

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-02

Date: April 20, 2022

Case File: DEV REV 2022-02 Sam Apartments

Project Contact: Trevor Munro
BECON Civil Engineering & Land Surveying

Property Owner: The Sam Apartment Homes LLC
Paul Burger
PO Box 440
Lincoln City, OR 97367

Situs Address: 2627 and 2611 NE West Devils Lake Rd

Location: West side of NE West Devils Lake Rd, approximately 250 feet south of NE 28th St

Tax Map and Lot: 07-11-11-BA-01000-00
07-11-11-BA-01100-00

Comprehensive Plan Designation: High Density Residential District (R-M)

Zoning District: Multiple-Unit Residential (R-M) Zone

Site Size: 26,517 square feet

Proposal: 18-unit apartment building with associated parking and utilities

Surrounding Land Uses and Zones: North: Undeveloped and houses; R-M
South: Open space; OS
East: Road, offices, multi-unit residential; PC, R-M
West: Open Space; OS

Authority: Section 17.76.040.A of the Lincoln City Municipal Code (LCMC) gives the Planning and Community Development Director the authority to review an application for development review for compliance with all requirements of LCMC Title 17, and approve with conditions or disapprove the application.

Procedure: The application was received on March 2, 2022. The application was deemed complete on March 7, 2022. On March 8, 2022, pursuant to LCMC 17.76.040.E, city staff mailed a notice of receipt of application to property owners within 250 feet of the subject property. No comments were received.



Applicable Substantive Criteria: LCMC Chapter 17.20 Multiple-Unit Residential (R-M) Zone
 LCMC Chapter 17.52 Supplementary Regulations and Exceptions
 LCMC Chapter 17.55 Landscaping Standards
 LCMC Chapter 17.56 Off-Street Parking and Loading
 LCMC Chapter 17.74 Design Standards
 LCMC Chapter 17.76 Procedures
 LCMC Chapter 17.77 Applications

BACKGROUND

The subject property (site) is an undeveloped site, comprising Lots 6 and 7, Block 1, Countryside. The site is bordered by Lots 4 and 5, Block 1, Countryside to the north, open space to the south, NE West Devils Lake Rd to the east, and open space to the west. The site does not contain any aesthetic resource, natural resource overlay zone, bluff erosion hazards, floodway, or flood hazard area. The site obtains access directly from NE West Devils Lake Rd.

The submitted narrative requests development review and approval for an 18-unit apartment building and associated site improvements.

ANALYSIS

*Chapter 17.20 Multiple-Unit Residential (R-M) Zone
 17.20.020 Permitted uses*

Finding: Multi-unit dwellings are listed as a permitted use (17.20.020.H). The application proposes construction of a new 18-unit apartment building. This requirement is met.

17.20.050 Development standards

		Required	Provided
	Min. lot width	25 feet	160 feet
	Min. lot area (square feet)	2,500	26,517
	Min. density	15 dwelling units per net acre = 0.609 x 15 = 9.1 or 9	18
	Max. building height		
a.	Primary buildings	40 feet	39 feet 2 inches
b.	Accessory buildings, structures, uses	25 feet	None proposed
	Min. building setbacks		
a.	Front porch	0 feet	Not applicable
b.	Front wall	0 feet	Not applicable
c.	Side interior	5 feet	North side – approximately 10 feet South side – more than 50 feet
d.	Side street	0 feet	Not applicable
e.	Rear	15 feet	15 feet

	Required	Provided
Min. setbacks for garage/carport entrances	Varies	No garages/carports provided
Max. building coverage	$65\% = 26,517 \times .65 = 17,236.05$	5,346 square feet
Common area	250 square feet/unit = 250×18 units = 4,500 square feet	4,500 square feet (2,000 square feet in the northeast corner and 2,500 square feet along the south portion of the site but no indication if it's part of the rear and side setback areas)
Vehicle storage space	None required	None provided, none required

Finding: The site meets the minimum lot width and lot size requirements for the proposed development as shown on the submitted site plan. The minimum density requirement of 9 units is being met and exceeded with the proposed 18 units. Sheet C3.0 of the submitted plan set shows that the minimum setback requirements are being met with the proposed 15-foot rear setback and the side setbacks exceeding the minimum five-foot requirement. There are no front or street side setback requirements in the R-M zone. The submitted materials don't show any proposed accessory buildings or structures, nor are any garages or carports proposed. The maximum building coverage allowance for the site is 17,236.05 square feet, and the project only proposes 5,346 square feet of building coverage. Sheet C3.0 shows the locations of the two common areas totaling 4,500 square feet to meet the 4,500-square-foot common area requirement, but it is not clear if all the common area square footage is outside of the rear and side setback areas. Vehicle storage space is not required, and none is provided.

The submitted site plan shows that construction of the building will take place on the north tax lot of the site, along with a portion of the required parking spaces and one of the common areas. The remaining parking spaces, the second common area, and the access approach are located on the south tax lot of the site. The two tax lots need to be combined so that all required portions of the development are contained on one tax lot and not split between the two tax lots. This can be accomplished through a property line adjustment lot consolidation, a replat, or a restrictive lot line covenant. A condition of approval shall be requiring completion of a property line adjustment lot consolidation, replat, or restrictive lot line covenant prior to submitting the building permit application.

- 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.*

Finding: The common areas appear to be designed for passive recreational use, which is allowed. No recreation building or club house is proposed as part of the project.

Sheet C3.0 does not provide the dimensions of either of the common areas such that it can be ascertained if any portion of either common area is within the rear or side setbacks. It appears that both the rear and side setback areas are included in the common area square footage, so the requirement to locate common area

outside of required setbacks and required parking areas is not met. However, this condition can be met with a condition of approval for the site plan to be modified to clearly depict the dimensions of the common areas and show all square footage of the required common area as being outside of, and not including, any setback or parking area.

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

Finding: Sheet C3.0 shows that both common areas are on the site, with no obstructions barring occupants or their guests from use. This requirement is met.

- iii. *Common area must be connected to primary building entrances 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.*

Finding: Sheet C3.0 of the submitted plan set shows that the north common area is connected to the building entrances by a five-foot-wide sidewalk. The south common area is immediately adjacent to the parking lot, which has ADA-accessibility and is immediately adjacent to the five-foot-wide sidewalk. This requirement is met.

- 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.*

Finding: The submitted materials don't provide any indication that any amenities are being provided. This requirement is not met, but it can be with a condition of approval that a revised site plan be provided with the building permit application showing the location and type of required amenities.

17.20.060 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: Compliance with landscaping standards is addressed later in this report under Chapter 17.55.

17.20.070 Signs

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

Finding: The application does not include any requests for signs.

17.20.080 Supplementary regulations and exceptions

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

Finding: The project's compliance with supplementary regulations and exceptions is addressed later in this report under Chapter 17.52.

17.20.090 Off-street parking and loading

Finding: Compliance with off-street parking and loading requirements is addressed later in this report under Chapter 17.56.

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.

Finding: Water is available in NE West Devils Lake Rd. There is currently no sewer service to the site. Sheet C5.0 of the submitted plan set shows the proposed water, force main, and storm utilities. The force main will be installed from the site to an existing gravity manhole north of the site. Public Works has reviewed the preliminary plans and provided conditions of approval. This requirement is met for purposes of development review.

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 be 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.*

Finding: The project does not propose streets intersecting with other streets, commercial alleys, or commercial driveways. The project does not have any street intersections with commercial driveways, because the project does not have any commercial driveways. The project is a residential project, not a commercial project. The clear-vision area requirements are not applicable.

17.52.120 Utilities

- 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.*

Finding: The project proposes new construction, so all electrical, telephone, and cable television utility service installations or connections made as part of the new construction shall be placed underground. Sheet C5.0 depicts the proposed underground joint utility trench. The submitted narrative also states that all proposed utilities will be underground. This shall be reviewed for compliance as part of the building permit application and construction process. This requirement is met for purposes of development review.

17.52.150 Exterior lighting.

Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.

- A. *Light poles must not exceed a height of 20 feet.*
 B. *All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.*
 C. *Luminance at the property line, or no more than five feet over the property line, must be zero.*
 D. *Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.*

- E. *Maximum initial luminance of parking lots must not exceed four foot-candles.*
- F. *Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.*
- G. *Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.*
- H. *The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.*

Finding: The submitted materials do not provide any exterior lighting information. The submitted narrative states that the property owner is electing to defer the exterior lighting plan until the building permitting process. As a condition of approval, an exterior lighting plan showing compliance with LCMC 17.52.150 shall be submitted with the building permit application and shall include a photometric analysis and cut sheets of the proposed exterior lighting fixtures.

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.

Finding: The submitted narrative states that the trash enclosure will be screened with a six-foot-tall, solid wood picket fence. Sheet C3.0 of the submitted plan set shows the location of the trash enclosure. The project is residential in nature, so a pedestrian space is not required. The proposed wood picket fence will screen the receptacles from view of neighboring property and NE West Devils Lake Rd. This requirement is met for development review purposes and will be reviewed for continued compliance during the building permitting and construction processes.

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.*

Finding: The submitted narrative states that the project is not proposing ground-mounted mechanical units or rooftop mechanical units; rather, the apartment units will utilize packaged terminal air conditioners (PTACs). The submitted plans do not show any exterior mechanical equipment, nor do they show any standpipes, meters, vaults, or similar on the front elevation of the building. This requirement is met for development review purposes, but will be reviewed for continued compliance during the building permitting and construction processes.

17.52.220 Tree protection and removal

Finding: The submitted Sheet C2.0 shows that all existing trees on the site will be removed to accommodate the proposed development. The required tree removal permit is submitted as part of the building permit application process.

17.52.230 Public infrastructure improvements

Finding: Preliminary public infrastructure improvement plans were submitted as part of the development review application package. Public Works reviewed the submitted plans and provided conditions of approval that are included in the decision.

17.52.300 Traffic impact study (TIS) requirements

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.*

Finding: The project is not an amendment to the comprehensive plan or the zoning map. The project does not propose a new direct property approach to Hwy 101. The project will not generate 100 or more p.m. peak-hour trips on the local transportation system. The project does not intersect with Hwy 101. The project meets the minimum spacing and sight distance requirements. The site is undeveloped, so there will be no change to internal traffic patterns. The city engineer did not request a TIS for the project. A TIS is not required for this project.

Chapter 17.55 Landscaping

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.*

Finding: Sheet C3.1 of the submitted plan set represents the preliminary landscape plan. It shows all portions of the site that are not covered by the building, asphalt, or concrete as being landscaped. The types of landscaping are not indicated, but the submitted narrative states that a detailed landscape plan will be submitted with the building permit application. This requirement is met for the purposes of development review, but a condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

- 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.*

Finding: Sheet C3.1 states that 42.2% of the site is being landscaped, but there is no indication of the types of landscaping. The submitted narrative states that a detailed landscaped\ plan will be submitted with the building permit application. This requirement is met for the purposes of development review, but a condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

- 1. At a minimum, the site shall contain three distinct and separate landscape area, 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.**

Finding: Total lot perimeter is approximately 658.93 feet. This yields a requirement of 33 trees and 66 shrubs. The submitted Sheet C3.1 states that 33 trees and 66 shrubs are required, but the locations, types, and spacing of the trees and shrubs is not shown. The submitted narrative states that a detailed landscape plan will be submitted with the building permit application. This requirement is met for the purposes of development review, but a condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

- 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.*

Finding: Islands are required in parking lots containing more than 20 parking spaces. Sheet C3.0 of the submitted plan set shows that the parking lot contains 24 parking spaces. At least one island is required in the north row of parking spaces. This requirement is not met on the submitted materials. A condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

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.*

Finding: A condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

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.*

Finding: The submitted preliminary landscape plan does not show the planting of any invasive and noxious plants, but neither does it show any plantings. A condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

- 2. Hydro-seeding is prohibited.*

Finding: The submitted landscaping plan does not show any hydro seeding, but neither does it show any plantings. A condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

- 3. All selections must be health at the time of planting.*

Finding: The submitted landscaping plan does not show any plantings. A condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

- 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 or Oregon or a landscape nursery person.*

Finding: The submitted landscaping plan does not show any plantings. A condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

17.55.060 Irrigation and maintenance

- A. Irrigation. The intent is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.*

Finding: The submitted landscaping plan does not provide any information pertaining to irrigation. A condition of development review approval will be submittal of a complete and detailed landscape plan that clearly shows complete compliance with Chapter 17.55 as part of the building permit application package.

17.55.070 Clear-vision requirements.

Landscaping shall be in conformance with the clear-vision area requirements set out in LCMC 17.52.060.

Finding: Clear-vision requirements are not applicable to this residential development that does not contain any commercial driveways or street intersections.

17.55.080 Living landscaping as screening

A. When screening is required, the applicant may choose to use vegetation as the screening method. If so, the following standards must be met:

- 1. Screening shall be in the form of a hedge.*
- 2. The hedge shall consist of evergreen shrubs and shall be native to the Pacific Northwest and suitable for the site conditions as certified by a nursery person or a landscape architect licensed in the state of Oregon or selected from the City of Lincoln City Guide to Landscape Selections.*
- 3. Selected shrubs must have a mature height of at least six feet.*
- 4. Shrubs must be of sufficient size and number to provide solid sight obstruction, at a minimum of six feet in height, at the time of planting.*

Finding: Screening is required around the solid waste receptacle area, and the submitted narrative states that the required solid waste receptacle screening will be in the form of a wood fence. The project does not require any other screening at this time, and no indication is given in the submitted materials that living landscaping will be utilized as a screening method. This staff report specifically notes that the submitted plans do not show the locations of standpipes, meters, vaults, and similar mechanical equipment. These items are prohibited from being placed on the front elevation when other locations exist. If it is necessary to place any of these items on the front elevation, then screening will be required. If living landscaping is chosen as the screening method, then the landscaping plan submitted with the building permit application will need to show compliance with LCMC 17.55.080.

Chapter 17.56 Off-street Parking and Loading Regulations

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.

Finding: The project proposes an 18-unit apartment building with 12 of the units containing two bedrooms and six units containing one bedroom. Table 17.56.030-1 states that multi-unit dwellings containing three or more units have an off-street parking requirement of one space per one-bedroom unit and 1.5 spaces per two-bedroom unit. This equates to a requirement of 24 off-street parking spaces. Sheet C3.0 of the submitted plan set shows an on-site parking lot containing 24 parking spaces. This requirement is met.

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

- 1. There are no off-street parking requirements for commercial uses, commercial buildings, or the commercial portion of mixed use buildings located within the boundaries of any of the pearls (Wecoma, Oceanlake, DeLake, Taft, Nelscott, Cutler City), said boundaries as identified on the city's adopted zoning map.*

Finding: This requirement is not applicable to this project since it is not located in Wecoma, Oceanlake, DeLake, Taft, Nelscott, or Cutler City.

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.*

Finding: With 24 required off-street parking spaces, there is a requirement for one bicycle parking space. The project proposes providing six bicycle parking spaces for a 10% reduction in the off-street parking requirement. This reduces the required number of off-street parking spaces from 24 to 22. A revised site plan shall be submitted showing only 22 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 health, 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.*

Finding: The project does not propose to preserve any mature trees for a parking 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.*

Finding: The proposed project is residential in use, so this requirement is not applicable.

17.56.050 Joint use of off-street parking and loading spaces

- A. *Off-street parking and loading requirements may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, sites, or developments that their operations and parking needs do not overlap in point of time.*
- B. *If the uses, structures, sites, or developments are under separate ownership, the right to joint use of off-street parking or loading spaces must be evidenced by a deed, lease, contract, or other appropriate written document establishing the terms of the joint use, and submitted to the department.*

Finding: The project can accommodate the off-street parking requirement on the site as shown on the submitted Sheet C3.0.

17.56.060 More than one use in a building or on a development

Finding: This requirement is not applicable to this project. The only use proposed is residential, and it is solely contained on the site in one building.

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, and duplexes

- A. *Location*
 1. *Off-street parking and loading 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 used as fulfilling any part of the off-street parking or loading requirements.*

Finding: The submitted materials show that the required off-street parking is located on the same lot as the use. This requirement is met.

3. *Off-street parking and loading spaces shall be located above, beneath, to the rear, or to the side of buildings.*

Finding: The submitted materials show that the required off-street parking spaces are located to the south side of the building. This requirement is met.

4. *Parking and loading spaces must be outside of required building setback areas.*

Finding: The submitted materials show that two off-street parking spaces are in the rear setback area. With the condition of approval that all plans shall be revised to eliminate the two off-street parking spaces in the rear setback area, this requirement can be met.

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.*

Finding: The submitted materials show that the off-street parking spaces are well over 10 feet from NE West Devils Lake Rd. The required landscaping to meet the standards of Chapter 17.55 is not shown on the preliminary landscape plan, but a condition of approval will be a requirement to submit a complete and detailed landscape plan showing compliance with Chapter 17.55. With that condition of approval, this requirement can be met.

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.*

Finding: The front property line is the east property line. Sheet C3.0 of the submitted plan set clearly shows that there are no parking spaces between the east property line and the east (front) wall of the building. This requirement is met.

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.*

Finding: The submitted materials show a 26-foot-wide, two-way drive aisle between the north and south row of parking spaces. This provides enough space for backing and maneuvering without having to do so in NE West Devils Lake Rd. This requirement is met.

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.*

Finding: Sheet C3.0 states the following as Site Note 3: “3” HMAC over 10” compacted gavel base for drive areas, and 3” HMAC over 8” compacted gravel base for parking areas.” North Lincoln Fire & Rescue District #1 reviewed the submitted plans and provided the following comments regarding access: “The project will need to have a 26’ wide access into the driveway to facilitate aerial fire apparatus because the building has a roof surface 30’ above grade. The inside turning radius of turns onto the property will have to be a minimum of 28’. (2019 OFC 503 & Appendix D, D105) No turnaround is required because the parking lot/access is less than 150’.” The comments do not include anything pertaining to the surfacing. A condition of approval will be that the 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 and the approval of the proposed surfacing and its construction shall be signified with a written statement of approval from North Lincoln Sanitary and approval of the building permit plans through ePermitting by the fire marshal.

- C. *Redevelopment. Site design shall incorporate the conversion of existing parking areas located in front of buildings to pedestrian spaces as properties redevelop.*

Finding: The site is undeveloped, and the proposed project is residential. This requirement is not applicable.

- 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.*

Finding: A preliminary grading and drainage plan was included as part of the preliminary plat set on Sheet C4.0. The submitted narrative states that a storm pond will be used for runoff storage and infiltration. The reference storm swale is shown in the southeast corner of the site on Sheet C3.0 of the submitted plan set. The final drainage plan shall be submitted as part of the building permit application package and shall be reviewed for compliance by Public Works. This requirement is met for development review purposes.

2. *All pervious surfaces shall be designed, installed, and maintained to ensure proper storm water infiltration.*

Finding: It does not appear from the submitted materials that any pervious surfaces are proposed for parking areas.

- 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.*

Finding: As discussed earlier in this staff report, the project requires 24 parking spaces. However, the submitted narrative indicates a 10% reduction is being utilized by providing an additional five bicycle parking spaces, which reduces the parking requirement to 22 spaces. The submitted materials show that 24 parking spaces are being provided, which means that two parking spaces are being provided in excess of what is required; accordingly, the two excess spaces must be surfaced with pervious materials.

- 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.*

Finding: Sheet C3.0 of the submitted plan set shows a curb around the perimeter of the parking area. This requirement is met.

2. *Curbing shall be a minimum of four inches in height and width.*

Finding: Sheet C3.0 of the submitted plan set states that the proposed curbing is “standard 12” curb with 6” reveal.” This requirement is met.

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.*

Finding: Curbing is being provided, so wheel stops are not necessary.

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.*

Finding: Sheet C3.0 shows that the parking spaces have been reduced from 20 to 19 feet in length due to the provided curbing. This requirement is met.

- 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.*

Finding: The submitted materials show the required markings for the off-street parking spaces. This shall be reviewed for continued compliance as part of the building permitting and construction processes.

H. *Landscaping*

1. *In all instances except the following when occurring on individual lots 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.*

Finding: The preliminary landscape plan does not address the required parking area landscaping. This requirement can be met with a condition of approval to submit a complete and detailed landscape plan showing compliance with Chapter 17.55 and Chapter 17.56.

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.*

Finding: The preliminary landscape plan does not address the required parking area landscaping. This requirement can be met with a condition of approval to submit a complete and detailed landscape plan showing compliance with Chapter 17.55 and Chapter 17.56.

3. *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.*

Finding: The site adjoins property situated in the R-M zone to the north. The adjoining property to the south and west is zoned Open Space. The adjoining property to the east is NE West Devils Lake Rd. The parking lot is situated to the south of the building, such that the building is between the parking lot and the north R-M zone. This requirement is not applicable to this project.

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.*

Finding: The submitted narrative states that the property owner is deferring submittal of the exterior lighting plan to the building permit application. The submitted plans do not show any light poles or proposed lighting in parking areas. As a condition of approval, an exterior lighting plan shall be submitted with the building permit application materials and shall indicate clearly if parking area lighting is or is not being provided and, if it is being provided, shall show compliance with LCMC 17.52.150 and Chapter 17.56.

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

Finding: The required ADA-accessible parking space is shown on the submitted plans. This requirement is met.

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:*

Finding: A review of the submitted plans shows that no compact spaces are proposed. The plans show the spaces will be the standard size of 9 feet wide by 19 feet long (with the one-foot reduction allowed by the curbing). The required pedestrian route is shown on Sheet C3.0. The drive aisle is shown as a 26-foot-wide drive aisle. North Lincoln Fire & Rescue District #1 reviewed the submitted plans and provided the following comments regarding access: “The project will need to have a 26’ wide access into the driveway to facilitate aerial fire apparatus because the building has a roof surface 30’ above grade. The inside turning radius of turns onto the property will have to be a minimum of 28’. (2019 OFC 503 & Appendix D, D105) No turnaround is required because the parking lot/access is less than 150’.”

North Lincoln Sanitary provided the following comments:

“Our biggest concern is there is currently nowhere in the parking lot for a garbage truck to turn around. We would have to back in off West Devils Lake Rd (WDLR) where there is a corner in the road. Because of this dangerous situation for accessing the parking lot, if there is room for it in the parking lot, a typical hammer head turn around for a fire apparatus works for us.

Because we cannot currently turn around in the parking lot and due to the corner on WDLR that we would be coming in from, we would have to access this early in the morning. Since we will be on the property making noise and potentially waking residences up when we service the containers, we would only want to service this once a week, and we would need an understanding with the owner of the building that would back us up that this is the grounds for service: once a week service and earlier than 7am. We would enthusiastically support some means of turning around in the parking lot.

Our second concern is the current location of the enclosure in the SE corner. The slope is too steep from the enclosure to where the truck would park for us to be able to pull the container to the truck. We would need the enclosure moved to a location where there is much less slope, and preferably sloping towards the truck from the enclosure. We suggest moving it to SW corner where there is much less slope.

At .29 cubic yards per unit per week generated on average at other apartments, we estimate needing service for 5.22 cubic yard of garbage per week and a 1.5 cubic yard container for cardboard to be recycled.”

As submitted for development review, the parking lot layout does not appear to meet the requirements of North Lincoln Fire & Rescue District #1 or North Lincoln Sanitary. As a condition of approval, the property owner shall receive approval from both North Lincoln Fire & Rescue District #1 and North Lincoln Sanitary for the parking lot layout and from North Lincoln Sanitary for the location of the trash enclosure. Said approval shall be submitted as part of the building permit application materials and the accompanying building permit applications shall be reflective of what was approved.

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.*

Finding: The submitted materials show a surface parking lot containing 24 parking spaces. Accordingly, there shall be no more than 12 continuous parking spaces without one planting island between every 12 parking stalls. The south row of parking spaces has 11 spaces, and one must be eliminated since it's in the rear setback area so the requirement is met for the south row. The north row contains 13 spaces, but one must be eliminated since it's in the rear setback area. With the elimination of the westernmost parking space in the north row to meet the rear setback requirement, this requirement will be met.

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.*

Finding: The submitted materials do not show the required landscape buffer. With a condition of approval to provide a complete and detailed landscape plan showing compliance with both Chapters 17.55 and 17.56, to be submitted with the building permit application materials, this requirement can be met.

- N. RV, Motorhome, and Bus Parking. Developments with 50 or more required off-street parking spaces shall provide the following minimum number of off-street parking spaces sized and designated for the parking of RVs, motorhomes, and buses:*

Finding: The project does not require 50 or more off-street parking spaces, so this requirement is not applicable.

- O. Structured Parking. Where structured parking is provided in a stand-alone structure that...*

Finding: A review of the submitted plans shows that the project is not providing any structured parking.

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.*

Finding: As discussed previously in this report, the project requires 24 parking spaces. This equates to a requirement of one bicycle parking space. The project proposes installation of six bicycle parking spaces to qualify for the parking space reduction allowed in LCMC 17.57.030. Sheet C3.0 of the submitted plan set shows three bicycle racks are proposed, with each rack accommodating two bicycles for a total of six bicycle parking spaces. This requirement is met.

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.

Finding: The submitted Sheet C3.0 shows that the bicycle racks will be located on the edge of the five-foot-wide walkway, which itself is adjacent to the parking area and connects with the public sidewalk along NE West Devils Lake Rd. This requirement is met.

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.

Finding: The submitted plans show that the proposed bicycle parking areas are within 100 feet of the building entrances. The exterior lighting plan has been deferred to the building permit stage. This requirement is partially met, and will be fully met with a condition of approval to include an exterior lighting plan with the building permit application submittal.

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

Finding: The submitted Sheet C3.0 shows the standard “U” bicycle rack is proposed. This requirement is met.

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.

Finding: The submitted Sheet C3.0 shows bicycle racks are proposed. This requirement is met.

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.*

Finding: The site is in the R-M zone, and the project is a multi-unit residential development. Accordingly, the standards of Articles I and III are applicable.

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

Finding: No instances of conflicts were encountered in this review.

- 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.*

Finding: This request entails development of an undeveloped site as well as new construction of a building, so the provisions of this chapter apply to the project.

17.74.130 Building design

A. *Intent.*

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.*

Finding: The east building elevation faces the NE West Devils Lake Rd public right-of-way, but it does not contain the required upper floor stepback. The application requests an adjustment to this design standard stating that “the site design for this project aimed to make the most practical use of available space” and noting that the front of the building does not face the public right-of-way. The submitted narrative also states: “The proposed building is three stories and is designed to efficiently provide equal living spaces at each level. This standard appears to apply more to downtown rather than outlying areas such as this location.”

Staff notes that, due to the stacking nature of the residential use, the need for residential unit counts in Lincoln City, and cost efficiency of construction, a 10-foot stepback at the upper floor of the east-facing façade is not feasible for this project. The allowed use is multi-unit residential housing. To achieve the maximum number of units and thus provide much-needed housing to the citizens of Lincoln City, it is impractical to revise the east-facing façade to meet the upper floor stepback requirement. The project is providing alternative setbacks in the front-facing façade, even though the front-facing façade does not directly face public right-of-way. This adjustment request is approved.

- C. *Building Form. All buildings must incorporate elements to preclude blank building elevations facing a public right-of-way or pedestrian space. Along the façade 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.*

Finding: The east building elevation faces the NE West Devils Lake Rd public right-of-way, but it does not appear to contain two of the required features. An adjustment request was not made with the application. As a condition of approval, the east elevation will need to be revised to comply with this design standard, or a request for an adjustment shall be received for review prior to submitting the building permit application.

D. Roof Form.

1. *Sloped roofs are required for buildings with a front façade width less than 50 feet.*

Finding: The submitted elevations show that the building has a sloped, mono-pitch (shed) roof.

2. *Sloped roofs are the preferred roof form for buildings with a front façade width 50 feet or greater. Flat roofs should be avoided.*

Finding: The submitted elevations show that the building has a sloped, mono-pitch (shed) roof.

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.*

Finding: The proposed mono-pitch (shed) roof has a 4:12 pitch. This requirement is met.

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.*

Finding: The proposed roof is not a flat roof.

5. *Dual-pitched or hipped “mansard” and A-frame roof forms are not permitted.*

Finding: The proposed roof is a mono-pitch (shed) roof.

E. Building Entrances.

1. *Porches. Usable 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.*

Finding: The submitted narrative states that each apartment unit has an attached porch. The two outer building sections have front-facing porches, and the middle building section has rear-facing porches. This requirement is met.

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.*

Finding: Sheet A2.01 shows the clearly-defined primary entrances. The entrances are protected from the weather with stairwell openings. This requirement is met.

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

Finding: The project only proposes one building. The parking area contains the required ADA-compliant parking spaces, and the required ADA-compliant connection to the right-of-way, parking area, and building entrances is shown on the submitted plans in the form of a paved, five-foot-wide walkway. The first floor of the building contains ADA-compliant entrances. This requirement is met.

F. Building Windows.

1. *Facades Facing a Public Right-of-Way. At least 15 percent of the area of each façade 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.

Finding: The east façade faces the NE West Devils Lake Rd public right-of-way. Sheet A2.02 shows that the east façade contains less than 15% of clear and transparent windows or doors. The application requests an adjustment to this design standard. The submitted narrative states: “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.”

Staff notes that the building is for residential use and contains individual apartment dwelling units. To afford privacy and security to the tenants from the pedestrians on the public sidewalk adjacent to the east-facing elevation, the size and number of windows appear to have been purposely limited to what is shown on the submitted Sheet A2.02. The necessary characteristics of privacy and security in the allowed dwelling units preclude meeting this standard. The size and number of windows shown provide as much transparency as is practicable given that the use of the building is apartment dwelling units. This adjustment request is approved.

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.*

Finding: The project is not proposing any garages.

- 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.*

Finding: The submitted narrative states that the materials proposed for the building are fiber cement lap siding as primary and fiber cement board and batten siding as the secondary material. Sheet A2.02 lists the roof materials as asphalt shingles. Trim is listed as fiber cement. This requirement is met.

- H. *Building Colors. Façade 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.*

Finding: The submitted materials do not include the proposed façade colors. As a condition of approval, the proposed color scheme shall be included with the submitted building permit application package and shall show compliance with LCMC 17.74.130.H.

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

Finding: The project is not providing any garages or carports.

*Chapter 17.76 Procedures
17.76.040 Type II procedure*

- A. *General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.*
- B. *When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required for Type II procedures.*
- D. *Application Requirements. Type II applications shall:*
 - 1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 - 2. *Be accompanied by the required fee as adopted by city council resolution.*
 - 3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110.D and E.

- E. *Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.*
 - 1. *After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *The owners of record of the subject property;*
 - c. *Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
 - d. *Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*

Finding: The Planning and Community Development Department mailed the public notice of receipt of a complete application to the parties noted in LCMC 17.76.040.E.1.a through d.

- 2. *The written public notice shall include the following:*
 - a. *A brief description of the request;*
 - b. *The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
 - e. *The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. *Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
- 3. *An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.*

4. *Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

Finding: The written public notice of receipt of a complete application that was mailed on March 8, 2022, contained all the information required in LCMC 17.76.040.E.2 and 4. The required affidavit of mailing was prepared, pursuant to LCMC 17.76.040.E.3.

F. Review Authority. The review authority for Type II applications shall be the director.

Finding: The Director reviewed the submitted Type II application.

G. Decision.

1. *Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

Finding: The relevant approval criteria are addressed in detail throughout this staff report. No written comments were received during the 14-day comment period.

2. *The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *The owners of record of the subject property;*
 - c. *Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
 - d. *Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

Finding: Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by the Planning and Community Development Department, pursuant to LCMC 17.76.040.G.2.

3. *The notice of the decision shall include the following:*
 - a. *A brief description of the request;*
 - b. *A statement of the decision and the applicable approval criteria used in making the decision;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*
 - e. *The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
 - f. *A statement that the complete file is available for review; and*
 - g. *The name of a department staff member to contact and the telephone number where additional information may be obtained.*

Finding: The Planning and Community Development Department will issue the notice of decision that shall contain all the information noted in subsection 17.76.040.G.3.a through g.

Chapter 17.77 Applications
17.77.070 Development review

- A. *The purpose of development review is to establish a coordinated process to ensure that new development is in compliance with the requirements of this title prior to the submittal of structural*

permit applications, or in instances where structural permit application are not necessary prior to the commencement of any development. The development review application shall demonstrate that the proposed development will comply with all of the applicable requirements of this title, and that...

- B. Applicability. Except as exempted in subsection (C) of this section, development review approval is required before any structural permit is issued authorizing development and before any outdoor storage area or parking lot development commences in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NP, and OP zones, and before any nonresidential structural permit is issued authorizing development and before any nonresidential outdoor storage area or parking lot development commences in any other zone zone.*
- C. Exemptions. The activities, development and construction projects listed below are exempt from development review:*
- D. Procedure. Development review applications are subject to the Type II procedure as described in...*
- E. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

Finding: The required documents were submitted by the property owner.

- F. Concurrent Applications for Adjustments. Requests for adjustments to standards required in Chapter 17.74 LCMC shall be processed concurrently with the development review application.*

Finding: The application did not include any adjustment requests.

- G. Approval Criteria. To approve an application for development review, the review authority must find that the development, as described in the submitted application, either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to conditions that shall ensure compliance with all of the requirements of this title.*

Finding: Based on an analysis of the submitted application and accompanying materials against the requirements of this title and as detailed throughout this staff report, the project as submitted either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to the conditions of approval that ensure compliance with all requirements of this title.

- H. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a development review application to ensure compliance with the requirements of this title.*

Finding: Conditions of approval have been imposed to ensure compliance with the requirements of this title.

DECISION AND CONDITIONS

Based upon an analysis of the submitted application and accompanying materials against the requirements of this title, the Director concludes that the project will comply with all of the requirements of this subject to conditions of approval, and thus **APPROVES WITH CONDITIONS** the development review request for an 18-unit residential development, subject to the following conditions:

General

1. This approval with conditions notwithstanding, the applicant/property owner/developer shall be responsible for full compliance with all applicable city, state, and federal regulations, codes, rules, and standards.

Planning

1. A property line adjustment lot consolidation, replat, or restrictive lot line covenant shall be completed prior to submitting the building permit application.
2. A site plan showing the size and location of, and garbage hauler access to, the trash enclosure shall be signed and dated by North Lincoln Sanitary signifying their approval of the size, location, and access. This signed and dated site plan shall be submitted with the building permit application materials through ePermitting as part of the building permit process.
3. The site plan shall be modified to show the required common area square footage outside of, and not including, any setback or parking area. Common area dimensions shall be clearly depicted as separate from setback and parking areas. The revised site plan shall also show the type and location of the required common area amenities. The revised site plan shall be submitted with the building permit application materials through ePermitting as part of the building permit process.
4. A complete and detailed landscape plan that shows full compliance with LCMC Chapter 17.55 and 17.56 shall be submitted with the building permit application materials through ePermitting as part of the building permit process.
5. An exterior lighting plan showing compliance with LCMC 17.52.150 shall be submitted with the building permit application, along with cut sheets of the proposed exterior lighting fixtures and a photometric analysis showing compliance with LCMC 17.52.150. These items shall be submitted through ePermitting as part of the building permit process.
6. The plans shall be modified to show the required number of off-street parking spaces, with none encroaching into the rear setback area, and inclusion of parking islands such that there are no more than 12 parking spaces in a row without placement of a parking island.
7. Plans shall be modified to show any provided off-street parking spaces in excess of what is required to be surfaced with pervious materials.
8. The 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 and the approval of the proposed surfacing and its construction shall be signified with a written statement of approval from North Lincoln Sanitary and approval of the building permit plans through ePermitting by the fire marshal.
9. The east-facing elevation shall be revised to comply with LCMC 17.74.130.C as part the submitted building permit application package OR a request for an adjustment shall be submitted for review prior to applying for a building permit.
10. The proposed color scheme shall be included with the submitted building permit application package and shall show compliance with LCMC 17.74.130.H.

Fire

1. The project shall meet 2019 Oregon Fire Code water supply requirements, as reviewed by North Lincoln Fire & Rescue District #1 through the building permitting process.
2. The project shall meet the requirements of 2019 Oregon Fire Code 503 and Appendix D, D105, as reviewed by North Lincoln Fire & Rescue District #1 through the building permitting process.

Public Works

Engineering:

1. The applicant/developer/property owner shall submit digital copies of civil engineering plans for all public improvements and site development to Lincoln City Public Works (LCPW) for review and approval either as submitted or as modified in accordance with requirements of Lincoln City's city engineer (City Engineer). The plans must clearly delineate existing and proposed conditions on a single sheet. The City Engineer's review and any required modifications shall be for the purpose of assuring that the improvements shall be consistent with LCPW Design Standards and the provisions of this condition of approval.
2. A Combined Public Works Permit application shall be completed and submitted through ePermitting as part of the building permit application materials. All right-of-way work shall be noted on the

approved plans and performed as shown. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed. All materials and construction shall adhere to LCPW Design Standards. Submittals and testing to verify compliance with LCPW Design Standards shall be submitted to LCPW as requested

3. The submitted civil engineering plans shall include erosion control plans in accordance with Lincoln City Municipal Code Chapter 12.08 for review and approval by the City Engineer. Approved soil erosion control measures must be in place and inspected by LCPW prior to any construction activities. Erosion control plans must be prepared by a Registered Professional Engineer, Landscape Architect, Engineering Geologist, or Certified Professional in Erosion Sediment and Control.
4. All public utility, roadway, and stormwater management improvements shall be completed in accordance with the approved civil engineering plans, LCPW Design Standards, and the project's conditions of approval within 18 months of the structural permit issue date. Per the Lincoln City Municipal Code, final permit approval from LCPW shall not be issued until all improvements have been completed in accordance with the approved plans and applicable standards.
5. Within 30 days after construction, field-verified, stamped as-built drawings for all public improvements, including relevant survey data, shall be provided to the LCPW in AutoCAD format. All discovered utilities and changes to the approved plans shall be noted with callouts indicating location, depth, and material. The record drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.
6. Actual costs incurred by Lincoln City for review and/or construction services shall be assessed as additional fees in accordance with Lincoln City Municipal Code 12.12.030. A deposit shall be invoiced at structural permit issuance in accordance with adopted fee schedules.

Utilities:

1. All new impervious paving shall be treated according to the Lincoln City Public Works Stormwater Design Standards. Treatment shall be sized according to 50% of the 2-year, 24-hour rain event.
2. If applicant/developer/property owner agrees to install a storm drainage culvert (12" minimum) beneath the Friends of Wildwood trail, within the impacted trail section, the improvements shall be considered mitigation of downstream impacts and no detention shall be required for stormwater discharge into this draw.
3. For all stormwater discharged to the public system, increase from the existing site's total impervious area shall be detained according to Lincoln City Public Works Stormwater Design Standards: 2-year, 10-year, 25-year, 24-hour rain event
4. A stormwater report, demonstrating proposed drainage facilities (water quality and detention) compliance with LCPW standards shall be submitted through ePermitting as part of the building permit application materials.

Water and Sewer:

1. The applicant/development/property owner is responsible for determining the desired fire and domestic service size and ensuring the presence of adequate flow and pressure. The applicant/developer/property owner shall be responsible for conducting any flow tests required to establish pertinent pressure and flow information. The applicant/developer/property owner shall give both Lincoln City Public Works and North Lincoln Fire & Rescue District #1 at least 48 hours advance notice of any flow testing to be performed. A water distribution staff member from Lincoln City and an applicable representative of North Lincoln Fire & Rescue District #1 shall be at the site at the time of flow testing.
2. The applicant/developer/property owner shall install proposed, low-pressure, sanitary sewer facilities in accordance with LCPW Design Standards. Stamped engineering plans shall be submitted with permit application demonstrating compliance with LCPW Design Standards. Capacity and fitting assemblies shall be designed to accommodate anticipated future service in accordance with existing

city infrastructure planning. The applicant/developer/property owner shall be responsible for submitting sanitary sewer plans to Oregon DEQ following Lincoln City's approval.

Right-of-Way and/or Easement Dedication:

1. A Public Access/Stormwater/Utility easement shall be dedicated for the sidewalk/storm/sewer/water on the property. The easement shall be noted on the approved plans and a recorded easement submitted to Lincoln City Public Works prior to requesting the final inspection from Lincoln City Public Works.



Approved by: _____
Anne Marie Skinner, Director

April 22, 2022
Date