

SE Oar Water Pump Station

Conditional Use Permit (CUP 2022-04)

&

Development Review Narrative (DEV REV 2022-08)

LCMC Compliance for: LCMC 17.77.060, LCMC 17.52, & LCMC 17.56

Prepared by:

Lincoln City Public Works

Public Works Capital Project Number: 19002

Lincoln City Public Works Contacts:

Stephanie Reid, PE – Public Works Director

Terry Chamberlin – Project Engineer

Daniel Wentz – Project Manager



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

I. Project Description:

The SE Oar water pump station project proposes construction of a new pump house building at 2010 SE Lee Ave, the existing location of the SE Lee Reservoir. This pump station will replace the aging pump station, currently at SE Oar & SE 15th St, which serves the “SE Oar Pressure Zone”. Work includes: Removal of ~25 trees within development’s footprint, development of a 240 square foot pump house building, new pump & public water infrastructure, underground power improvements to serve the building, and miscellaneous site improvements.

II. Existing Conditions:

The SE Oar water pump station provides water pressure to the high elevation areas off SE 19th St, SE Oar, SE Port, and SE Quay. – This is shown in the narrative Appendix ‘A’. The current water “booster” pump station was constructed in 1980, at the corner of SE 15th and SE Oar Ave. This station is at the tail-end of its life; the automatic transfer frequently fails to function during power outages, the mechanical equipment requires frequent maintenance, and the pump is undersized to serve full build out of the partially-developed Delake Heights subdivision.

The current pump is located in the center of the SE 15th street right-of-way. This prevents access development for the undeveloped lots off SE 15th street and the eventual through street development to SE 19th St outlined in Lincoln City’s Transportation System plan.

The proposed site for construction is 1.64 acres and zoned Multi-Unit Residential (R-M). This property is currently city owned, and the location of the SE Lee water reservoir. The SE Lee reservoir was constructed at this location in 1981 and is a covered, 2.0 million gallon reservoir. The site is currently secured by chain link fencing and additionally screened by mature vegetation around 90% of the lot perimeter. The site is bordered to the north and west by multi-unit residential development. The site is bordered to the south by another conditional use –Lincoln City’s Head Start primary school. To the east is undeveloped forest land, currently outside of Lincoln City’s urban growth boundary (UGB).

III. Code Compliance:

[LCMC Code Compliance Narrative Index:](#)

- 17.77.060: Conditional Use Permit
- 17.20: Multi-Unit Residential (R-M) Zone
- 17.55: Landscaping Standards
- 17.52: Supplementary Regulations & Exceptions
- 17.56: Off-Street Parking & Loading
- 17.74: Design Standards



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

LCMC 17.77.060 Conditional use permit.

A. Purpose. In all zones, conditional uses listed in that zone may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.

B. Procedure. Conditional use permit requests are subject to the Type III procedure, as described in LCMC [17.76.050](#).

C. Submittal Requirements.

1. Type III application submittal requirements are set forth in LCMC [17.76.050](#). Specific submittal requirements are provided on application forms and checklists as authorized in LCMC [17.76.110](#).

2. At a minimum, an application for a conditional use shall include the following:

- a. An application form signed by the applicant and every current property owner of record as shown on the most current recorded deed;
- b. Full payment of the application fee, based on the fee schedule in effect on the date of submittal;
- c. Existing conditions plan;
- d. Site plan;
- e. Landscape plan;
- f. Building elevations (for new construction);
- g. Phasing plan (if phasing is proposed);
- h. Traffic impact study pursuant to LCMC [17.52.300](#); and
- i. Narrative addressing compliance with each approval criterion and applicable standard.

D. Approval Criteria. In order to grant any conditional use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The proposal is in compliance with the comprehensive plan;



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

2. The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title;
3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;
4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;
5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.

E. Conditions of Approval. Pursuant to LCMC [17.76.120](#), the planning commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding properties or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

1. Increasing required lot size, setbacks, common open spaces, or screening and buffering areas;
2. Requiring fences, screening walls, landscaping, or screening/buffering where necessary to reduce noise and glare from the use and maintain the property in a character in keeping with the surrounding area;
3. Requiring landscaping and maintenance thereof;
4. Increasing street widths and/or controlling the location and number of vehicular access points to the property for ingress/egress;
5. Requiring means of pedestrian/bicycle pathways to serve the property;
6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking area;
7. Limiting size, location, and number of signs;
8. Limiting the location, coverage, or height of buildings because of obstruction to view and reduction of light and air to adjacent properties;
9. Limiting or prohibiting openings in sides of buildings or structures;



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

10. Enclosure of outdoor storage areas and limitation of outside displays and/or storage of merchandise;
11. Requiring maintenance of grounds;
12. Regulation of noise, vibration, odors, etc.;
13. Regulation of time for certain activities;
14. Establishing a time period within which the proposed use shall be developed;
15. The requirement of a bond for removal of such use within a specified period of time;
16. Increase the size, type, or capacity of any or all utility services, facilities, or appurtenances;
17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the review authority and new conditions imposed;
18. Requirements for providing the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers, or other necessary and essential public improvements to city standards; and/or
19. Any such other conditions that will make possible the development of the city in an orderly and efficient manner and conformity with the intent and purposes set forth in this title and the comprehensive plan.

The application is being submitted as a Type III procedure.

The application includes all the information listed in LCMC 17.77.060[C].

The application meets the approval criteria outlined in subsection [D] as follows:

Lincoln City's Comprehensive plan references the Water & Sewer Master Plan. The pump station upgrade project is in line with the objectives of Lincoln City's water master plan.

The site is of adequate size for the proposed expansion.

The proposed use will generate little to no additional traffic, with the exception of required pump station maintenance. The existing roadway is fully improved to handle existing & additional traffic.

The proposed use is in kind with the existing use & will have minimal adverse impact on neighboring properties.

The area is not identified for historic preservation.

The application meets the intent of subsection [E] as follows:

- 1. The proposed building meets setback & screening requirements, as applicable under additional security requirements applied to low & medium security areas by the Department of Homeland Security.**



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

2. The site will be full secured with fencing & building walls. Mechanical equipment sound will be buffered by proposed building construction.
3. Requiring landscaping and maintenance thereof;
4. The proposed development utilizes the existing roadway access. The roadway is fully improved and of adequate width.
5. Pedestrian access has been provided to the building as appropriate.
6. No off-street parking is required for the proposed use. Maintenance vehicle access has been provided to the building utilizing the existing driveway access.
7. No signs are proposed.
8. The site change minimally increases building coverage of the site & proposes only a single story building
9. No right of way facing portion of the building has excessive openings.
10. All outdoor areas of the site will be enclosed by fencing, including outdoor storage.
11. Regular maintenance of grounds will be provided by Lincoln City Public Works
12. All noise & equipment installed on-site will be dampened by building construction.
13. Regular maintenance shall take place within working hours. Emergency maintenance shall be completed as needed.
- 14 & 15. The proposed development is proposed within the 2022-2023 Lincoln City Fiscal year.
- 16 & 17. Water & power utility capacity will be increased to serve the development & surrounding neighborhood.
18. All improvements required under typical site development (17.52.230) are completed on SE Lee Ave



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

17.20: Multi-Unit Residential (R-M) Zone

17.20.010 Purpose.

The multiple-unit residential (R-M) zone allows and encourages higher-density residential uses that blend a range of housing types with the surrounding neighborhood, in a compact, aesthetic, and walkable development pattern. (Ord. 2020-10 § 1)

17.20.040 Conditional uses.

- A. Assisted living facilities;
- B. Community meeting buildings or fraternal and social organizations;
- C. Educational institutions;
- D. Government buildings;
- E. Places of worship;
- F. Primary, elementary, junior high or high schools; nursery schools; kindergartens;
- G. Radio and television transmitters or towers;
- H. Recreation centers, public parks, playgrounds, and similar public-owned recreational areas;
- I. Wireless communications facilities. (Ord. 2020-10 § 1)

The proposed development falls within a conditional use of the zone. A type II application is being submitted for conditional use approval per the Lincoln City Municipal Code

17.20.050 Development standards.

Development Standards - Residential Multifamily		Conditional uses
Min. lot width		Not applicable
Min. lot area (square feet)		None
Min. density		Not applicable
Max. building height (see also LCMC 17.52.190 and 17.52.200)		
a.	Primary buildings	35 feet
b.	Accessory buildings, structures, uses	25 feet
Min. building setbacks (except garage/carport entrances) ⁴		
a.	Front porch	5 feet
b.	Front wall	10 feet



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

c.	Side interior	10 feet
d.	Side street	10 feet
e.	Rear	15 feet
Min. setbacks for garage/carport entrances (attached or detached)		
a.	Front-loaded access	Not permitted
b.	Side-loaded access	Not permitted
c.	Rear-loaded access	3-foot minimum from rear property line
Max. building coverage		45%
Common area		None required
Vehicle storage space		None required

The above requirements are met by the proposed development.

Standards 17.20.060 through 17.20.100 shall be met and are addresses in the applicable code narrative sections.

No signs are proposed for the development.

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. (Ord. 2020-10 § 1)

All city services are present.

17.20.120 Conflicts.

If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply. (Ord. 2020-10 § 1)

Acknowledged



LCMC 17.55 – LANDSCAPING STANDARDS

17.55.010 Purpose.

The goals of landscaping are to increase aesthetic value; provide environmental benefits, such as controlling erosion and functioning as part of the natural hydrologic cycle; provide an attractive natural balance to built areas; reduce runoff; screen or buffer uses; and to frame or complement views. The purpose of this chapter is to provide for the design, selection, installation, and maintenance of landscaping that will satisfy the aforementioned goals. This chapter also seeks to provide for selection of plant materials that will provide long-term growth, a balance of year-round coverage and greenery, and a variety of species for a healthier, drought-tolerant, disease-resistant plant inventory. (Ord. 2020-13 § 25)

The SE Lee Water Pump Station project works to preserve existing, mature landscaping around the perimeter of the site, restore groundcover where necessary to stabilize proposed slopes, landscape drainage areas to provide some water quality to site drainage, and allow for the required views into the site for security requirements. This meets the intent of the above code section & the additional requirements of other agencies.

17.55.020 Applicability.

The standards of this chapter shall apply to:

- A. All Type II and Type III procedures.
- B. New construction.
- C. Previously developed sites whenever improved by 50 percent or more of the assessed value of the existing improvements. (Ord. 2020-13 § 25)

A Type III application is being submitted for conditional use of the proposed project, however the proposed development does not exceed 50% of the value of existing improvements. – The landscaping standards have been addressed below in addition to other considerations & requirements put forward for the security of Low to Medium Security sites as determined by the Department of Homeland Security (DHS)

17.55.030 Landscaping requirements for detached single-unit dwellings, attached single-unit dwellings, manufactured dwellings, and duplexes.

The development is not a single family or duplex development. – None of the below sections apply and have been omitted.

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.



Existing Landscaping is present across all portions of the site not covered by building, structures or impervious surfaces. Restoration will additionally meet landscaping requirements for any area disturbed as part of construction.

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.

The total site area of the reservoir site is 70,880 square feet. Of this area: 4,550 square feet is existing or proposed impervious surface area from buildings or impervious paving. The remaining 66,330 square feet is native, mature vegetation noted for preservation or area noted for landscape restoration.

This constitutes 93.5% of the site and exceeds the 15% requirement.

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:

Landscaping is present as a buffer along the north property line (zone 1), present as a buffer along the south property line (zone 2), and present as a large buffer/natural area along eastern third of the lot (zone 3)

- 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.

The landscaping standards for the site require 56 trees (1,111 feet of lot perimeter / 20 feet per tree), 112 shrubs (1,111 feet of lot perimeter / 10 feet per shrub) and 10% site coverage with living groundcover (7,088 square feet).

The north, south, and east perimeter of the site are covered in substantial native vegetation. Over 75 mature trees were counted within the surveyed project area; Street view photography additionally indicates a comparable number of shrubs & native ground cover filling in the area beneath these trees.

~30 trees are noted for removal for accommodation of the building placement but the majority of the site, outside of the immediate building footprint, is noted for the native vegetation to be preserved. Additionally, the eastern 135' of site (~27,000 square feet) is heavily forested & noted for preservation.



The preserved ~45 trees, existing shrubs & ground cover along the north, west & south boundary of the site contribute to the required 56 trees, 112 shrubs, and living ground cover requirements. The 27,000 square feet of preserved native forest easily meets the additional landscaping and planting requirements

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.

No parking areas are required or planned on the proposed plans.

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](#). (Ord. 2020-13 § 25)

All area not covered by building, or impervious area is noted for seeding to cover bare soils. Any miscellaneous area not seeding will be covered with a landscaping material noted above.

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.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

- 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.

The majority of landscaping requirements are met by preservation of existing, native landscaping.

No invasive or noxious species noted for installation

All seeding for project restoration shall be completed by hand.

Landscape restoration is noted within the project's contract bid tab.

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.

Plans for the new project area include preparation to meet the above requirements.

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



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

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. (Ord. 2020-13 § 25)

The majority of landscaping requirements are met by preservation of existing, mature landscaping. Any additional planting completed will meet the above requirements.

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.

All landscaping is mature, native vegetation. Irrigation is not required.

B. Continuous maintenance of property includes, but is not limited to, weeding, pruning, removing and eradicating invasive and noxious plants, removing diseased or dead vegetation and replacing with healthy specimens, and removing litter, trash, and debris. Failure to maintain property in accordance with this chapter shall be considered a Class B violation. (Ord. 2020-13 § 25)

Requirements are met by regular site maintenance by city crews, which shall continue and include the proposed improvements

17.55.070 Clear-vision requirements.

Landscaping shall be in conformance with the clear-vision area requirements set out in LCMC [17.52.060](#). (Ord. 2020-13 § 25)

No new landscaping impacts the clear vision triangle as defined within LCMC 17.52.060

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.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

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. (Ord. 2020-13 § 25)

Screening is provided as applicable by preservation of existing landscaping along the north, east, and southern boundaries. Screening from the public right-of-way to the west conflicts with security requirements put forward by the Department of Homeland Security (DHS). Fencing shall secure the site but allow for required line of sight into the low to medium security classified site.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

LCMC 17.52 – SUPPLEMENTARY REGULATIONS AND EXCEPTIONS

17.52.010 Accessory uses – General provisions.

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this title, and shall comply with the following limitations:

A. *Repealed by Ord. 2010-04.*

B. A greenhouse or hothouse may be maintained accessory to a dwelling, provided the activity does not exceed that which requires a license under ORS Chapter [571](#), Nurseries and Nurserymen.

C. A guest house may be maintained accessory to a dwelling, provided there are no portable, temporary, or permanent cooking facilities in the guest house.

D. *Repealed by Ord. 2010-04.*

E. A home occupation shall not occupy more than one-quarter of the ground floor area of the dwelling. The residential character of the building shall be maintained and the activity shall not have the outward appearance of a business nor detract from the residential character of the neighborhood. There shall be no outside display or storage of merchandise, materials, signs or equipment on the premises. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the home occupation shall not be detectable beyond the limits of the property. (Ord. 2020-15 § 6; Ord. 2010-04 §§ 1, 2; Ord. 84-2 § 4.010)

The above requirement does not apply.

17.52.030 Access requirement.

Every lot shall abut a street, other than an alley, for at least 25 feet. (Ord. 84-2 § 4.030)

This requirement is met.

17.52.050 Storage in front setback area.

Boats, RVs, trailers and house trailers shall not be stored in a required front setback area. (Ord. 2020-15 § 8; Ord. 84-2 § 4.050)

This requirement is met.

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



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

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 (Figure 17.52.060-1).

C. Clear-Vision Requirements. Clear-vision triangles shall be free of obstructions (including but not limited to plantings, fencing, or other temporary or permanent obstruction) from two-and-one-half feet to eight feet above the grade of the street, except for obstructions specified in subsection (D) of this section.

D. Exceptions. The following obstructions to clear vision may be within the clear-vision areas required by this section, unless the obstruction is identified by the city engineer and planning director as creating an unacceptable hazard:

1. Trees existing in the location prior to May 28, 2014, if limbed to at least eight feet. Trees in the clear-vision area may not be replaced.
2. Topographical features (e.g., inclines, retaining walls) existing as of May 28, 2014, or, for newer development, as determined by the city engineer and planning director as necessary or unavoidable.
3. Principal buildings, accessory buildings, and structures existing as of April 24, 2014. Notwithstanding the above, a legally nonconforming principal building is not subject to removal based on the hazard exception.
4. Fences Existing as of May 28, 2014. New fences that are at least 75 percent open (e.g., wire or chain link) may be within clear-vision triangles.
5. Existing driveways and existing required parking spaces may be in the clear-vision area. New required parking spaces shall be outside the clear-vision triangle. New driveways should be outside the clear-vision areas. New garages to be accessed by driveways that cross over clear-vision areas must be set back at least 20 feet from the clear-vision area.
6. Utilities existing as of May 28, 2014.
7. Public traffic signs. (Ord. 2014-05 § 1; Ord. 84-2 § 4.060)

No public streets or commercial driveways create a clear vision area impacted by the new building. The existing driveway to the site is used solely for access to the site for pump & site maintenance; the clear vision triangle does not apply.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

17.52.080 Maintenance of minimum requirements.

No lot area, minimum setback area, open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title. (Ord. 2020-15 § 9; Ord. 84-2 § 4.080)

Acknowledged

17.52.100 Landscaping.

A. Purpose. Landscaping is important to the community for its aesthetic value and environmental benefits, such as controlling erosion and functioning as part of the natural hydrologic cycle. By requiring landscaping for all new development and substantial improvements, the aim of this section is to maximize both benefits. Landscaping for each new development shall satisfy the following requirements.

B. Applicability. Landscaping requirements in this section apply to:

1. Newly developed lots.
2. Previously developed lots whenever improved by 50 percent or more of the assessed value of the existing improvements.

The above & subsequent code sections do not apply to the proposed development according to 17.52.100[B] Applicable landscaping standards have been met in accordance with 17.55 and addressed in the referenced code narrative section.

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.

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. (Ord. 2020-15 § 11; Ord. 95-15 § 11; Ord. 91-1 § 1; Ord. 84-2 § 4.120)

All city utilities are present to the site.

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.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

- 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.

Exterior lighting shall be provided as required outside of pedestrian entrances in accordance with Oregon Building Code requirements. All lighting shall be LED lighting and comply with the luminance & down-lighting requirements outlined in LCMC 17.52.150[A] through [H]

17.52.160 Required setbacks – Exceptions.

A. Architectural Features. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, awnings, and bay windows not more than four feet wide or high may project up to 18 inches into a required setback area.

The above requirement is met.

B. Accessory Structures. A required side or rear setback may be reduced to three feet for an accessory structure, provided the structure is detached from other structures by five feet or more and does not exceed a height of one story nor an area of 200 square feet.

The above requirement does not apply.

C. Fences. Fences, which may be located within required setback areas up to the property line, may not exceed three and one-half feet from the grade of the street centerline in the required front setback area, and shall not exceed six feet in other setback areas nor conflict with requirements of a clear vision area as provided in LCMC [17.52.060](#) or the clear vision areas of adjacent private driveways.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

The above requirement is met.

D. Retaining Walls. Retaining walls may be constructed in required setback areas, subject to the following limitations:

1. One or more retaining walls, none of which individually exceeds four feet in height, may be used, provided each successive wall is set back or stepped from the next lowest wall at least one foot for each one foot of height for that wall;
2. Within side and rear building setbacks that are not adjacent to a street or right-of-way, the height of a retaining wall exposed toward the interior of the property may be allowed that is up to eight feet in height. Those exposed toward the exterior of the property shall be limited as in subsection (D)(1) of this section.

The above requirement does not apply.

E. Disabled Access Facilities. Disabled access facilities may be constructed in required setback areas as additions to existing buildings if exclusive of railings they do not exceed the height of the building's ground floor and do not conflict with the clear vision requirements of LCMC [17.52.060](#). For purposes of this section disabled access facilities include ramps, sidewalks, curbing and entrances constructed for the purpose of making a building accessible to a disabled person. Disabled access facilities must be constructed in accordance with any applicable requirements of the building code in effect at the time of their construction. Disabled access facilities constructed as additions to a nonconforming structure shall not be considered an alteration or extension of the nonconforming structure.

The above requirement is met.

F. Bridges. Unenclosed and uncovered pedestrian or vehicular bridges for access to a dwelling may be constructed in a required setback area. Such bridges may not have a slope up from the adjacent roadway exceeding the maximum allowed for driveways.

The above requirement does not apply.

G. Porches, Decks, and Stairs. Unenclosed and uncovered porches, decks, and stairs may be constructed in a required setback area, provided no part of the porch, deck, or stairs is more than 30 inches above the ground or otherwise requires a building permit. (Ord. 2020-15 § 12; Ord. 2016-08 § 1; Ord. 2010-04 § 4)

The above requirement does not apply.

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,



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured dwelling. (Ord. 2020-13 § 26; Ord. 84-2 § 4.170)

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.

Screening shall be provided, from the right of way, for mechanical equipment noted on the south side of the building, in the form of landscape shrubs. Shrubs shall be planted outside of the fence. Screening from the south shall be provided by grading & existing vegetation.

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

The above requirement does not apply.

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.

Screening shall be provided, from the right of way, for mechanical equipment noted on the south side of the building. Screening shall be provided in the form of landscaping within the 10 foot setback area outside of the noted fence. Landscape screening shall be provided in accordance with [LCMC 17.55.080, Living Landscaping as Screening](#). Tentative plantings are “Thuja Green Giant Shrub” or “Pacific Wax Myrtle” plantings.

Screening from the south shall be provided by grading & existing vegetation.

D. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation when other alternative locations exist. (Ord. 2020-13 § 27; Ord. 98-11 § 4; Ord. 84-2 § 4.180)

The above requirement has been met.

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](#).

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 as a Type III procedure.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

C. No structures 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 [17.77.120](#); or
 - ii. A partition or subdivision under Chapter [16.08](#) LCMC; or
 - iii. A development review under LCMC [17.77.070](#); or
 - iv. A conditional use permit under LCMC [17.77.060](#); 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. (Ord. 2020-15 § 13; Ord. 2010-04 § 5; Ord. 84-2 § 4.190)

The noted building height is 16' 11" from finished grade. Finished grade is proposed as below the existing grade on-site. The above requirements are met.

17.52.200 Building height limitations – General exception.

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height restrictions of this title. (Ord. 2010-04 § 6; Ord. 84-2 § 4.200)

The noted building height is 16' 11" from finished grade. Finished grade is proposed as below the existing grade on-site. The above requirements are met.

17.52.220 Tree protection and removal. (Code section hyperlinked for brevity)

A tree removal permit shall be submitted with permit application per 17.52.220[F][1][b][vi]. Permit conditions and requirements under subsection [F][2] through [F][8] shall be adhered to. All removal shall take place in accordance with subsection [F][9]

No removal of trees shall occur >100' from the proposed building development.

A topographic survey, including tree survey, has been submitted with development application material. The plan notes existing trees, proposed removal, and preservation, location, size, and species of protected trees as required within subsection [I]

Trees for removal are clearly marked on the plans & shall be identified on-site prior to construction with tree protection fencing.

17.52.230 Public infrastructure improvement requirements. (Code section hyperlinked for brevity)

The submitted site plan shows all features identified in LCMC 17.52.230 subsection [A][1].

The subject site is on a fully improved roadway (sidewalk, curb, & paved roadway). The existing driveway apron does not meet ADA standards and is planned for reconstruction.

Drainage accommodations are being made at the back of sidewalk to direct site drainage into the city storm system. – This includes a grass lined drainage swale for conveyance & water quality function.

Water & sewer services are existing to the site. Additional connections are being completed to connect the proposed infrastructure upgrades to the existing system.

Underground power utilities are being extended to serve the development per the submitted plans. No existing overhead utilities exist to the site.

17.52.250 Standards for manufactured homes.

The development is not a manufactured home; the subsequent code section does not apply



17.52.260 Standards for attached single-family dwellings development.

The development is not a single-family dwelling; the subsequent code section does not apply

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.

The triggers for a TIS are not met; the subsequent code sections do not apply.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

LCMC 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; or
- B. An existing building is enlarged to the extent that the cost of construction exceeds 50 percent of the improvement value of the building as shown on the Lincoln County Property Report from the Lincoln County assessor's office or to the extent that the building's capacity is increased by more than 50 percent in terms of units listed in LCMC [17.56.050](#); or
- C. The occupancy classification of an existing building, or any portion thereof, is changed and the building enlarged; parking spaces shall be provided in proportion to the increase only, provided the increase is less than 50 percent of the existing building area. If the increase exceeds 50 percent, parking shall be provided for the entire structure in accordance with the requirements of this chapter. If the structure in which the change of use is to occur is not enlarged, no additional parking shall be required. (Ord. 2020-13 § 24)

The proposed development utilizes the existing vehicle access to 2010 SE Lee Ave and no parking requirements have been noted within the proposed use under [Table 17.56.030-1](#). Of the off-street parking & loading standards. Additional parking has been provided for vehicle maintenance access to the north portion of the building. This includes 1 compact spot and 1 standard parking space. The remainder of the off-street parking & loading standards do not apply.

Regular maintenance of grounds & building vehicle access will still be provided by city crews during regular pump maintenance. Substantial mature landscaping is being provided across the site. Parking areas are proposed in Portland Concrete Cement per LCMC surfacing requirements, with surface drainage routed to landscaping onsite.



LCMC 17.74 – Design Standards

17.74.010 Intent.

The intent of these regulations is to:

- A. Enhance and protect the city's quality of life and community image through clearly articulated site and building design standards;
- B. Protect and promote the city's economic vitality by encouraging and rewarding high-quality development;
- C. Establish a clear relationship between streets, pedestrian spaces, and buildings; and
- D. Enhance and protect the security and health, safety, and welfare of the public. (Ord. 2020-10 § 14)

The intent of the Design Standards (LCMC 17.74) have been met to the extent which they apply to the proposed project.

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. (Ord. 2020-10 § 14)

The subject site is zoned Multiple-Unit Residential (R-M). The existing site is developed as a water reservoir, to which a new, water pump station building, is being added. The below applicable code sections have been addressed to the extent which the intent applies to the subject project.

17.74.030 Exceptions and nonconformances.

A. Routine Repairs and Maintenance. Routine repairs and maintenance are exempt from these standards.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

B. Additions or Expansion. Additions to or expansions of an existing building or structure are exempt from standards contained in this chapter that are specific to building design, provided the addition or expansion is less than 800 square feet of gross floor area. If the addition or expansion consists of 801 square feet or more of gross floor area, then the standards contained in this chapter that are specific to building design shall apply to the addition or expansion. Existing nonconforming portions of the building shall come into conformity as provided in Chapter [17.64](#) LCMC. As part of the addition or expansion, and regardless of size, all other portions of the site (landscaping, off-street parking and loading, supplementary regulations and exceptions, and nonconformances, etc.) must comply with respective code requirements as applicable.

C. Residential Dwelling Exception. Detached single-unit dwellings, attached single-unit dwellings, duplexes, and manufactured dwellings in any zone are exempt from all requirements of this chapter.

D. Nonconformances. See Chapter [17.64](#) LCMC for application of these standards in nonconforming situations. (Ord. 2020-10 § 14)

The above code section does not apply

17.74.040 Standards versus guidelines.

A. The sections that follow provide intent statements, followed by standards and guidelines. Most standards contain approval criteria that are objective; however, some criteria require the review authority to apply discretion. Where discretion is involved, the review authority must use the guidelines in evaluating a proposal. The following further explains the relationship between intent statements, standards, and guidelines.

1. Intent statements are not utilized as applicable approval criteria for evaluating the application for approval or denial. However, intent statements are utilized when considering approval or denial of requests for adjustments or modifications as the applicant must demonstrate how the requested adjustment or modification and proposed alternative conform to the intent statements.

2. Standards use the words “shall” or “must” and are mandatory. A request for an adjustment or modification is required if the standard cannot be met.

3. Guidelines use the words “should,” “may,” “preferred,” “encouraged,” and “discouraged,” and are advisory only. Guidelines supplement the standards and provide examples of acceptable or unacceptable design.

- a. Graphics used in this chapter do not prescribe a particular design, but serve as examples of acceptable or unacceptable design solutions.

4. Standards and guidelines both serve as approval criteria, but the review authority has much greater latitude in applying guidelines. Where a guideline conflicts with a standard, the standard prevails.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

5. In the case of a requested adjustment or modification to a standard, the submitted application and associated materials must demonstrate how the adjustment or modification results in equal or greater conformity to the intent of the code and other applicable standards and guidelines.

6. Nullification of one standard or guideline by a court of competent jurisdiction does not cause any other standard or guideline to be nullified (severability).

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.

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. (Ord. 2020-10 § 14)

Article II. Design Regulations for Mixed Uses and Uses Other than Residential

17.74.050 Guiding principles.

A. Enhance Lincoln City's historic qualities and facilitate compact, walkable, mixed use development.

The improvement does not impact the above guiding principle. The existing use of the site is preserved, and ADA improvements to the sidewalk frontage of the lot is being improved.

B. Orient buildings and their primary entrances to public or private streets or to pedestrian spaces abutting the public or private streets.

The building is being placed on a secure site for city infrastructure requirements. A pedestrian access has been provided on the public right-of-way side but the overall intent of the section does not apply.

C. Create vibrant pedestrian spaces that, where possible, take advantage of western and southern exposures.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

No pedestrian space is appropriate on-site. Sidewalk ADA improvements do increase walkability across the frontage of the site.

D. Provide aesthetically pleasing visual interest along the public right-of-way and private streets, retaining the historic pattern of small buildings or at least the impression of small buildings.

The site proposes addition of a small building with minimal impression. The site has security requirements within the site, but plans include seeding & restoring the immediate site frontage to the SE Lee Right-of-way with living groundcover (i.e. grass). The remaining overall intent of the section does not apply.

E. Treat corner lots as focal points by prominent placement of the building and with vertical building elements, public art, seating, or other design features.

The overall intent of the above section does not apply.

F. Allow for flexibility to accommodate a wide variety of site conditions, while maintaining basic standards and common themes.

The building design matches the theme and design style of other pump station structures throughout Lincoln City.

G. Enhance the street front by providing visual interest through site design and building articulation.

The overall intent of sections E through F do not apply.

H. Sustainable building practices are encouraged, as is energy conservation in construction.

The reinforced Concrete Masonry Unit building design provides low maintenance and energy efficiency through operation required by Lincoln City's utility infrastructure buildings.

I. Permeable surfaces for driveways, walkways, and parking areas are encouraged. (Ord. 2020-10 § 14)

Minimal pervious surface is being added to the site.

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.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

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.

The above code section is met.

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

The overall intent of the above section does not apply

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.

The site design provides a grass lined swale for site drainage & preserves mature vegetation outside of the impact of the building footprint.

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.

The site contains no significant wetlands or riparian areas. Vegetation has only been noted for removal within the building footprint and impacted area. Vegetation will be planted following construction of the building.

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

The site is intended to be secure for protection of city infrastructure. A locked, pedestrian door has still been provided with pedestrian access to the existing 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. The overall intent of the above section does not apply

8. 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

The above code section conflicts with direction from the Department of Homeland Security to ensure visibility into secure public infrastructure sites. Screening has been preserved along



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

the north, south, & east property line via existing mature vegetation. The west property line is being partially screened by fencing & the new CMU building. Site will still be visible from the public right-of-way to ensure security requirements for Low to Medium security sites are met.

9. 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.

No new retaining walls are being constructed.

10. Compliance with Chapter [17.52](#) LCMC is required. If conflicts occur, the strictest requirement shall apply.

See narrative summary of LCMC 17.52

11. 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.

12. The overall intent of the above section does not apply

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.

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.

The overall intent of the above section does not apply



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

[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.

View Protection requirements do not apply to the proposed development

[17.74.080 Pedestrian spaces.](#)

A. Intent.

1. The increased development intensity, mixture of uses, pedestrian activity, close building orientation, and minimal private open space envisioned for the city should be offset by providing pedestrian spaces along building frontages and breaks between buildings.
2. Pedestrian spaces serve to provide visual relief, pedestrian resting areas, and opportunities for socialization.
3. Projects must contribute their proportionate share of pedestrian space. Pedestrian spaces count toward the required minimum landscape area.

Due to proposed site use & security requirements, Pedestrian spaces are inappropriate provisions for the site design.

[17.74.090 Landscaping.](#)

Landscaping shall be provided in accordance with Chapter [17.55](#) LCMC. (Ord. 2020-10 § 14)

Landscaping has been provided in accordance with LCMC 17.55

[17.74.100 Building design.](#)

A. Intent. The building design standards reflect the following community values:

1. Context-sensitive and eclectic coastal architecture.
2. Articulated building facades to break up large volumes and promote human scale.
3. Contextually appropriate materials, textures, and colors.
4. Pedestrian-scale development through ground floors made active with windows, pedestrian amenities, and furnishings.
5. Corner buildings that serve as focal points with vertical building elements, furnishings, and/or public art.



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

6. Architecture that is consistent with the character of each pearl, balancing rhythm and continuity, yet creative in the design of building elevations, rooflines, and facade elements.

7. Design that increases environmental sustainability, softens the building's edge, and provides visual interest for the pedestrian.

The proposed building is a single story, brick building, on a secured property, serving the purpose of public infrastructure. The proposed building is on a dead-end street and not within a highly visible area. Screening has been provided, as much as possible under Department of Homeland Security direction. The building is an accessory use to the primary, water reservoir use of the property, and is cohesive with Lincoln City's other pump station building design. This construction & use falls outside of the above "Intent" section of the Building Design standards; Outside of the base development standards (*including building height & setbacks*) the remaining building design standards, subsections D through K, have not been included in the narrative.

B. Specific Design Elements for Pearls. In addition to the other standards of this chapter, development in pearls must show conformance to the following pearl-specific design elements: **The property is not within in a pearl. The subsequent sub-sections do not apply.**

C. Development Standards.

Standard		Required
1.	Building height.	
	a. Minimum building height adjacent to public right-of-way.	15 feet
	b. Maximum height.	Established by the underlying zone and calculated according to LCMC 17.52.190 and 17.52.200
2.	Ground floor windows.	
	a. Minimum percentage of transparent windows adjacent to public right-of-way.	60%
3.	Building entrances.	
	a. Minimum number of entrances connected to street.	One entrance, and at least one additional entrance for every 40 feet of building street frontage; or An average of at least one entrance for every 90 feet, if the internal building function prevents closer entrance spacing.
4.	Building articulation.	
	a. Maximum individual wall plane size.	800 square feet
	b. Minimum recess or projection of each wall plane.	i. Facades less than 100 feet long: 3 feet ii. Facades 100 feet or longer: 6 feet
	c. Maximum length of individual wall plane.	12 feet
5.	Pedestrian shelters.	



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

Standard		Required
a.	Minimum along street frontage.	75% of building frontage length

The minimum building height facing the right of way is 16'-11". This meets minimum and maximum height requirements.

Right of way transparency is not applicable due to building safety requirements.

A pedestrian access has been provided on two sides (West and north) of the building.

Building articulation wall planes have been met (<800 square feet facing the right of way)

Pedestrian shelter requirements are inappropriate due to the security requirements & use of the building.

IV. Conclusion

The existing water pump station at SE 15th and SE Oar Ave is direly in need of repair. The proposed development is a necessary infrastructure improvement to replace a failing water booster pump station. This continues to provide water service to the SE 19th, SE Oar, and SE Port neighborhoods, consolidates the city's public water infrastructure into a central location, complies with applicable code sections within chapters 17.55 and 17.56 of the Lincoln City Municipal Code, and falls in line with the existing use of the subject property. It is anticipated that the development will increase security of the sight, allow for future right of way development within the SE 15th right of way, and improve ADA compliance of the public sidewalk.

Per the above narrative, the proposed development meets the applicable code sections while additionally adhering to safety & security requirements put forward by the federal government's Department of Homeland Security.

APPENDICES

Appendix A

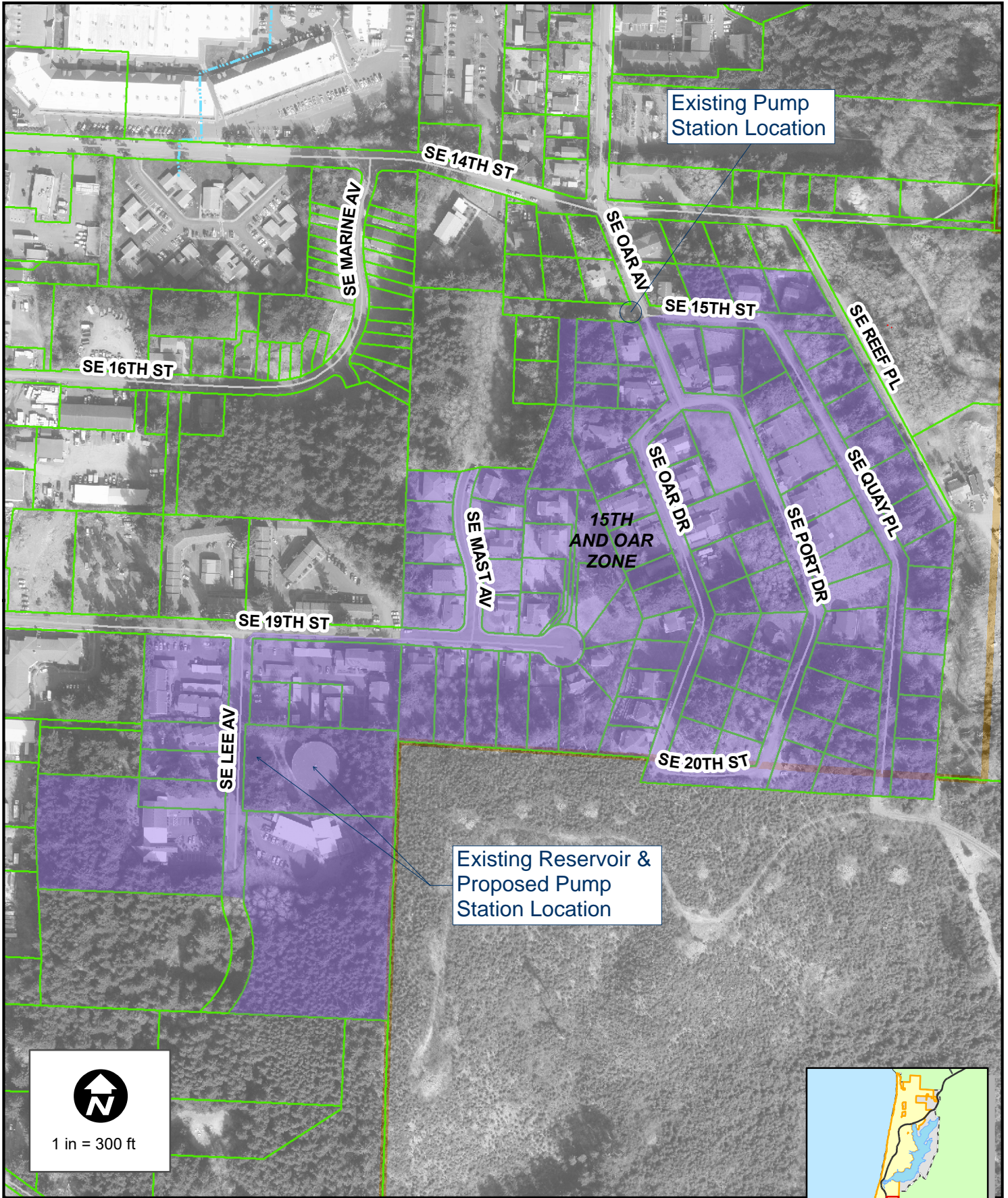
SE Oar Water Pressure Zone Overview



City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.996.2154
Public Works Department | lincolncity.org

To ensure equal access to City services, Lincoln City will reasonably modify procedures for person with disabilities. Call 541-996-1221, Oregon Relay 7-1-1, or visit the website with request.

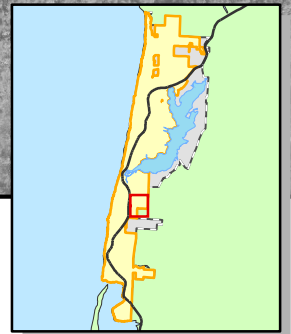
APPENDIX 'A'



Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date: 4/26/2022



Location