

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-04

Date: May 11, 2022

Case File: DEV REV 2022-04 Wecoma Place

Project Contact: Li Alligood
Otak, Inc.

Property Owner: Housing Authority of Lincoln County

Situs Address: Unaddressed

Location: Northeast corner of Hwy 101/NE 29th St intersection

Tax Map and Lot: 07-11-11-BB-00102-00
07-11-11-BB-00100-00

Comprehensive Plan Designation: General-Commercial District (G-C)

Zoning District: General Commercial (GC) Zone

Site Size: 42,688.8 square feet or 0.98 acre

Proposal: 44-unit affordable apartment complex with associated parking and utilities

Surrounding Land Uses and Zones: North: Businesses, apartment complex; GC
South: Undeveloped, manufactured home park; GC, RR
East: House, manufactured home park; GC, RR
West: Hwy 101, hotel; GC

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 25, 2022. The application was deemed complete on March 29, 2022. On March 30, 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.



Applicable	LCMC Chapter 17.32 General Commercial (GC) Zone
Substantive	LCMC Chapter 17.52 Supplementary Regulations and Exceptions
Criteria:	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) comprises two separate undeveloped tax lots identified as follows:

- 07-11-11-BB-00102-00, unaddressed, GC
- 07-11-11-BB-00100-00, unaddressed, GC

The application states the site contains 42,688.8 square feet or 0.98 acre. The site is bordered by Hwy 101 as its west boundary. The south boundary of the site is bordered by NE 29th St, and south of the street is undeveloped and a manufactured home park. North of the site is developed as businesses and an apartment complex. To the east of the site is a house and a manufactured home park.

The site does not contain bluff erosion hazards, aesthetic resource, floodway, flood hazard areas, or natural resource overlay zone.

The project proposes developing the site into an affordable housing residential development containing 44 apartment units in one building. The project will also contain associated off-street parking and landscaping. Access to the development will be directly from NE 29th St. Parking areas are behind the building, and the building fronts Hwy 101. The required street frontage improvements will take place as part of the project, as well as the necessary improvements to water and sewer services to provide domestic water and sanitary sewer to the site as required by city standards.

COMMENTS

Comments were received from Tim and Stacy Dawson, via email, on April 11, 2022. A question was posed regarding the placement of bushes on the east side of their property. The submitted materials show that all landscaping will be placed on or within the project's property boundary lines. Developments are not allowed to place items on property that is not part of the project's development site, although items can be placed on property lines. The submitted ALTA/NSPS land title survey map shows that the east side of the Dawson shop building encroaches on the project site.

A question was posed regarding the height of the border around the Dawson house. The project proposes installation of a four-foot-tall fence on top of a retaining wall that varies in height from approximately one foot to a little over seven feet tall around the interior perimeter of the site. The location of the proposed fence/retaining wall is either outside of the required interior side setback area, so there are no height limitations to either the fence or the retaining wall, or the fence or retaining wall height requirements are being met.

A question was posed regarding the amount of space between the Dawson fence and the project's proposed parking lot. The submitted materials show there is approximately 10 feet between the end of the parking spaces and the interior side property lines. The interior side setback is five feet, and the parking spaces are outside of the setback area.

Concerns included people being able to reach their dogs even with signs posted, placement of the trash bins right next to their front yard, and increase in traffic jeopardizing the safety of children walking up and down the street to catch the school bus. The zoning code does not have any development standards or requirements

for projects to provide dog barriers, but other portions of the municipal code have requirements for dogs to be leashed when not on private property. The municipal code does not have any placement standards for trash enclosures other than being at least 20 feet from a pedestrian space. This project is not a commercial project, so pedestrian space is not required. The code has screening requirements for the trash enclosure, and the project as proposed meets the screening requirements. Placement of the trash bins needs to be conducive to safe servicing by North Lincoln Sanitary Service (NLSS), and NLSS provided comments regarding the proposed location for the trash bins. Regarding traffic, the project does not reach the threshold to require a traffic impact study. Street frontage improvements to both NE 29th St and Hwy 101 are required as part of the project, including installation of sidewalk, curb, gutter, and street paving.

Comments were received from Pacific Power, via email, on March 29, 2022, noting that undergrounding of the existing overhead power adjacent to the proposed building will need to be done prior to construction of the proposed building.

Comments were received from Oregon Department of Transportation (ODOT) on March 30, 2022, via email. The commenter notes that any work within the highway right-of-way will necessitate obtaining a permit prior to the commencement of any such work. Additional comments regarding requirements for highway frontage improvements, stormwater quantity and quality, and curb ramps are given.

Comments were received from NLSS, via email, on March 31, 2022, noting that the proposed location of the trash enclosure presents a safety concern for servicing the development. The comments suggest moving the enclosure to the northwest corner of the parking lot.

Comments from Lincoln City Public Works were received, via email, on April 6, 2022, and consisted of conditions of approval for the development review. The conditions of approval are included at the end of the staff report as part of the decision.

ANALYSIS

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

17.20.020 Permitted uses

Chapter 17.32 General Commercial (GC) Zone

17.32.040 Conditional uses permitted

K. Multi-unit dwellings developed under the standards and requirements for multi-unit dwellings in Chapter 17.20 LCMC and Article III of Chapter 17.74 LCMC

Finding: The site is located in the GC zone. Multi-unit dwellings developed under the standards of Chapters 17.20 and 17.74 are listed as a conditional use (17.32.040.K) in the GC zone. The application proposes construction of an affordable housing 44-unit apartment complex as an outright allowed use, not a conditional use. Oregon passed legislation in 2021 (Senate Bill 8) that states that “a local government shall allow affordable housing on property and may not require a zone change or conditional use permit for affordable housing on property if the housing” is owned by a public body, a nonprofit religious corporation, or the property is zoned for commercial uses, among other things. As stated previously, the site is located in a commercial zone. The property is owned by the Housing Authority of Lincoln County, which is a public body as defined in ORS 174.109. Accordingly, pursuant to Senate Bill 8, the proposed affordable housing multi-unit residential development is an allowed use on the site without needing a zone change or a conditional use permit.

The project’s compliance with Chapter 17.20 and Chapter 17.74 is discussed below.

17.20.050 Development standards

		Required	Provided
	Min. lot width	25 feet	67.9 feet
	Min. lot area (square feet)	2,500	42,689
	Min. density	15 dwelling units per net acre = $0.98 \times 15 = 14.7$ or 15	44
	Max. building height		
a.	Primary buildings	40 feet	37' – 5"
b.	Accessory buildings, structures, uses	25 feet	None provided
	Min. building setbacks		
a.	Front porch	0 feet (west property line)	Not applicable
b.	Front wall	0 feet	Not applicable
c.	Side interior	5 feet (north property line)	10+
d.	Side street	0 feet (south property line)	Not applicable
e.	Rear	15 feet (east property line)	15 feet
	Min. setbacks for garage/carport entrances	Varies	No garages/carports provided
	Max. building coverage	$65\% = 42,689 \times .65 = 27,747.9$ square feet	10,414 square feet or 24.4%
	Common area	$250 \text{ square feet/unit} = 250 \times 44 \text{ units} = 11,000$ square feet	4,432 square feet
	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 15 units is being met and exceeded with the proposed 44 units.

The submitted elevations show a building height of 37' – 5".

Sheet A001 of the submitted plan set shows that the minimum setback requirements are not only being met, but are being exceeded, with the proposed building being placed 10 feet from the side (north) property line and well over 15 feet from the east property line. There is not a setback requirement for the front (west) or street side (south) property lines. The building is also more than five feet from the interior side property lines. The project is not proposing any garages or carports.

The maximum building coverage allowance for the site is 27,747.9 square feet, and the project only proposes 10,414 square feet of building coverage as noted on Sheet A1.00 of the submitted plan set.

It is not clear from the submitted plan set which portions of the site are designated as the required common area, nor is it clear if portions of the common areas are within setback or parking areas. The submitted materials state that 4,432 square feet of common area is being provided. At the time of this staff report, 11,000 square feet of common area is required. However, a code text amendment is in process that will reduce the common area requirement from 250 square feet per dwelling unit to 75 square feet per dwelling unit. The code text amendment also proposes to change the label from common area to usable open space. As a condition of approval, revised plans will need to be included with the structural permit application that clearly label and depict the required common area (usable open space), with dimensions and square footages, to show that any required common area (usable open space) is outside of setback or parking areas, as well as showing that it meets the common area (usable open space) requirements that are in place on the date of issuance of the structural permit.

Vehicle storage space is not required, and none is being provided.

The submitted site plan shows that construction of the development will span the two tax lots comprising the site. The tax lots need to be combined so that all 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 any structural permit applications for the project.

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: Preliminary civil engineering plans have been included with the submitted plan set showing provisions for city sewer and city water to serve the site. Public Works has reviewed the preliminary plans and provided conditions of approval. This requirement will be met with installation of the proposed utilities.

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, and it doesn't have an approach that intersects with Hwy 101. Accordingly, 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 underground. Sheet C3.00 of the submitted plan set shows that all new utility services will be placed underground.

Comments were received from Pacific Power, via email, on March 29, 2022, noting that undergrounding of the existing overhead power adjacent to the proposed building will need to be done prior to construction of the proposed building. As a condition of approval, undergrounding of the existing overhead power adjacent to the proposed building shall be completed according to Pacific Power's requirements.

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.*

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.*

Finding: A review of the submitted materials shows that no architectural features are proposed in any required setback areas.

- 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.*

Finding: The project does not propose any accessory structures, other than the required trash enclosure. Sheet C1.00 shows that the proposed trash enclosure is over three feet from the property lines.

- 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.*

Finding: The project proposes placement of a fence on top of a retaining wall located along the westernmost east boundary and the southernmost north boundary of the site. Both the westernmost east and southernmost north property lines are interior side lines with a minimum setback requirement of five feet, and no fence over six feet in height is allowed in setback areas. Sheet L0.03 shows the proposed fence is four feet tall, so this requirement is met and shall be reviewed for continued compliance as part of the structural permitting process.

- 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.*

Finding: The project proposes placement of a retaining wall located along the westernmost east boundary and the southernmost north boundary of the site. Both the westernmost east and southernmost north property lines are interior side lines with a minimum setback requirement of five feet, and no retaining wall over eight feet in height is allowed to be placed in side or rear setback areas. Sheet C2.00 shows the height of the retaining wall will vary between 1.5 feet to 7.2 feet, so this requirement is met and shall be reviewed for continued compliance as part of the structural permitting process.

- E. *Disabled Access Facilities.*
 F. *Bridges.*
 G. *Porches, Decks, and Stairs.*

Finding: A review of the submitted materials shows that there are no disabled access facilities, bridges, porches, decks, or stairs within any required setback area.

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 solid waste and recycling area is proposed adjacent to the NE 29th Ave sidewalk. Pedestrian space is not required for a residential development. The enclosure (accessory structure) is more than three feet from any property line, and the project narrative states that the area is intended to be screened from view with an eight-foot enclosure. Details of the materials of the enclosure are not given. This shall be reviewed for continued compliance during the structural permitting process.

Comments were received from NLSS, via email, on March 31, 2022, noting that the proposed location of the trash enclosure presents a safety concern for servicing the area. The comments suggest moving the enclosure to the northwest corner of the parking lot. The applicant shall provide approval from NLSS for the location of the trash enclosure as part of the structural permitting process.

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.*

Finding: The project narrative state that no external mechanical equipment is proposed, and no external mechanical equipment is shown on the submitted plans.

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

Finding: The project narrative states that no rooftop mechanical units are proposed, and no units are shown on the submitted plans.

- 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.*

Finding: The project narrative states that no ground-mounted mechanical units are proposed, and no units are shown on the submitted plans.

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

Finding: The project narrative states that electrical meters will be located on the building's north elevation, which is a side elevation. The west elevation is the front elevation. This shall be reviewed for continued compliance during the structural permitting process.

17.52.190 Building height limitations

- A. No structure used for human habitation that exceeds 45 feet in height...*
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.

Finding: The site is not in a residential zone, nor is it within 500 feet of a shoreline. This requirement is not applicable.

- 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:*

Finding: The maximum building height for a multi-unit residential structure is 40 feet. The proposed height is 37' – 2". The height requirement is met.

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.*

Finding: Sheets A3.00, A4.00, and A5.00 in the submitted plan set show the approved grade and show the measured distance at the center of the wall from the approved grade to the highest part of the structure. Those measurements have been averaged, and the resulting figure is 37' – 2". The height requirement is met.

2. *The grade may not rely on retaining walls, riprap, other artificial restraints, or berming to increase elevation at the point of height measurement.*

Finding: As shown in the submitted plans and stated in the project narrative, the grade is not relying on any artificial means to increase elevation.

3. *For the purposes of this subsection, "approved grade" means:*
 - a. *The existing grade, meaning one of the following:*
 - 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 approvals in subsections (C)(3)(b)(i) through (v) of this section.*

Finding: The project requires development review. The submitted materials include a grading plan identified as Sheet C.200. Accordingly, the approved grade to determine the height of the building is the grade shown on the submitted grading plan (Sheet C.200) that is included for the requested development review.

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.

Finding: The project proposes installation of an elevator shaft housing on the roof, as well as a parapet that extends above the roof line. Neither are used for human occupancy, so they are not subject to the building height restrictions.

17.52.220 Tree protection and removal

Finding: The site does not contain any protected trees, aesthetic resource, wetlands, or commercial forestry operations. The submitted materials included a report from an arborist. Appendix A of that report notes that the site contains seven trees in excess of six inches in diameter. The project narrative states that all trees are

proposed for removal. The applicant has included the request for tree removal as part of the development review, pursuant to LCMC 17.52.220.F.3. The applicant acknowledged that no trees will be removed until the structural permit has been issued. The trees proposed for removal are within 100 feet of the proposed building, no excess parking is proposed, and no governmental requirement applies so there is not a requirement to replace the trees being removed. The submitted landscape plan, identified as Sheets L0.01 to L0.03, shows the proposed tree plantings for the project. No trees are proposed for protection and there are no protected or significant trees on the site, so there is no need for a tree protection plan.

17.52.230 Public infrastructure improvements

Finding: Preliminary public infrastructure improvement plans were submitted as part of the development review application package. Proposed buildings and improvements, access, and off-street parking are shown on Sheets A1.00 and C1.00; proposed utilities are shown on Sheet C3.00; proposed curbs, gutters, pavement, sidewalks, and easements are shown on Sheet C1.00; and existing property lines are shown on Sheets 1, A1.00, and C1.00. The applicant's narrative states that private stormwater will be managed on the site, and public stormwater will be managed within the right-of-way. The applicant states that the project will reconstruct the site's frontages of both NE 29th St and Hwy 101. Public Works reviewed the submitted plans and provided conditions of approval that are included in the decision at the end of this report.

Comments were received from ODOT on March 30, 2022, via email. The commenter notes that any work within the highway right-of-way will necessitate obtaining a permit prior to the commencement of any such work. Additional comments regarding requirements for highway frontage improvements, stormwater quantity and quality, and curb ramps are given. Compliance with ODOT requirements is required as part of the structural permitting process.

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:

Finding: The project does not meet the threshold for a TIS, nor did the city engineer request a TIS 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: The submitted Sheet L0.01 shows that landscaping will be provided on all portions of the site not covered by buildings, structures, or impervious surfaces. This requirement is met and will be reviewed for continued compliance during the permitting and construction processes.

- 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: The submitted Sheet L0.01 shows that 22.8% of the site is proposed for landscaping. This requirement is met.

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: The submitted Sheet L0.01 shows the three distinct and separate landscape areas. The first is in the southwest corner of the project, with the second area located along the outer north and east boundary lines, and the third area along the rear of the building and inside the parking area. The perimeter of the site equals 1,169.69 feet, which equates to a requirement of 59 trees and 117 shrubs. The project proposes 59 trees and 788 shrubs. The remainder of the required 15% is proposed to be planted with live ground cover as detailed in the submitted landscape plan sheets. This requirement is met.

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: The number of parking islands required is addressed in Chapter 17.56. Sheet L0.01 shows that the project is providing five parking islands. They each contain one tree with the remaining area of the island covered with shrubs and ground cover. This requirement is met.

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: Sheet L0.2 of the submitted plan set notes in Landscape Note 11 that mulch will be bark at a depth of three inches.

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. This requirement is met if developed according to the submitted plan set.

2. *Hydro-seeding is prohibited.*

Finding: The submitted landscaping plan does not show any hydro seeding. This requirement is met if developed according to the submitted plan set.

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

Finding: Landscape Note 14 on Sheet L0.2 states that all plant material shall meet minimum quality requirements of the American Standard for Nursery Stock Guidelines.

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.*

Finding: Sheet L0.02 of the submitted plan set notes that the deciduous trees will be 2.5 caliper inches at the time of planting. No conifer trees are proposed.

- c. *Ground cover plants must be at least four-inch pot size.*

Finding: Sheet L0.02 of the submitted plan set shows the proposed size of ground cover plants will be one gallon at the time of planting.

- 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.*

Finding: Sheet L0.02 indicates that the shrub size at the time of planting will be either three-gallon pots or five-gallon pots.

- 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.*

Finding: This requirement is not applicable since the site does not have a view of any shoreline.

- 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 plantings have been selected from the City of Lincoln City Guide to Landscape Selections.

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: Sheet L0.01 of the submitted plan set notes that landscaping will be watered with a fully-automated underground irrigation system.

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: As addressed earlier in this staff report under LCMC 17.52.060, the site does not have clear-vision area requirements.

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: The project is not utilizing living landscaping as a screening method.

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: Multi-unit residential developments require 1.5 off-street parking spaces for dwelling units with two or more bedrooms and one off-street parking space for dwelling units that are studios or that contain one bedroom. The project proposes 11 units with two bedrooms ($11 \times 1.5 = 16.5$ or 17) and 33 units with one bedroom ($33 \times 1 = 33$) for a total off-street parking requirement of 50 spaces. The project is providing 45 off-street parking spaces. The project is utilizing an exception to the number of required off-street parking spaces as detailed below. The off-street parking 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: The project will be providing five additional bicycle parking spaces to obtain the 10% reduction in off-street parking spaces. With the 10% reduction, the number of required off-street parking spaces goes from 50 to 45. The project is providing 45 off-street 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 is not requesting use of this exception.

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 has not requested use of joint off-street parking spaces.

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.

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 proposed off-street parking is located on the same lot as the use. No portion of Hwy 101 or NE 29th public right-of-way is being used for off-street parking. There are no alleys adjacent to the site. These requirements are 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 proposed off-street parking spaces are located to the rear 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 the off-street parking spaces are located outside of the rear and interior side setback areas.

5. *Parking and loading spaces must be at least 10 feet from public right-of-way, and the space between the public right-of-way and the parking and loading spaces must be landscaped according to the standards in Chapter 17.55 LCMC.*

Finding: The submitted materials show that the off-street parking spaces are more than 10 feet from both the NE 29th St and Hwy 101 right-of-way.

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 of the site is the west property line. The submitted materials shows that there are no parking areas or parking spaces between the front of the building and the west property line.

7. *Parking and loading spaces must be located such that there are no backing movements or other maneuvering within public right-of-way. Backing movements or other maneuvering within alleys or private streets is allowed, however.*

Finding: The submitted plans show that there are no backing movements or other maneuvering taking place within either the NE 29th St or Hwy 101 right-of-way. All backing movements and maneuvering is taking place on the site. 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 consists 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: The submitted materials show that the parking areas, spaces, and drive aisles will be surfaced with asphalt.

- 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 erosion control plan was included as part of the preliminary plan set.

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

Finding: The project is not proposing pervious surfaces.

- 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: With the allowed reduction, the required number of off-street parking spaces is 45 and 45 spaces are being provided. No spaces are being provided in excess of what is required.

- 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: The submitted Sheet C1.00 shows that the off-street parking spaces will contain a curb of at least four inches in height and width. This shall be reviewed for continued compliance as part of the structural permitting and construction processes.

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

Finding: The submitted Sheet C1.00 shows that the off-street parking spaces will contain a curb of at least four inches in height and width. This shall be reviewed for continued compliance as part of the structural permitting and construction processes.

- 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 proposed to meet, 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: The project is not proposing any reductions in the size of the off-street parking spaces.

- 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: Sheet C1.00 of the submitted plan set shows the required striping. This shall be reviewed for continued compliance as part of the structural permitting and construction process.

- 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: Sheet L0.01 of the submitted plan set states that 17% of the parking area will be landscaped. This exceeds the minimum requirement of 10%, so the requirement is met.

- 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: Sheet L0.01 of the submitted plan set shows a minimum four-foot-deep perimeter landscape strip. Proposed plantings are indicated on Sheet L0.02 of the submitted plan set. This requirement is met.

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 does not adjoin the premises of any school. The site adjoins commercial zoning to the north and adjoins NE 27th St and Hwy 101 to the south and west, respectively. The site adjoins the R-R zone to the east. Accordingly, either a screening hedge or a six-foot-tall sight-obscuring fence is required along the outer east boundary line. The submitted plans do not show either a screening hedge or a sight-obscuring fence on the east boundary, but this can be addressed as a condition of approval.

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 applicant has deferred the submittal of the exterior lighting plan to the structural permitting process.

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

Finding: The submitted plans show the required ADA-accessible parking spaces.

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.*

Finding: A review of Sheet A1.00 shows that 22 spaces are compact and 23 spaces are standard. This requirement is met.

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.*

Finding: A review of Sheet A1.00 shows that 22 spaces are compact and 23 spaces are standard. This requirement is met.

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.*

Finding: Sheet A1.00 of the submitted plan clearly identifies the required pedestrian circulation route from the parking area to the primary building entrance. This requirement is met.

4. *Parking areas shall be designed as follows:*

Finding: The parking space dimensions (8x16 for compact and 9x20 for standard) and 26-foot-wide drive aisles are in compliance with LCMC standards. This requirement is met.

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 project contains 45 parking spaces, so parking islands are required. A review of the submitted materials shows that there are no more than 12 parking spaces in a row without a planting island. This requirement is 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 project contains the minimum four-foot-wide landscape buffer around the perimeter of the parking area. The submitted materials depict the required buffer. This requirement is 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: With the use of the allowed reduction, the development only requires 45 off-street parking spaces. This requirement is not applicable.

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

Finding: The project is not proposing 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: The required number of parking spaces is 50, without the use of any reductions or exceptions. This equates to a requirement of three bicycle parking spaces. The project is providing eight bicycle parking spaces (three as required and an additional five to reduce the off-street parking space requirement by 10%).

- 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 A1.00 of the plan set shows that the bicycle parking spaces are located north of the building's main entrance and are connected to that entrance by a five-foot-wide sidewalk.

- 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 bicycle parking area is within 100 feet of, and clearly visible from the primary building entrance. This is shown on Sheet A1.00 of the plan set.

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

Finding: Sheet A1.00 of the submitted plan set shows that the bicycle parking area meets the required dimensions.

- 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 project will be utilizing bike racks as the bicycle parking facility. This requirement is met.

Chapter 17.74 Design Standards

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 proposed building has two facades facing public right-of-way – the west façade faces Hwy 101 and the south façade faces NE 29th St. Pedestrian space is required for commercial projects, but this project is residential. A review of the submitted plans shows that both of the facades facing right-of-way are set back 10 feet above 25 feet, which meets LCMC 17.74.130.B.1.a.

- ###### *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 west and south elevations of the proposed building face public right-of-way (west faces Hwy 101 and south faces NE 29th St). The project does not have pedestrian space because pedestrian space is only required for commercial projects and this is a residential project. Accordingly, both the west and south building elevations need to contain at least two of the eight features listed above, at a minimum of every 30 lineal feet and for each floor of that particular elevation. The project proposes to provide LCMC 17.74.040.B allows for an adjustment request provided the application and associated materials provide evidence of why a standard is not relevant given the context of the site and proposed use. In this case, the project is proposing to provide one to two features, rather than the required two features, for each floor and 30-foot façade section. The project narrative states the following:

“As shown on the elevations included in Sheets A3.00-A5.00, the proposed building provides visual interest along the Hwy 101 and NE 29th St public rights-of-way using roof line offsets, recessed entries, and vertical recesses at regular intervals. In addition, window shades are proposed on the northwest elevation to reduce solar gain and increase visual interest. The building is located on a corner lot and engages the corner with a hardscaped common area with permanent and temporary fixtures that will activate the corner, while protecting users from highway noise using terracing.”

The review authority may approve requests for adjustments provided the application demonstrates one of the following:

- 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
- 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.

LCMC 17.74.050 lists the guiding principles. The guiding principles applicable to the requested adjustment are:

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

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

LCMC 17.74.130.A lists the intent of the building design standards:

Lincoln City's natural setting contributes to the area's high quality of life. Exterior building materials and structural and architectural details reflect the city's natural setting. The design of new development is durable and withstands the harsh coastal climate and provides protection from the elements.

Development has a human scale, balancing affordability with development that is harmonious with the surrounding context, especially in areas that are adjacent to detached single-unit dwellings. Exteriors of large buildings resemble smaller-scale buildings and offer common areas.

The building will provide vertical building elements and visual interest through the provided roof line offsets, recessed entries, and vertical recesses. The project will also provide window shades in the northwest elevation for additional visual interest. The site design involves a large expanse of common area in the southwest corner of this corner lot, in which there will be dense vegetation, landscaping, pervious pavers, and a seating area. Cornices are being provided on the building, and a mix of colors (dark gray, light gray, medium gray, and dark green) and siding types (fiber cement shake, two different styles of fiber cement board and batten, and fiber cement panel) are being utilized in the construction of the building. The minimum transparency requirement is being exceeded, and at least one of the two required features (1, 2, 6, and 8) is being used for each 30 lineal feet on each floor. All of these items combined serve to address the guiding principles and the intent. The adjustment request for using one rather than two features for each 30 lineal feet on each floor is approved.

D. Roof Form.

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

Finding: The front façade is the west façade. Sheet A5.00 shows the west façade is more than 100 feet wide, so this requirement is not applicable.

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: Sheet A5.00 shows the front façade as being more than 100 feet wide. Staff notes that sloped roofs are preferred, but not required, so the project's proposed flat roof is acceptable.

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: This requirement is not applicable since the roof is flat.

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...*

Finding: The submitted narrative states the following: "The proposed building incorporated a flat roof with projecting cornices per D.4 above. A flat roof is the preferred approach for the building because it allows for more dwelling units within the building...Sloped roofs are not practicable due to the method of measuring height on the site. If sloped roofs were provided, it would reduce the number of dwelling units within the building by up to 15, severely impacting the financial viability of the project as well as reducing the number of much-needed affordable housing units in the area." Staff concurs with this assessment. Staff further notes the following from the Lincoln City 2017 Housing Needs Assessment:

- The need for housing units in Lincoln City, over the next 20 years (to 2036) is between 1,484 (Scenario A-Baseline Housing Forecast) and 1,814 (Scenario B-Baseline + Workforce Housing Forecast). Staff was tracking housing production based on the average of these two scenarios (1,649, or about 82 units per year for 20 years) but believes the upper threshold of Scenario B is a more accurate assessment of need since it includes workforce housing needed to address a portion of the gap created by a lack of attainable housing.

From 2016-2021, a total of 452 housing units have been constructed by the private sector. 282 (62%) of these units are single-unit detached dwellings. 7% of the units have been manufactured homes, 4% duplexes, and 25% multi-unit (3+ units) dwellings. For the six-year running total, using Scenario B as the goal, Lincoln City has a deficit of 94 housing units. With a deficit in housing units, decreasing the number of units provided in this project to install a sloped roof rather than a flat roof is not only not practicable but is in direct contradiction to both the housing statewide planning goal and the housing goal in the city's comprehensive plan.

A flat roof is the only option for the project to meet the building height and maximize the number of affordable housing units. This is not a standard, only a guideline, and the required cornices are being provided as shown on Sheets A3.00, A4.00, and A5.00. The requirement is met.

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

Finding: The project is not proposed any dual-pitched, hipped, or A-frame roof forms. The proposed roof is a flat 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 project is not providing any porches, but porches are not required.

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 A2.00 of the submitted plan set shows the primary entrance of the building. The primary entrance is located on the east elevation with a 5' – 6" canopy above the main entrance. The main entrance leads directly into the enclosed lobby that then leads to the hall, stairway, and elevator to the dwelling units. Sheet A3.00 also shows and labels the primary entrance. This requirement is met.

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

Finding: The applicant's narrative states that both entrances in the east elevation will provide ADA-compliant connections to the required on-site parking. Sheet A1.00 of the submitted plan set clearly depicts and labels the accessible path throughout the site. 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 west elevation and the south elevation are the only two elevations of the building that face public right-of-way. The percentages of transparency for these elevations are listed on Sheet A5.00 of the submitted plan set with the northwest elevation containing 18% transparency, the west elevation containing 26% transparency, and the south elevation containing 20% transparency. Transparency is being achieved through windows and/or glass doors. No glass block or garage doors are proposed. This requirement is met.

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 legend on Sheets A3.00, A4.00, and A5.00 lists the exterior building materials as fiber cement board (cementitious fiber board) shake siding, board and batten, and panels in muted shades of gray and dark green. 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 legend on Sheets A3.00, A4.00, and A5.00 notes the proposed exterior colors as being gray, medium gray, light gray, and dark green. The proposed colors are all muted earth tones/neutral colors. This requirement is met.

- 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 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. Consideration of the written comment received is given at the beginning of this report.

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: Adjustments to LCMC 17.74.130.C were requested as part of the development review application.

- 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...*

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 either complies or can comply with all of the requirements of this title subject to conditions of approval, and thus **APPROVES WITH CONDITIONS** the development review and adjustment request for a 44-multi-unit residential development, subject to the following conditions:

General

1. This approval notwithstanding, the applicant/property owner/developer shall be responsible for knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, codes, rules, standards, and policies.
2. Structural permits shall not be issued until compliance with applicable codes, rules, regulations, standards, and policies is shown in the submitted plans that accompany the structural permit applications.

Planning

1. A revised site plan shall be included with the structural permit application submittal that clearly labels and depicts the required common area (usable open space), with dimensions and square footages, to show that any required common area (usable open space) is outside of setback or parking areas, as well as showing that it meets the common area (usable open space) requirements in effect on the date the structural permit is issued.
2. Prior to submitting the structural permit application, a restrictive lot line covenant must be recorded to consider the site as one tax lot.
3. As part of the structural permit application submittal, the applicant shall include documentation from NLSS signifying that agency's approval of the location of the solid waste/recycling bins.
4. As part of the structural permit application submittal, the applicant shall include documentation from Pacific Power signifying that agency's approval of the plan for undergrounding the existing overhead power adjacent to the proposed building.
5. The off-street parking area shall be screened from view by a screening hedge or a six-foot-tall, sight-obscuring fence on the east side of the site. Screening hedges are subject to the provisions of Chapter 17.55 LCMC. Revised plans shall be included with the structural permit application submittal showing the location, height, and type of required screening or sight-obscuring fencing.
6. An exterior lighting plan, along with cut sheets of the proposed exterior light fixtures and a photometric analysis, shall be included with the structural permit application submittal and shall show compliance with LCMC 17.52.150.

Fire

1. The project shall meet the current Oregon Fire Code requirements for access and water supply, as reviewed by North Lincoln Fire & Rescue District #1 through the structural permitting process, and structural permits shall not be issued until compliance with the current Oregon Fire Code requirements is shown in the submitted plans.

Public Works

Engineering Plans:

1. The applicant shall submit digital copies of 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 the 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 Lincoln City Public Works Design Standards (LCPWDS) and the provisions of this condition of approval.

2. All public infrastructure construction, including sanitary sewer connections, water main extension, new domestic and fire water service construction, and roadway construction shall be designed and stamped by a licensed professional engineer.
3. The Combined Public Works Permit form shall be completed and submitted with the structural permit application package. All planned right-of-way work shall be noted on the approved plans and performed as shown. Prior to issuance of the structural permit, no site work, construction activity, demolition, clearing, grubbing, or excavating shall occur. 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.
4. The applicant shall be responsible for obtaining and adhering to required ODOT permits and associated state agency design/permit requirements, and required inspections.
5. All public utility, roadway, and stormwater management improvements shall be completed in accordance with the approved site plan, LCPWDS, and the project's conditions of approval within 18 months of the structural permit issue date. Per Lincoln City Municipal Code (LCMC), final approval of the structural permit from LCPW shall not be given until all improvements have been completed in accordance with the approved plans and applicable standards.
6. Within 30 days of completion, field verified, stamped as-builts for all public improvements, including relevant survey data, shall be provided to LCPW in DWG and PDF 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.

Erosion Control Plans:

1. The submitted plans shall include erosion control plans in accordance with LCMC 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.
2. If disturbing one or more acres of land during construction activity, the applicant is responsible for application, acquisition, and compliance with Oregon Department of Environmental Quality 1200-C Stormwater permit.

Street Improvements:

1. Sidewalk, curb and gutter, and necessary pavement repair shall be completed along all street frontages, in compliance with LCMC 17.52.230, Lincoln City's Transportation System Plan, and LCPWDS. All planned right-of-way work shall be noted on the approved plan set and performed as shown. Hwy 101 roadway design shall additionally incorporate minimum design criteria requirements put in place by ODOT (including curb, sidewalk, bike lane, curb ramp and ADA-compliant terminations). Hwy 101 roadway design should incorporate recommendations put forward by ODOT.
2. All roadway materials and construction shall adhere to LCPWDS. Submittals and testing for standards compliance shall be submitted to LCPW as requested.

Storm Water:

1. Stormwater detention and treatment shall be provided in accordance with LCPWDS and LCMC. Water quality shall be provided for *pollutant generating surfaces*. Stormwater detention shall be addressed for all new impervious area.
2. A stormwater report, demonstrating proposed drainage facilities compliance with LCPWDS shall be submitted with the structural permit application. Detention requirements shall be achievable through detention facilities and/or a downstream analysis demonstrating no downstream impacts within the submitted report.

Water and Sewer Utilities:

1. The applicant is responsible for determining the required fire and domestic service size and ensuring adequate flow and pressure within the property.
2. The applicant shall be responsible for conducting any flow tests required to establish pressure and flow information and shall provide LCPW and North Lincoln Fire & Rescue District #1 a minimum of 48 hours advance notice of any flow testing to be performed. Both LCPW and North Lincoln Fire & Rescue District #1 must be present for the flow test.
3. All sanitary sewer and water construction shall adhere to LCPWDS.
4. Any water connections larger than 1” in size shall be completed by the applicant as shown on the approved plan set and in accordance with LCPWDS.

Right-of-Way and/or Easement Dedication:

1. Right-of-way dedication or a recorded easement shall be completed for all roadway, sidewalk, and/or public utility encroachment. Easement documentation and exhibits shall be prepared by, or at the expense of, the applicant and submitted to LCPW and (if applicable) ODOT prior to execution. The proposed easement shall be noted on the approved plans and verification of the recorded easement submitted to LCPW prior to LCPW’s final inspection.
2. All proposed work shall accommodate existing City sanitary sewer, storm, and water utilities.

Approved by:



Anne Marie Skinner, Director
Planning and Community Development

May 24, 2022

Date