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PLANNING

Coastal Vineyard Tiny Home Village

Land Use Application Narrative

Chapter 17.20^[1]_[SEP] MULTIPLE-UNIT RESIDENTIAL (R-M) ZONE

17.20.020 Permitted uses.

L. Tiny house developments, subject to the provisions of LCMC 17.80.040(C);

Coastal Vineyard Tiny Home Village is a proposed 12 unit single family residential community comprised of 12 Park Model Tiny Homes constructed by International Housing Concepts based in Salem, Oregon. Each model is one bedroom, 1 bath unit 400 square feet in size with a 48 sq.ft. porch. 12 parking spaces, common areas and a community trash enclosure is provided. Property will be owned and managed by Northwest Coastal Housing with a preference for wildfire survivors as residents.

17.20.050 Development standards.

Not applicable. See 17.80.040(C)

17.20.060 Landscaping.

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

The site is comprised of one lot currently owned by the City of Lincoln City and a portion of a lot owned by Coastal Vineyard Church. City property shall be transferred to Northwest Coastal Housing and the Coastal Vineyard Church property shall be leased to Northwest Coastal. Total proposed development site is approximately 33,358 sq.ft. of which 25,364 square feet will be landscaped (76%). Landscaping shall comply with City codes and include 9 new trees native to the area, 28 shrubs native to the area and grass common areas.

17.20.070 Signs.

Signs shall be allowed in accordance with Chapters 9.34 and 17.72 LCMC. **No Signs are proposed.**

17.20.080 Supplementary regulations and exceptions.

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

17.20.090 Off-street parking and loading.

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

Per City Codes one parking stall per tiny home is provided. See attached site plan.

17.20.100 Design standards.

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

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

All City services are available to the site and served per the proposed utility plan.

Chapter 17.52^[1]_[SEP] SUPPLEMENTARY REGULATIONS AND EXCEPTIONS

17.52.050 Storage in front setback area.

Boats, RVs, trailers and house trailers shall not be stored in a required front setback area.

No storage for Boats, RV's, or house trailers are provided on the site.

17.52.060 Clear-vision area requirement.

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

B. Definition of a Clear-Vision Triangle. This section defines a clear-vision triangle differently for (1) controlled intersections, where at least one street has a stop sign or traffic control light; (2) for uncontrolled intersections; and (3) in commercial zones, for alleys and driveways. The definitions for clear-vision triangles at the intersections of two streets use "Point A," which is the point of intersection of the lot lines (the property corner), or in the case of a curved lot line, the intersection of the tangents of the endpoints of the curve (Figure 17.52.060-1).

Figure 17.52.060-1: Point A for a curved lot line.

1. For intersections controlled by a stop sign or traffic light and for T intersections, two sides of the triangle are aligned with the property lines of the corner lot. The side of a triangle that abuts a controlled street or a street that does not continue on the other side of the intersection (ending in a T intersection) shall extend along the right-of-way of the controlled street 10 feet from point A. The side of the triangle abutting an uncontrolled street shall extend 50 feet from point A. The third side shall connect the endpoints of the other two sides. (Figure 17.52.060-2.)

N/A

Figure 17.52.060-2: Clear-vision triangle at controlled intersection.

2. For Uncontrolled Intersections. A corner lot that abuts two uncontrolled streets shall have a triangle for each abutting street, defined by the following sides: a side extending along the right-of-way of one street 10 feet from point A; a side extending along the right-of-way of the intersecting street 50 feet from point A; and a side connecting the endpoints of the other two sides. (Figure 17.52.060-3.)

N/A

Figure 17.52.060-3: Clear-vision triangles at uncontrolled intersection.

3. Alleys and Driveways in Commercial Zones. Property owners shall maintain a clear-vision triangle on each side of a commercial driveway. One side of the triangle shall be along the edge of the commercial driveway extending 10 feet from the point of intersection with the right-of-way line. A second side along the right-of-way line shall extend from the point of intersection with the edge of the commercial driveway 50 feet. The third side shall connect the endpoints of the other two sides. (Figure 17.52.060-4.)

NE 10th street terminates at the western edge of the proposed site and either side of NE 10th up to the proposed site is private property with private drives. To provide a Clear-vision triangle the proposed site's parking areas are located to the North and 'South as one enters the property and there are no proposed structures within 50 feet on either side of the entrance to the proposed project. See attached site plan.

Figure 17.52.060-4: Clear-vision triangles for commercial driveways.

4. Notwithstanding the definitions set forth above, the minimum clear-vision area (clear-vision triangle) may be modified by the city engineer, with the concurrence of the director, upon written finding that more or less sight distance is necessary (i.e., due to traffic speeds or roadway alignment).

N/A

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.

Landscaping and parking areas shall comply with 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 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. 2022-25 §§ 43, 44; Ord. 2014-05 § 1; Ord. 84-2 § 4.060)

No exceptions to the Clear Vision Triangle are requested.

17.52.120 Utilities.

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.

All electrical, telephone and cable television utility services shall placed underground to each Tiny Home.

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.

All project lighting shall be provided by existing lights on adjacent properties and/or new lights attached to the Tiny Homes. A photometric plan shall be provided in compliance with City Codes along with the proposed development construction plans.

A. Light poles must not exceed a height of 20 feet.

No new light poles are proposed.

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.e

All new lighting shall be shielded to avoid, glare, light pollution and light spillover onto adjacent properties.

C. Luminance at the property line, or no more than five feet over the property line, must be zero.

Proposed lighting shall comply with this requirement.

D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.

N/A

E. Maximum initial luminance of parking lots must not exceed four foot-candles.

No additional lighting for the parking area is proposed. Existing lighting from adjacent properties will provide lighting and will no 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.

No up-lighting is proposed.

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.

All building entrances and walkway lighting shall be provided by exterior lights mounted on Tiny Homes. A photometric study shall be provided as part of the site construction plans.

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 plan, photometric study and cut sheets that comply with City lighting codes shall be provided with site construction drawings.

17.52.160 Required setbacks – Exceptions.

The proposed development does not require any exceptions to this section.

A. Architectural Features. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, awnings, and bay windows may project up to 18 inches into a required setback area.

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.

C. Fences. Fences, within required setback areas up to and on the property line, may not exceed seven feet in height 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.

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 six feet in height, may be used, in front or street side setback areas, 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 interior side and rear setback areas a retaining wall may be constructed up to eight feet in height;

3. All building code and structural permitting requirements shall be met prior to construction of any retaining wall.

E. Disabled Access Facilities. Disabled access facilities may be constructed in required setback areas as additions to existing buildings if they 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.

F. Bridges. Unenclosed and uncovered pedestrian or vehicular bridges for access to a dwelling may be constructed in a required setback area.

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.

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 which screens the receptacle from the view of adjacent property and from right-of-way, except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured home.

The development shall have a common trash enclosure of approximately 120 sq.ft. in size. Enclosure shall have a concrete floor and be screened by a chain link fence with a gate and plastic inserts.

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 property and from right-of-way, except those associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured home.

All units shall be attached to the Tiny Homes.

B. Rooftop mechanical units shall not exceed the allowable building height.

There are no rooftop units on the Tiny Homes.

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

There are no ground-mounted mechanical units.

D. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation unless there is no other option.

None of the above items shall be placed on a front elevation of a Tiny Home unit unless there is no other option.

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.

Maximum height of the Tiny Home unit is 14.5 feet.

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.

N/A

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.

Building permit applications will include grade elevations and illustrate the highest point of height on the Tiny Home to the grade.

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 2018 LIDAR data (which is available from the 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 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.

17.52.220 Tree protection and removal.

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

No trees are planned to be removed. If the final site plan and/or final grading requires a tree to be removed all applicable requirements of the tree removal code will be followed.

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

a. Single-Family Dwellings, Duplexes, Two-Family Dwellings, and Attached Single-Family Dwellings. Removal of trees is allowed with a permit on a lot adjacent to a lot developed with a single-family dwelling, duplex or two-family dwelling, or attached single-family dwelling, provided:

i. The adjacent lot is owned by the owner of the developed lot or the owner of the developed lot has written permission from the owner of the adjacent lot, and the trees to be removed are within 100 feet of the dwelling; and

ii. No protected tree may be removed, except that any tree planted to fulfill the landscaping requirements in Chapter 17.55 LCMC for lots with single- and two-family dwellings may be removed, if replaced by a plant or plants with equal plant unit value, as described in Chapter 17.55 LCMC.

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

i. Diseased or Dead. Removal of dead trees or diseased tree(s) weakened by age, storm, fire or other injury. If a visual inspection by the city staff cannot establish that the tree is dead or diseased, the applicant shall, at the applicant's cost, obtain the services of a certified arborist to make that determination. If the arborist determines that the tree is dead or diseased and cannot be saved, the director of planning and community development shall approve its removal;

ii. Solar Access. Removal of tree(s) to allow solar access to the south face of buildings during solar heating hours, taking into account latitude, topography, microclimate, existing development, existing vegetation, and planned uses and densities, which cannot be accomplished by pruning as demonstrated by an appropriate professional;

iii. Surveyor Access. Selective removal of tree(s) and vegetation to allow reconnaissance surveys, topographical determinations of a project site, coring to permit geotechnical evaluation and soil surveys, and similar efforts, to the extent the applicant demonstrates such removal is necessary to perform such surveys;

iv. Spread of Disease, Insects and Threat of Natural Hazard. Where removal is necessary to prevent the spread of disease or insects declared to be a nuisance by a government agency or certified arborist, or to correct or eliminate a verified natural hazard to the property owner, surrounding properties, or the community at large;

v. Selective Thinning on Open Space and Park Zoned Land. Where crowding is impairing the health and vigor of trees as determined by an appropriately qualified forester, after notice and hearing pursuant to LCMC 17.76.020 and 17.76.030 the city council may allow selective thinning on property zoned open space or park according to an acceptable maintenance plan to improve the health of the forest and using the lowest impact forestry methods practical;

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

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

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

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

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

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

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

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

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

a. Timing of Permit Issuance.

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

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

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

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

c. Revegetation. Immediately following completion of the improvements, areas disturbed by tree removal shall be revegetated in accordance with the requirements of Chapter 17.55 LCMC.

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

G. Replacement of Trees Lawfully Removed.

1. Applicability. The standards of this section apply to trees removed with a permit required by subsection (F) of this section that are more than 100 feet from a building subject to development review, or conditional use approval, or that are removed to allow development of parking in excess of the amount of required parking, or that are removed for purposes other than compliance with a governmental requirement. If the tree being removed is dead, dying, diseased or dangerous to life or property, replacement is encouraged, but not required, unless the tree is a protected tree, in which case replacement is required.

2. Replacement Requirement. Removed trees six inches or more in diameter must be replaced on a one-for-one basis.

3. Pre-Development Tree Removal. Any trees that were located in the areas described in subsection (G)(1) of this section that were removed within one year prior to application for a tree permit shall be included among those required to be replaced under subsections (G)(1) and (G)(2) of this section.

4. Tree Replacement Specifications – Species, Size and Location. When replacement of a tree or trees legally removed is required by subsection (G)(2) of this section, the number, species and size shall be governed by all of the following:

a. Species. The city prefers native trees, including conifers; however, the planning commission or director of planning and community development shall take into consideration site compatibility as well as the property owner's preference, provided the species of replacement tree is expected to mature to approximately the same environmental and aesthetic value as the tree being removed.

b. Size. The minimum diameter of a replacement tree shall be one and one-half inches. The planning and community development director or planning commission may adjust the size requirement for tree species where the applicant demonstrates to the satisfaction of the director of planning and community development that the minimum size would be unreasonable or impractical in the circumstances.

c. Location. Trees shall be replaced according to a planting plan provided by the applicant and approved by the director of planning and community development, showing all preserved and replacement trees.

5. Planting Site. The preferred replacement site shall be on the property from which a tree is being removed. Provided one or more of the replacement trees cannot be located viably on the property from which a tree is removed, the director of planning and community development may either require that (a) the applicant pay an in-lieu payment into the city tree fund an amount equivalent to the value of the replacement trees after installation, as provided in this subsection, or that (b) the applicant plant one or more replacement trees on other private or public property within the city, with the consent of the owner and under a management plan approved by the city. The planting location of mitigation trees on city property shall be determined by the city council, whose authority is hereby delegated to the city manager. The city manager, in conjunction with staff, shall select an appropriate planting site on open space, a park, or other public land suitable for new trees.

6. In-Lieu Payment. The in-lieu payment amount shall be equivalent to the cost of the replacement trees, plus the cost of delivery, installation, and maintenance for a period of one year. The in-lieu payment approved and received shall be used by the city for planting and maintenance of mitigation trees on city-owned property. Any unspent funds shall be carried forward from year to year for the purpose of meeting the intent of this chapter to maintain the city's urban forest.

7. Responsibility to Replace Mitigation Trees. The planting of replacement trees shall take place in such a manner as to reasonably ensure that the trees grow to maturity. Any mitigation tree planted on private property dying within one year of the date of planting shall be replaced by the owner of the property.

8. Timing of Replacement. Replacement trees, including trees meant to replace a previously planted mitigation tree that has died within one year, shall be planted within six months of the date of issuance of a tree removal permit or death of a mitigation tree, unless the director of planning and community development has granted an extension of time no longer than six months due to season or unforeseen circumstances. Failure to complete mitigation within the allotted time frame shall be considered a violation of this chapter and subject to the penalties provided for in subsection (K) of this section.

J. Protection Standards Related to Construction.

1. Applicability. These standards apply to all construction or development that requires a tree removal permit.

2. Standards.

a. All trees required to be protected must be clearly labeled as such.

- b. The property owner shall give notice to the city a minimum of two business days (at least 48 hours) in advance of any grading or clearing of the site.
- c. The property owner shall permit the city to enter the site at any time to review compliance with the tree protection plan and tree removal permit.
- d. No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, or construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the director of planning and community development or the planning commission based upon the recommendation of an arborist.
- e. No person shall attach any device or wire to any tree unless needed for tree labeling or protection.
- f. Protective Barrier.
 - i. Before development, land clearing, excavation, filling, or any land alteration for which a tree removal permit is required, the developer shall delineate clearly the exterior property lines of the project.
 - ii. The developer shall erect and maintain barriers adequate to prevent incursion of machinery within drip lines of trees the tree protection plan identifies to be preserved in and within drip lines of trees on adjoining properties.
 - iii. Barriers must be sufficiently substantial to withstand nearby construction activities, and the most appropriate and protective barrier shall be utilized. Plastic tape or similar forms of markers do not constitute barriers. For street rights-of-way and utility easements, however, barriers may consist of stakes set a maximum of 50 feet apart along the outside perimeters of areas to be cleared and connected with ribbon, plastic tape, rope, or similar material used for demarcation.
 - iv. Selection and installation of demarcations and barriers must be approved by the director of planning and community development or the city engineer prior to commencement of grading or tree removal. Protective barriers shall remain in place until the city authorizes their removal or issues a final certificate of occupancy, whichever occurs first.

17.52.230 Public infrastructure improvement requirements.

The proposed site is not adjacent to any public streets and the development of the site will not require public infrastructure improvements.

A. Infrastructure, Easement, and Improvement Requirements. The issuance of a structural permit for a new building or structure in connection with any permitted or conditional use within any zone as described in this title, or in connection with a development review approval for development for which development review is required under LCMC 17.77.070, or the review of any project for which development review is required under LCMC 17.77.070 but does not involve the issuance of a structural permit, shall be subject to public works design standards, Lincoln City Transportation System Plan, and LCMC Titles 12 and 13, incorporated herein by this reference. Preliminary plans shall be submitted as part of the development review process, with final plans submitted as part of the structural permit process. If development review is not required, the plans shall be submitted for review as part of the structural permit or site development permit process.

- 1. Except as otherwise provided in subsections (B) and (C) of this section, the applicant shall agree to:
 - a. Install curbs and gutters along adjacent streets not having curbs and gutters, and also pave the roadways from the curbs to 12 feet beyond centerline of unpaved or partially unpaved streets contiguous to the property proposed for development, in accordance with applicable standards of this title, street design standards in the city's transportation system plan, public works/engineering standards, and LCMC Title 16 (Subdivisions). If existing rights-of-way for streets contiguous to the property are not adequate in width to

meet the standards of this title and LCMC Title 16 (Subdivisions), the applicant shall dedicate right-of-way to the city sufficient to allow streets that are adequate in width; and

b. Dedicate to the city utility easements five feet in width along rear lot lines, or along front lot lines, as required by the city; and

c. Dedicate easements for drainage purposes, and provide storm water detention, treatment, and drainage features and facilities, as approved by the city engineer, in order to accommodate expected runoffs as determined by a registered professional engineer licensed in Oregon, according to generally accepted drainage accommodation principles; and

d. Install sidewalks in accordance with street design standards in the city's transportation system plan and public works/engineering standards along boundaries contiguous with streets, within existing right-of-way if adequate in width; and, if existing easements are not adequate in width, to deed easements to the city sufficient to allow sidewalks of required width;

Exceptions: In lieu of the sidewalks required by subsection (A)(1)(d) of this section, the applicant shall agree as follows:

i. For properties in a commercial zone east of Highway 101 that abut the D River, to install sidewalks five feet in width adjacent to the river, and to deed easements to the city sufficient to allow the city to add additional width to the riverfront sidewalks so that they can be a total of 10 feet in width;

ii. [Reserved];

iii. [Reserved]; and

e. Install and connect to the city systems water and sewer lines and appurtenances that conform to adopted city standards; and

f. Place underground all existing electrical, telephone, and cable television utility service installations or connections between any building or structure and the utility distribution system, in accord with city standards, in addition to meeting the requirements of LCMC 17.52.120; and

g. Develop the site and construct all buildings and improvements in strict conformity to the tendered site plan; and

h. Provide any of the following transit-related improvements, if development includes or is adjacent to existing or planned transit stops shown in the city transportation system plan or an adopted plan prepared by a transit provider, as determined by the city engineer or community development director:

i. Reasonably direct pedestrian connections between the transit stop and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users;

ii. An easement or dedication for a passenger shelter or bench, if such an improvement is in an adopted plan; and

i. Maintain the sidewalk, landscape strip, and curb adjacent to the property to standards in LCMC Title 12, Streets, Sidewalks, and Public Places.

In lieu of a required improvement, the city engineer may accept a deferred improvement agreement, fee-in-lieu agreement, or other cost-allocation agreement, in a form approved by the city engineer, for installation of curbs, gutters, sidewalks, street paving, water and sewer lines and appurtenances, and storm water detention, treatment, and drainage features and facilities, if the city engineer determines that a delay is appropriate. The cost to the developer shall equal the cost of installation, including engineering and design, as determined by the city engineer, based on the applicable city standards in effect at the time of

application. The applicant shall pay the fee or sign an alternative agreement prior to approval of the final plat or issuance of a building (structural) or development permit. Applicants who pay a fee in lieu of constructing a required specific improvement shall not be responsible for any future additional costs associated with that same improvement. The city shall use all such fees for construction, repair, or maintenance of the public infrastructure improvements of the type identified above and located within the city which provide a benefit to the subject property; and

2. If no street is contiguous to the property from which safe and convenient access and egress can be obtained for pedestrians and vehicular traffic, the applicant shall agree, if required by the city engineer, to dedicate a street right-of-way and to construct improvements to adopted city standards as provided in subsection (A)(1)(a) of this section.

B. Limitations on Infrastructure Requirements. If the applicant asserts that it cannot legally be required, as a condition of structural permit, site development permit, or development review approval, to provide easements or improvements at the level otherwise required by this section, then:

1. The structural permit, site development permit, or development review application shall include a rough proportionality report, prepared by a qualified civil or traffic engineer, as appropriate, showing:

- a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the development, whether the development is for safety or for convenience;
- b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the development;
- c. The estimated impact, on a quantitative basis, of the development on the public infrastructure system of which the improvements will be a part;
- d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system; and

2. The applicant shall, instead, be required to provide easements and improvements that are roughly proportional to what is needed for the safety or convenience of persons served by the development, plus those additional easements and improvements that are roughly proportional to what is needed to mitigate the impact of the development on the public infrastructure system of which the improvements will be a part, if the impacts are not fully mitigated by the easements and improvements needed for the safety or convenience of persons served by the development.

C. Easements and Improvements Deferred from Land Divisions. If a prior land division approval under LCMC Title 16 affecting the development has deferred, until submission of a structural permit, site development permit, or development review application, the definition of the level of easements or public infrastructure improvements required to be provided in relation to the land division, based on an assertion that the level of easements or improvements required cannot be defined until actual development is proposed for the divided land, then the applicant shall provide with the application a report as described in subsection (B) of this section and, as a condition of application approval, shall be required to dedicate easements and provide public infrastructure improvements required under LCMC Title 16, to the extent the easements and improvements meet the standards set out in subsection (B)(2) of this section.

D. Appeals.

1. Any person aggrieved by that person's inability to obtain a structural permit or site development permit pursuant to this section or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this section may appeal as a Type III procedure pursuant to LCMC 17.76.050.

2. Notwithstanding subsection (D)(1) of this section, decisions of the city manager, public works director, city engineer, director, or designated representative in the enforcement of deferred improvement agreements entered

into under subsection (A)(1) of this section shall not be subject to appeal.

17.52.300 Traffic impact study (TIS) requirements.

As the proposed development does not involve or require any of the items set forth in Section B below no TIS is required.

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.

Chapter 17.55^[11]_{SEP}

17.55.020 Applicability.

The standards of this chapter shall apply to:

- A. All Type II and Type III procedures.
- B. New construction.

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.

The proposed development shall landscape all areas other than those required for parking, walkways, trash enclosures and unit footprints and fully comply with this section.

B. Existing plants and trees that are healthy and noninvasive count towards the tree and shrub requirement below, provided they will be protected during development adequately enough to ensure future preservation.

1. At a minimum, the site shall contain the following spaced and/or grouped according to best planting

practices and aesthetics:

- a. One tree per 100 feet of total lot perimeter; and

Proposed landscape plan meets this requirement.

- b. One shrub per 30 feet of total lot perimeter; and

Proposed landscape plan meets this requirement.

- c. The remainder of the site that is not covered by buildings, structures, or impervious surfaces shall be covered with living or nonliving ground cover as outlined in subsection (C) of this section and LCMC 17.55.050.

Proposed landscape plan meets this requirement.

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 the parking landscaping requirement.

No islands are required.

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, cedar chips, or similar, are acceptable nonliving ground cover.
4. Standards for living ground cover are those set out in LCMC 17.55.050.

The proposed landscape plan shall meet all these requirements.

17.55.050 Selection, preparation, and installation for all landscaping.

The proposed landscaping plan shall meet all requirements of this section.

A. Selection of Materials.

1. Noxious vegetation as defined in LCMC 8.12.010 or by the Oregon Department of Agriculture is prohibited. Noxious weeds as defined in LCMC 8.10.020 are prohibited.
2. All selections must be healthy and disease-free at the time of planting.
3. Sizes of Plantings.
 - a. Deciduous trees must be a minimum of one-half caliper inches at the time of planting.
 - b. Conifer trees must be a minimum of four 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 one-gallon size at the time of planting.

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, a licensed landscape contractor, or a landscape nursery person.

B. Preparation.

1. The entire site must be cleared of noxious vegetation as defined in LCMC 8.12.010 and by the Oregon Department of Agriculture, as well as noxious weeds as defined in LCMC 8.10.020, prior to installation of landscaping.

2. The entire site must be cleared of weeds, as well as dead, dying, or diseased vegetation prior to installation of landscaping.

C. Installation.

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

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

3. All landscaping shall be installed prior to final inspection by the department or:

a. Agreement to Delay Installation. If all landscaping has not been satisfactorily completed prior to the final inspection by the department and the director determines that a delay in completion of the landscaping is appropriate because there has not been a reasonable amount of time for the completion of the landscaping or for other reasons, then the director may require, as a condition of use of the site, 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.

17.55.060 Irrigation and maintenance.

The proposed development shall meet all requirements of this section.

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.

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.

17.55.070 Clear-vision requirements.

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

Proposed development shall meet the Clear-vision requirements.

Chapter 17.56^{CLL}_{SEPI} OFF-STREET PARKING AND LOADING

17.56.010 Applicability.

The standards of this chapter shall apply to:

- A. All Type II and Type III procedures;
- B. New construction.

17.56.030 Number of off-street parking spaces required.

The number of off-street parking spaces required for a tiny home development is dictated by 17.80.140(C).

17.56.050 Joint use of off-street parking and loading spaces.

No Joint use of off-street parking and loading is proposed.

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. (Ord. 2020-13 § 24)

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

A. Where more than one use is included within any building or structure, or on any single parcel, lot or development, the off-street parking and loading requirements shall be the sum total of the requirements of the various uses.

No uses other than residential are proposed.

B. In instances where the operations of the different uses are such that the hours of operation or uses complement each other insofar as the off-street parking or loading demand is concerned, a reduction in these requirements may be authorized as part of the applicable procedural review. (Ord. 2020-13 § 24)

N/A

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.

Proposed development provides one parking space per unit and complies will all requirements of this section.

A. Location.

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

a. The burden of arranging for such off-premises parking or loading rests upon the person who has the responsibility of providing off-street parking and loading.

b. Proof of such off-premises parking arrangements shall be provided. Acceptable forms of proof include deeds, leases, or contracts for such arrangement.

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

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.

All proposed parking and access driveways shall be paved and constructed to support solid waste vehicles and firefighting apparatus.

2. Surfaces shall consist of one or more of the following materials:

- a. Concrete or asphalt;
- b. Block pavers of concrete, stone, brick, or similar material. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface;
- c. Pervious concrete or asphalt; or
- d. Other materials, as approved by the city engineer.

Proposed parking and driveways areas shall comply with this section.

C. *Repealed by Ord. 2022-25.*

D. Installation and Maintenance.

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

Proposed parking and driveways areas shall comply with this section.

E. Maximum Impervious Surface. For development other than mixed-use or multi-unit residential, all parking spaces, parking areas, and loading spaces in excess of the minimum required amount shall be surfaced with pervious materials as approved by the city engineer.

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

No spaces in excess of the minimum required number are proposed.

F. Curbing and Wheel Stops.

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

The proposed development shall comply with these requirements.

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.

The proposed development shall comply with these requirements.

H. Landscaping.

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

I. *Repealed by Ord. 2022-25.*

J. Lighting of Parking Areas.

1. If provided, light poles in parking areas shall not exceed a height of 20 feet.

No new light poles are provided in the proposed development.

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.

The proposed development shall comply with these requirements.

3. Maximum initial luminance of lighting provided in parking areas shall not exceed four foot-candles, with zero foot-candles at property lines.

The proposed development shall comply with these requirements.

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

The proposed development shall comply with these requirements.

L. Parking Area Layout and Dimensions.

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

The proposed development shall comply with these requirements.

M. Parking Rows.

The proposed development provides one parking stall for each Tiny Home for a total of 12 parking stalls so the requirements of this section are not applicable.

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

The proposed development shall comply with these requirements.

N. RV, Motorhome, and Bus Parking. Commercial or mixed-use developments (wholly residential developments do not have this requirement) 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:

Number Required	Total Parking Spaces
1	50 – 75
2	76 – 100
3	101 – 200
One RV, motorhome, bus space for each additional 100 spaces or a fraction thereof.	

Each RV/motorhome/bus space shall be not less than 10 feet wide and 30 feet long.

N/A

O. Structured Parking. Where structured parking is provided in a stand-alone structure that does not contain any uses other than parking, the structure must be set back from public right-of-way a minimum of 10 feet. The 10-foot setback area shall be landscaped subject to the provisions of Chapter 17.55 LCMC. (Ord. 2022-25 §§ 58, 59; Ord. 2020-13 § 24)

NA

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.

The proposed development shall have at least one bike rack within the developed area.

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.

The proposed development shall comply with these requirements.

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.

The proposed development shall comply with these requirements.

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

The proposed development shall comply with these requirements.

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

The proposed development shall comply with these requirements.

17.77.070 Development review.

A. Purpose. The purpose of development review is to establish a coordinated process to ensure that development is in compliance with the requirements of this title.

1. Development review does not replace, or excuse applicants, property owners, or developers from obtaining, any other permits or approvals required by this title, by this code, or by any other local, state, or federal law or authority applicable to the proposed development, including but not limited to sign, tree removal, structural, demolition, grading and erosion control, conditional use, planned development, and/or land division permits.

B. Applicability. Except as exempted in subsection (C) of this section, development review approval is required:

1. Before application for or issuance of any nonresidential structural permit, mixed-use structural permit, or any multi-unit residential structural permit on undeveloped sites in the R-M, PC, RC, GC, PI, MW, P, OS, TVC, NP, and OP zones;

2. Prior to commencement of redeveloping existing parking lots or developing new parking lots in any zone.

C. Exemptions. The following are exempt from development review:

1. Detached single-unit dwellings, attached single-unit dwellings, attached single-unit dwelling developments, recreational vehicles, manufactured homes, and duplexes;

2. Routine repairs and maintenance;

3. Interior remodeling of an existing building or structure;

4. Temporary structures associated with temporary uses;

5. Accessory structures;

6. Construction, alteration, or maintenance of public infrastructure including streets, traffic control devices, drainage ways, sanitary and storm sewers, storm water quality facilities, water lines, electrical power or gas

distribution lines, or telephone or television cable systems;

7. Type I procedures;

8. Exterior remodeling;

9. Expansions of an existing structure; or

10. Restoration or replacement of a damaged, destroyed, demolished or substantially damaged lawful, nonconforming structure or use (see LCMC 17.64.010).

D. Procedure. Development review applications are subject to the Type II procedure as described in LCMC 17.76.040, unless any of the following circumstances apply:

1. The applicant chooses to submit as a Type III procedure; or

2. A Type III application is necessary to approve one or more of the uses proposed in the development, in which case the development review application shall be processed concurrently with the Type III application as a Type III procedure.

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.

F. Concurrent Applications for Adjustments. Requests for adjustments to standards required in Chapter 17.74 LCMC should be processed concurrently with the development review application, but may be processed with the structure or site development permit 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.

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

17.80.040 Standards for mobile home parks, recreational vehicle parks, and tiny house developments.

C. Tiny House Developments.

1. Tiny houses are allowed in a tiny house development at a density of one tiny house for each 1,200 square feet of land area.

The proposed site is 33,358 square feet in size which would allow up to 27 Tiny Homes. Proposed developed is for 12 Tiny Homes on the site, thus this requirement has been met.

2. Tiny house developments shall not be used as vacation rentals.

Providing and/or using the Tiny Homes of this development as Vacation Rentals will be prohibited.

3. Tiny houses must be separated from each other and from other structures by at least 10 feet, and at the perimeter of the development must comply with the setback requirements of the R-1 zone.

Tiny Homes within this development shall be sited in compliance with this section. See attached preliminary site layout.

4. A tiny house development must provide at least one off-street parking space for each tiny house. Parking spaces may be clustered and need not be located immediately adjacent to the individual tiny houses they serve.

One space for each Tiny Home has been provided. twelve (12) total spaces.

5. All tiny houses in a tiny house development must comply with all applicable Oregon building code requirements.

All Tiny Homes will comply with this requirement.

6. A tiny house development is subject to development review in LCMC 17.77.070. (Ord. 2022-15 § 59; Ord. 2020-13 § 23; Ord. 2019-05 § 4; Ord. 92-8 § 12; Ord. 92-3 § 4; Ord. 84-2 § 10.040)