly connected to a public sidewalk.

Response: Site design for this project aimed to make the most practical use of available space. A modification to the primary building entrance standard is requested. This standard appears to apply more to downtown and typical residential areas rather than lesser developed outlying areas such as this location.

17.74.070 View Protection

A. Intent. To acknowledge existing key natural and scenic views of the Pacific Ocean, Siletz Bay, and Devils Lake, and leverage context-sensitive design to minimize impact to these views. Design solutions include changing height, bulk, setbacks, or orientation to frame or retain partial views.

B. Applicability. The view protection guidelines apply to all lots or parcels with frontage along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake, except for lots or parcels fronting Highway 101 which are exempt from these requirements.

Response: Due to the distance from Devils Lake, previous development, and existing trees, there is no existing view of the lake to protect.

C. Standard. Buildings shall be no more than 200 feet in width when constructed along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake. There shall be a minimum distance of 25 feet between buildings on one site, lot, or parcel when siting multiple structures on the same site, lot, or parcel. See Figure 17.74.070-1.

Response: Due to the distance from Devils Lake, previous development, and existing trees, there is no existing view of the lake to protect. The building is also less than 200' in width.

17.74.080 Pedestrian Spaces

B. Standards.

1. Required Area and Dimensions. At least three percent of every development site, excepting developments that are wholly residential, must be pedestrian space. Any pedestrian space must be at least eight feet across with a surface area of at least 64 square feet. See Figure 17.74.080-1.

Response: This site is wholly residential so this standard does not apply.

17.74.090 Landscaping

Response: Landscaping is addressed in Chapter 17.55 of this document.

17.74.100 Building Design

Response: This site is not located within one of the pearls.

17.74.130 Building Design

B. Building Stepback.

1. Upper Floor Stepback. The upper elevations of building facades facing a public right-of-way or pedestrian space must step back above 25 feet or above the second story, whichever is the lesser height (Figure 17.74.130-1). The following options are acceptable to meet this standard:

- a. The top floor must step back at least 10 feet; or
- b. Progressive setbacks of several upper floors must total at least 10 feet.

Response: Site design for this project aimed to make the most practical use of available space. A modification to building orientation standard is requested where the front of the building will not face the public right-of-way. The proposed building is three stories and is designed to efficiently provide equal living spaces at each level. A modification to the setback standard is

requested. This standard appears to apply more to downtown rather than lesser developed outlying areas such as this location.

C. Building Form. All buildings must incorporate elements to preclude blank building elevations facing a public right-of-way or pedestrian space (Figure 17.74.130-2). Along the facade of the structure, such features must occur at a minimum of every 30 lineal feet, with each floor containing at least two of the following features:

1. Roof line offset of at least two feet from the top surface of one roof to the top surface of the other;
2. An offset on the building face of at least eight inches from one exterior wall to the other;
3. A section of the facade, at least four feet in width, that is either recessed or bumped out by at least one foot deep from the front wall plane;
4. A recessed building entry at least two feet deep, as measured horizontally from the face of the main building facade, and at least four feet wide;
5. A balcony at least four feet deep and eight feet wide, that is accessible from at least one interior room;
6. A covered porch at least two feet deep (measured horizontally from the face of the main facade) and at least four feet wide;
7. Recess with a minimum depth of four feet; or
8. Extension projecting a minimum of two feet and running horizontally a minimum of four feet.

Response: The building architect has incorporated these building form elements into the elevation designs. Refer to the submitted preliminary architecture sheets.

D. Roof Form.

1. Sloped roofs are required for buildings with a front facade width less than 50 feet.
2. Sloped roofs are the preferred roof form for buildings with a front facade width 50 feet or greater. Flat roofs should be avoided.
3. Sloped roofs must have a pitch between 6:12 and 12:12. Mono-pitch (shed) roofs must have a pitch of at least 4:12 (Figure 17.74.130-4).

Response: The proposed building has a shed roof with a pitch of 4:12.

4. In instances where sloped roofs are not practicable and a flat roof is the only option, the flat roof must have projecting cornices to create a prominent edge when viewed against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.
5. Dual-pitched or hipped “mansard” and A-frame roof forms are not permitted.

E. Building Entrances.

1. Porches. Useable porches and stoops are recommended to form a predominant motif of the building design and should be located on the front and/or side of the building to respond to the climatic conditions and the character of nearby residential uses.

Response: Each apartment unit has an attached porch. The two outer building sections have front facing porches. The middle building section has rear facing porches.

2. Primary Entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building entry.

Response: Primary entrances are clearly defined. Entrances are protected from the weather with stairwell openings.

3. Accessibility. Each building must have at least one ADA-compliant entrance connecting required parking to the building.

Response: The parking lot ADA parking spaces, the connection to the right-of-way, and the entrances to the first floor of the building meet ADA standards.

F. Building Windows.

1. Facades Facing a Public Right-of-Way. At least 15 percent of the area of each facade that faces a public right-of-way must have, and maintain, clear and transparent windows or main entrance doors. Windows or doors contributing to this standard must allow views from inside the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. Only transparency in doors at the main entrance and facing the street property line counts toward this standard.

Response: Site design for this project aimed to make the most practical use of available space. A modification to building orientation standard is requested where the front of the building will not face the public right-of-way. The proposed building is three stories and has side windows facing the public right-of-way. The area of these windows is under 15% of the wall surface area. This standard appears to apply more to downtown rather than lesser developed outlying areas such as this location.

2. Garage Windows. Garages with a side or rear wall that faces the street must have a window on the street-facing wall that is a minimum of six square feet in area.

G. Building Materials. Exterior walls of all buildings and structures, including accessory, must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, or architectural-grade synthetic materials. Natural materials or natural stain or unfinished wood is the preferred primary cladding.

Response: The proposed building will use fiber cement lap siding as the primary material, and will use fiber cement board & batten siding as the secondary material.

H. Building Colors. Facade colors must be low reflectance and be muted earth tones or neutral colors. Variations in color schemes and building material must be provided to articulate entryways so as to draw attention to these features.

Response: The proposed building color patterns meet the above listed standards. Refer to the submitted preliminary architecture sheets.

I. Garage Requirements. Garage and carport design and construction must use the same architectural features and exterior materials and colors as the primary building.