



Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-13

Date:	January 13, 2023
Case File:	DEV REV 2022-13 Camy Ct Tiny Houses
Project Contact:	William Gettis
Property Owners:	William Gettis
Site Address:	Unaddressed
Location:	East side of SW Bard Rd, approximately 1,100 feet east of the SW Bard Rd/SW Dune Ave intersection
Tax Map and Lot:	07-11-22-AC-02000-00
Comprehensive Plan Designation:	High-Density Residential District (R-M)
Zoning District:	Multiple-Unit Residential (R-M) Zone
Site Size:	0.93 acre
Proposal:	Request for development review of a new tiny house development
Surrounding Land Uses and Zones:	North: Undeveloped; R-M South: Open Space; OS East: Open Space; OS West: Open Space; OS
Authority:	Table 17.76.020-1 of Lincoln City Municipal Code (LCMC) 17.76.020 lists a development review application as a Type II procedure with the Planning and Community Development Director (Director) listed as the review authority. LCMC 17.76.040(A) states that Type II procedures apply to administrative permits and applications and that decisions on administrative applications are made by the Director, based on reasonably objective approval criteria that require only limited discretion. The application was received on December 5, 2022. The application was deemed complete on December 8, 2022. On December 12, 2022, pursuant to LCMC 17.76.040(E), the Planning and Community Development Department mailed a notice of application to property owners within 250 feet of the subject property.
Procedure:	

Applicable	LCMC Chapter 17.20 Multiple-Unit Residential (R-M) 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 Section 17.76.040 Type II Procedure
	LCMC Section 17.77.070 Development Review

BACKGROUND

The subject property (site) is unaddressed, located on the east side of SW Bard Rd approximately 1,100 feet east of the SW Bard Rd/SW Dune Ave intersection. The tax lot number is 07-11-22-AC-02000-00, and the assessed site size is 0.93 acre. The site is undeveloped. The site's northwestern corner boundary is SW Bard Rd. The areas to the south, east, and west of the site are all open space with the Open Space (OS) zone. The property to the north of the site is undeveloped in the R-M zone.

Lincoln City's GIS mapping shows the site does not contain bluff erosion hazards, trails, aesthetic resource, floodway, flood hazard areas, or natural resource overlays.

The proposal is to develop the site into a 21-unit tiny house development with accompanying landscaping. Off-street parking will be provided in the attached garage that will accompany each tiny house. The project proposes the use of individual residential trash bins rather than a central location for dumpsters.

COMMENTS

No comments were received from the public.

Comments were received from Jevra Brown, Oregon Department of State Lands, via email, on December 8, 2022, that stated: "Personally, conceptually, I like this idea. Professionally, you know the drill, check the SWI/LWI and send WLUN if appropriate. I'll share with the proprietary program. They will comment separately if needed."

Comments were received from Cody Heidt, Fire Marshal for North Lincoln Fire & Rescue District #1, via email, on December 12, 2022. The comments listed the Oregon Fire Code (OFC) requirements for fire department access roads from OFC 503.1.1, 503.2.1, 503.2.4, 503.2.8, 503.6, D102.1, D103.2, D103.6, D103.6.1, D103.1, and D105.1 and for water supply from OFC B105.1, Table C102.1, and 507.4.

Comments were received from Lincoln City Public Works, via email, on December 19, 2022, and consisted of conditions of approval. The conditions of approval are listed at the end of the staff report.

ANALYSIS

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

Finding: The site is in the R-M zone. Tiny house developments are listed as a permitted use in the R-M zone in subsection 17.20.020(L). The applicant proposes a tiny house development, which is listed as a permitted use. A tiny house is defined as either: 1) a park model recreational vehicle that: is designed for use as living quarters providing complete, independent living facilities for one or more persons, including permanent indoor provisions for living, sleeping, eating, cooking, and sanitation; is built on a single trailer or chassis mounted on wheels; has a floor area that does not exceed 400 square feet, excluding lofts; is more than eight and one-half feet wide; complies with manufacturing standards and other requirements adopted by Oregon Department of Transportation; and, has a skirting of pressure-treated wood, mass timber, masonry, or similar material; or 2) a standalone dwelling with a floor area of 400 square feet or less, excluding lofts.

The applicant proposes construction of 21 standalone dwellings on the site, each with a floor area of 400 square feet, excluding lofts. The use is permitted.

17.20.050 Development standards

Finding: LCMC 17.20.020(L) notes that tiny house developments are a permitted use, subject to the provisions of LCMC 17.80.040(C). Accordingly, the development standards for a tiny house development are those found in LCMC 17.80.040(C) as opposed to LCMC 17.20.050. Compliance with LCMC 17.80.040(C) is discussed later in this staff report.

17.20.060 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: Compliance with landscaping requirements is addressed later in this report.

17.20.070 Signs

Signs shall be allowed subject to the provisions of Chapters 9.34 and 17.72 LCMC.

Finding: The application package does not include any sign permit applications.

17.20.090 Off-street parking and loading

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

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

17.20.100 Design standards

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

Finding: A tiny house is a singled, detached dwelling unit. While tiny house has a definition separate from a detached single-unit dwelling, a tiny house serves as a detached single-unit dwelling. Single-unit dwellings are exempt from compliance with design standards as noted in LCMC 17.74.030(C).

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: Both city water and city sewer are available in SW Bard Rd to serve the proposed development.

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.030 Access requirement

Every lot shall abut a street, other than an alley, for at least 25 feet.

Finding: The site is an existing lot with over 25 feet of frontage on SW Bard Rd. This requirement is met.

17.52.050 Storage in front setback area

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

Finding: The project does not proposed the storage of boats, RVs, trailers, or house trailers in the required front setback area.

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 the intersection of any streets with other streets, commercial alleys, or commercial driveways. The project does not include any street intersections with commercial driveways. The project does not include any local intersections or any intersections with Hwy 101. The clear vision 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. This shall be reviewed for continued compliance as part of the structural permitting and construction process.

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.

Finding: An exterior lighting plan was not included with the submitted materials. As a condition of approval, the exterior lighting plan shall be included with the building permit 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 may project up to 18 inches into a required setback area.*

Finding: The submitted plans do not show any architectural features encroaching into required setback areas. This shall be reviewed for continuance compliance as part of the building permit process.

- 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 submitted plans do not show any proposed accessory structures. The applicant's narrative states no accessory structures are proposed.

- 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.*

Finding: The submitted plans do not show any proposed fences. The applicant's narrative states no fences are proposed.

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.*

Finding: The applicant’s narrative states “interior stepped retaining blocks not to exceed 8”” and Sheet 6 of the submitted plan set indicates placement of a retaining wall along the west boundary, which is an interior side, with the statement “conc block retaining wall as required.” This shall be reviewed for continued compliance as part of the building permit process.

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

Finding: The applicant’s narrative states that no disabled access facilities, bridges, or porches are proposed in required setback areas, and the submitted plans do not show any of these features. This requirement is met or is not applicable.

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.

Finding: Sheet 9 of 9 of the submitted plan set states that individual garbage service is proposed, which means that individual residential trash bins will be kept inside the dwelling units. This requirement is met.

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.*

Finding: The application indicates that no rooftop or ground-mounted mechanical units are proposed. No additional information is provided regarding the mechanical equipment; however, the project is for tiny houses, which function as detached single-unit dwellings. Accordingly, LCMC 17.52.180(A) exempts screening requirements of mechanical equipment for detached single-unit dwellings. This requirement is not applicable.

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

Finding: The application states that no rooftop mechanical units are proposed.

- 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.*

Finding: The application indicates that no ground-mounted mechanical units are proposed.

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

Finding: The plans submitted with the development review application show no standpipes, meters, vaults, or equipment are proposed to be placed on the front elevations. This shall be reviewed for continued compliance during the structural permitting and construction process.

17.52.190 Building height limitations

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

Finding: The architectural elevations submitted in the application indicate the new structures will be less than 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 proposed building is not within 500 feet of any shoreline. This standard 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 in the RM zone for residential dwellings, other than multi-unit dwellings, is 35 feet. The submitted architectural drawings indicate the houses will be less than 35 feet tall. This standard has been 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: The development review application is not a building permit application. Regardless, the distance between the grade line and the highest part of the structure is shown on the plans submitted with development review. This shall be reviewed for compliance as part of the building permitting process.

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: The submitted plans show that the grade is not relying on retaining walls, riprap, berming, or other restraints to increase the elevation at the point of height measurement.

3. *For the purposes of this subsection, "approved grade" means:*
 - a. *The existing grade, meaning one of the following:*
 - 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 grade is shown on a grading plan submitted as part of 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 submitted plans do not show the use of projections not used for human occupancy as part of the tiny house construction.

17.52.220 Tree protection and removal

Finding: Sheet 1 of the submitted plan set shows the site’s existing trees. The applicant’s narrative states that tree removal in the building area and roadway is required and that trees in the lower drainage retention area are to remain untouched as green space and as a buffer to the highway. The narrative notes that existing vegetation will be “preserved by individual silt fence provided at each proposed residence adjacent to the vegetation [sic] thru [sic] the construction of the entire master plan.” The site plan does not show the silt fence indicated in the narrative. As a condition of approval, protective fencing shall be shown on the plan set submitted with the building permit application.

17.52.230 Public infrastructure improvements

Finding: Public Works reviewed the submitted plans and provided conditions of approval that are included in the decision at the end of this report.

17.52.300 Traffic impact study (TIS) requirements

B. 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;*

Finding: The project is not an amendment to the Lincoln City comprehensive plan or zoning map.

- 2. A new direct property approach road to US 101;*

Finding: The project does not entail a new direct property approach road to Hwy 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;*

Finding: The construction of 21 tiny houses will not generate 50 or more p.m. peak-hour trips on Hwy 101 or 100 or more p.m. peak-hour trips on the local transportation system.

- 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;*

Finding: No portion of the site intersects with Hwy 101.

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*

Finding: The proposed access meets spacing requirements of the Public Works Department.

6. *A change in internal traffic patterns that may cause safety problems, such as back-up onto the highway or traffic crashes in the approach area.*

Finding: The site is undeveloped, so there will be no change in internal traffic patterns. The project does not trigger the requirements 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 plans show that landscaping will be provided on all portions of the site not covered by buildings, structures, or impervious surfaces. This requirement is met for purposes of this application and will be reviewed for continued compliance during the structural permitting and construction process.

- 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.*

Finding: The applicant's narrative indicates that some of the vegetation on the site will remain and be protected with silt fencing during construction.

1. *At a minimum, the site shall contain the following spaced and/or planted according to best planting practices and aesthetics:*
 - a. *One tree per 100 feet of total lot perimeter; and*
 - b. *One shrub per 30 feet of total lot perimeter; and*
 - 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 subsection (C) of this section and LCMC 17.55.050.*

Finding: The total lot perimeter is 801.42 linear feet. This equates to a requirement of 8 trees and 27 shrubs. Sheet 2 of the submitted plan set shows the project proposes 40 trees and 80 shrubs. This shall be reviewed for continued compliance during the structural permitting and construction process.

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.*

Finding: Islands are not required for this project.

- 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.*

Finding: Sheet 2 of the submitted plan set shows that all areas of the site not covered by trees, shrubs, structures, or impervious surfaces will be planted in grass. This requirement is met and will be reviewed for continued compliance during the permitting process.

17.55.050 Selection, preparation, and installation for all landscaping

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.*

Finding: The submitted preliminary landscape plan does not show the planting of any noxious vegetation or noxious weeds.

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

Finding: The submitted landscape plan does not specify that selections will be healthy at the time of planting. This standard can be met through the conditions of approval.

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.*

Finding: The tree sizes at the time of planting are not indicated on the submitted plans, but this can be addressed with a condition of approval.

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

Finding: The submitted plans show that grass will be used as the proposed ground cover.

- d. *Shrubs must be at least one-gallon size at the time of planting.*

Finding: The sizes of shrubs at the time of planting are not indicated on the submitted plans, but this can be addressed with a condition of approval.

- 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, a licensed landscaped contractor, or a landscape nursery person.*

Finding: The submitted application indicates all plantings will be selected from the City of Lincoln City Guide to Landscape Selections. This will be reviewed for continued compliance during the permitting process.

17.55.060 Irrigation and maintenance

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

Finding: The submitted materials do not provide any information regarding the proposed irrigation system. As a condition of approval, the landscape plan submitted with the building permit application shall indicate compliance with the irrigation requirement.

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: The site does not contain clear-vision areas.

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 proposing the use of live vegetation as screening.

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: A tiny house development requires one off-street parking space for each tiny house provided. The submitted plans show the required off-street parking space within the attached garage on each tiny house.

- 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 exception 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 is not requesting use of this exception.

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

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: Loading spaces are not required for this residential development.

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 project is on its own tax lot. Each tiny house will have its own individual parking space on the site.

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.*

Finding: All required off-street parking is located on the same tax lot as the structures.

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 do not show any proposed off-street parking spaces in public right-of-way or an alley.

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

Finding: The required off-street parking space for each tiny house is located within the garage attached to the house.

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

Finding: The required off-street parking space is located within the attached garage for each tiny house.

5. *Parking and loading spaces must be at least 4 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 required off-street parking space is located within the attached garage for each tiny house.

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 project does not propose any parking spaces between the front property line and the front of any of the houses.

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: All off-street parking spaces are connected to an individual driveway.

B. Surfacing

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

Finding: The floor of the garages will be surfaced with concrete.

C. 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: The project is not proposing a surface parking lot.

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

Finding: The project is not proposing a surface parking lot.

D. *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: One parking space is required per tiny house and one parking space is being provided for each tiny house.

E. *Curbing and Wheel Stops*

Finding: The project is not proposing a parking lot. Rather, each tiny house will have an attached garage for the required off-street parking space.

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

Finding: The project is not proposing a parking lot. Rather, each tiny house will have an attached garage for the required off-street parking space.

G. *Landscaping*

Finding: No surface parking lot is proposed or required, so there is no need for parking lot landscaping.

H. *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: No surface parking lot is proposed or required, so there is no need for parking lot screening.

J. *Lighting of Parking Areas*

Finding: No surface parking lot is proposed or required, so there is no need for parking lot lighting.

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

Finding: No surface parking lot is proposed or required to trigger the requirement for accessible parking in a parking lot.

L. *Parking Area Layout and Dimensions*

Finding: The project is not proposing, nor is one required, a parking area. The required off-street parking space for each tiny house will be provided within the attached single-car garage. The dimensions of the garage as shown as 20 feet by 20 feet on Sheet 3 of the submitted plan set. The parking space size requirement is met.

M. *Parking Rows*

Finding: No parking lots are being provided, so there are no parking rows.

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

Finding: The project does not require 50 or more off-street parking spaces.

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

Finding: The project is not proposing any structured parking in a stand-alone structure.

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 project is providing individual houses with attached garages. Bicycles can be parked and stored within each house or its attached garage.

Chapter 17.74 Design Standards

17.74.020 Applicability

- A. *Zoning Districts. The provisions of this chapter apply to the multiple-unit residential (R-M), recreation commercial (RC), general commercial (GC), Nelscott plan district (NP), Taft Village core (TVC), and Oceanlake Plan district (OP) zones as follows:*
- B. *Conflicting Regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the strictest requirement shall apply.*
- C. *The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously developed sites, and/or new construction of any building or structure.*

Finding: The site is in the RM zone and the project involves development of an undeveloped site.

17.74.030 Exceptions and nonconformances

- A. *Routine Repairs and Maintenance.*
- B. *Additions or Expansion.*
- C. *Residential Dwelling Exception.*
- D. *Nonconformances*

Finding: The project is for tiny houses, which are residential dwellings. Accordingly, the design standards do not apply per LCMC 17.74.030(C).

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.*

Finding: A pre-application conference is not required.

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 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. *The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.*
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 contained all the information required in LCMC 17.76.040(E)(2)(a) through (f). The written public notice included the written comment period of 14 days.

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 comments received, if any, 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. *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.*
- 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.*

Finding: The site is in the RM zone and the proposed project is a tiny home development. Per 17.80.040(C)(6), a tiny house development is subject to development review.

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

1. *Detached single-unit dwellings, attached single-unit dwellings, attached single-unit dwellings 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).*

Finding: Per 17.80.040(C)(6), a tiny house development is subject to development review.

D. Procedure. Development review applications are subject to the Type II procedure as described in...

Finding: The application is being processed as a Type II 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.

Finding: The required documents were submitted.

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.

Finding: Adjustments to standards required in Chapter 17.74 are not applicable to this application for residential development, since the design standards are not applicable to single-unit dwellings.

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

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

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

Finding: Conditions of approval have been imposed to ensure compliance with applicable criteria.

Chapter 17.77 Provisions Applying to Special Uses

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

A. Mobile Home Park Standards

B. Recreational Vehicle Park Standards

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.*

Finding: The site is 0.93 acre, which converts to 40,510.8 square feet. With this square footage, the site can have up to 33 tiny houses. The project proposes 21 tiny houses. This requirement is met.

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

Finding: No response is necessary. This shall be monitored for continued compliance throughout the life of the tiny house.

- 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.*

Finding: Sheet 2 of the submitted plan set shows at least 10 feet between each tiny house. Sheet 2 of the submitted plan set shows a setback of 7' – 9" on the west boundary, 7' – 6" on the south boundary, 7' – 9" on the east boundary, and 7' – 6" on the north boundary. The minimum setback requirement is 7' – 6" for two-story houses. The separation and setback requirements are met. This shall be reviewed for continued compliance during the permitting process.

- 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.*

Finding: Sheets 3, 4, 5, and 6 of the submitted plan set show one off-street parking space being provided for each tiny house inside of the attached garage for each house.

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

Finding: No response is necessary. This shall be reviewed for compliance during the building permit process.

- 6. A tiny house development is subject to development review in LCMC 17.77.070.*

Finding: The applicant submitted the required application for development review.

DECISION

Based upon an analysis of the submitted application and accompanying materials against applicable criteria, the Director concludes that all criteria have been or will be met, and thus **APPROVES WITH CONDITIONS** the development review request for the Camy Ct tiny house 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, including but not limited to Lincoln City Municipal Code.
2. Structural permits shall not be issued until compliance with applicable codes, rules, regulations, standards, and policies is shown in the materials that accompany the structural permit applications.

Planning

1. An exterior lighting plan, along with cut sheets of the proposed exterior light fixtures, shall be included with the structural permit application submittal and shall show compliance with LCMC 17.52.150.
2. Pursuant to 17.52.170, all solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure that screens the receptacle from the view of adjacent property and from right-of-way. Plans submitted with the structural permit application shall clearly and readily identify the location of all solid waste receptacles, along with required screening.
3. All plans submitted with the structural permit application shall show compliance with Chapter 17.20 and Chapter 17.52.
4. A landscaping plan shall be submitted with the structural permit application that clearly and readily identifies how the plan is compliant with all portions of Chapter 17.55.
5. Plans submitted with the structural permit application shall clearly show the location of all proposed retaining walls and how they are compliant with 17.52.160(D).
6. Plans submitted with the structural permit application shall show the location and type of tree protective fencing used during construction.

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

1. Any public right-of-way work, including excavation, grading, utility connections, and/or roadway improvements shall require submission of a combined public works permit with the building permit application. The associated site plan shall be stamped by a professional engineer. Work shall be completed as shown and in accordance with Lincoln City Public Works Standards, local, state, and ADA standards, and the provisions of this condition of approval. 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.
2. The applicant shall submit grading and erosion control plans as part of building permit submittal. The City Engineer will review and approve all grading and erosion control plans. Engineered grading plans shall identify proposed grading, drainage, and proposed stormwater facilities. Approved soil erosion control measures must be in place and inspected by the Lincoln City Department of Public Works 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.
3. Right-of-way improvements, including utility extensions, sidewalk, curb and gutter, and roadway construction shall be completed along the property frontage in compliance with LCMC 17.52.230. An overview of the SW Bard Rd improvements can be provided for alignment and roadway profile reference. Asphalt paving of the roadway shall not be required across the narrow frontage of the property. Curb/sidewalk elevations and a roadway cross section to match this overview should be provided during permit application.

4. No public stormwater facilities exist to serve the property. Onsite storm will be required but currently proposed onsite stormwater system (*drywell*) does not fit the steep contours of the site. See LCPW Stormwater BMPs for Site Development for reference. Stormwater discharge shall not be substantially altered or leave property as a point discharge (i.e. *overflowing from a drywell*). Stormwater facility overflow must be constructed to disperse and sheet flow stormwater similar to existing conditions.
5. Applicant should consider segmentation of stormwater collection, with sheet overflow from different infiltration trenches, as opposed to the collection and re-dispersion of stormwater to a single point as shown. For stormwater that is collected to a central point, applicant shall be responsible for demonstrating adequacy of re-dispersion and stabilization measures.
6. Public water facilities shall be extended in order to provide service to the subject property's lot frontage. All extensions of and connections to the water system and associated assemblies shall be designed and completed according to Lincoln City Public Works Design Standards. Service connections larger than 1" are to be completed by the applicant through an approved contractor. Any hot taps shall be completed with a Lincoln City Water Distribution staff member on the site with 48 hours advanced notice.
7. The applicant is responsible for ensuring that requested fire and domestic service are adequate for the development's requirements. Flow testing should be completed and used to establish water pressure and flow information. The applicant shall give the Lincoln City Public Works Department 48 hours advanced notice of any flow testing to be performed and submit results for city records. A Lincoln City Water Distribution staff member shall be on site at the time of flow testing.
8. Sewer facilities shall utilize an Environment One (E-One) positive displacement pump(s) and control panel(s), in accordance with LCPW Design Standards, for connection to the low-pressure public sewer line. Controls shall be additionally integrated with the city's SCADA system and alarming programmed in coordination with wastewater collection crews.
9. An engineering report on proposed sewer facilities shall be submitted with permit application addressing pump/reservoir selection & sizing. This shall include anticipated flows, peaking factors, pump capacity, reservoir capacity, and other relevant design criteria and assumptions.

Approved by:

Anne Marie Skinner

Digitally signed by Anne Marie Skinner
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Anne Marie Skinner, Director
Planning and Community Development