

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2023-01

Date: February 24, 2023

Case File: DEV REV 2023-01 Coast Vineyard Tiny Houses

Project Contact: Kemwood Acquisition LLC (Tom Kemper, Bruce Wood)

Property Owners: City of Lincoln City, Coast Vineyard Church

Situs Address: Unaddressed, 1505 NE 6th Dr

Location: Approximately 100 feet east of northeast corner of NE Keel Ave/NE 10 St intersection

Tax Map and Lot: 07-11-10-DD-12300-00, 07-11-15-AA-00900-00

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

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

Site Size: 1.48 acres

Proposal: Request for development review of a new tiny house development

Surrounding Land Uses and Zones: North: Residential; R-M
South: Church; R-M
East: Residential; R-M
West: Residential; R-M

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.

Procedure: The application was received on January 4, 2023. The application was deemed complete on January 5, 2023. On January 5, 2023, 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.



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
	LCMC Section 17.80.040 Standards for Tiny House Developments

BACKGROUND

The subject property (site) comprises two tax lots identified as Assessor's Map 07-11-10-DD-12300-00 (unaddressed) and 07-11-15-AA-00900-00 (addressed as 1505 NE 6th Dr). The site is located approximately 100 feet east of the northeast corner of the NE Keel Ave/NE 10th St intersection and contains approximately 1.48 acres. The north portion of the site is undeveloped, and the south portion is developed with a church and parking lot. The adjacent properties to the north contain residences. The properties to the east and west of the north portion of the site also contain residences. The lots to the east of the south portion of the site are undeveloped. The lots to the west of the south portion of the site are part of the church development. The site is surrounded by 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 north portion of the site into a 12-unit single-unit residential community comprised of 12 tiny houses. Off-street parking, common areas, and a community trash enclosure will be included as part of the development. The tiny houses are 400 square feet in size with one bedroom and one bathroom and a 48-square-foot porch. The property will be owned and managed by Northwest Coastal Housing with a preference for wildfire survivors as residents.

COMMENTS

Comments were received from Lincoln City Public Works, via email, on January 9, 2023, and consisted of conditions of approval. The conditions of approval are listed at the end of the staff report.

Comments were received from Lucy Navarro, via email, on January 18, 2023, questioning who will occupy the tiny houses when not occupied by fire victims and any time limits on the length of residency in the tiny houses. Staff notes that the site is zoned Multiple-Unit Residential (R-M) and tiny house developments are an allowed use per 17.20.020(L). Short-term rental periods, which are rental periods of 30 days or less, are not allowed in tiny houses. Long-term rental periods are those with a rental periods of more than 30 days and those are allowed. Lincoln City Municipal Code does not give any requirements for the type of occupants or the circumstances of occupants in a tiny house.

Comments were received from a group of individuals, via hand delivery, on January 19, 2023. The comments were signed by four illegible signatures, Jeanette Lake, Judy Nagle, Paul Beard, Barbara Beard, Patricia Feuerborn, and Vicki Seyler. The comments state:

“We are opposing (Signatures below) the 12-unit house project or reasons listed below:

1. Streets in the entire area of Oar & 14th to the State Park and [sic] the Culture Center on Hwy. 101 are Narrow, NO sidewalks and dead end streets. No way out except Hwy. 101 or around to NE 14th and West Devils Lake Rd., most all roads in the area dead end.
2. The reason so much emphasis on this subject, during the summer of 2020 – Sept. 8-10, a massive fire broke out in the Echo Mtn. Otis area. During the evacuation process NE Mast, NE Oar, NE 11 to NE 6th became flooded with cars trying to get to Hwy. 101, via NE 6th street, the Culture Center, most cars their destination Newport, via Hwy 101. The Beard Property located at Mast & NE 11th Streets was packed the entire after-noon into the evening with cars & camping vehicles

trying to get to Hwy. 101 and south to Newport. We gave people running out of fuel, gas from our lawn & Power equipment. One couple gas us \$20.00 for our last gallon of gas. People were afraid and desperate to get out of Lincoln City. We could not get out of our driveway, so we just watched the skyline and watered our roof and our neighbors roof all night, and kept an eye out for the red skyline – a very scary night.

3. Adding more People and vehicles to an already crowded area that already does not have property escape routes, is a disaster waiting to happen. This is an older part of Lincoln City, summer brings lots of visitors to Lincoln City and the state park, in the midst of this proposal we need to be careful of our natural resources, trees, wildlife, people that want to take a safe walk with their dog, or grandchild. Let's not over populate.”

“Little Houses. Title tells you absolutely nothing. 1. What is inside? 2. Are they self contained – is there running water for bathing, cooking? Is there cooking facilities a kitchen, etc 3. Or are they just sleeping quarters? 4. If so, where do occupants cook, bathe, etc Obviously, there are more questions 1. How many occupants can live in their “little houses”? 2. Is this transitional housing working to get occupants jobs, etc 3. Or are these full time occupants supported by government 4. What role does Church play in overseeing the vetting process for occupants. 5. What restrictions will there be – Drug use? Alcohol? Etc”

Staff notes the following regarding the January 19th comments from the group of individuals:

- The site is in the R-M zone. Per 17.20.020(L) tiny house developments are allowed.
- The code does not give any requirements specific to tiny house developments for streets or evacuation routes. New construction requires compliance with Titles 12 and 13 of the municipal code, as well as the Public Works Design Standards and the Lincoln City Transportation System Plan. The development is new construction, so compliance with applicable standards must be demonstrated as part of the structural permit applications and throughout the construction of the project.
- The code does not provide limitations to development based on escape routes or the age of the area being developed. The site does not contain any significant natural resources, protected trees, or significant wildlife habitat. The code does not provide any limits to the population of Lincoln City.
- Tiny house means either: 1) a park model recreational vehicle that: is designed for use as living quarters providing complete, independent living facilities for one or more person, 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. To meet the definition, then, a tiny house must be self-contained and must contain living, sleeping, eating, cooking, and sanitation provisions.
- The code does not have occupancy limits for tiny houses.
- The project is not proposing transitional housing; rather, the project proposes tiny houses. The code for tiny house developments does not give any requirements for the occupation of the residents of tiny houses. The code does not have requirements for vetting the occupants of tiny houses. The tiny house development code restricts the use of tiny house developments from being used as vacation rentals. The tiny house development code does not provide any other restrictions beyond use as vacation rentals.

Comments were received from Janie Lascano, Oregon Parks and Recreation Department, via email, on January 20, 2023, expressing concern that no facilities are being provided in the tiny houses. Staff replied to Ms. Lascano noting that Lincoln City Municipal Code requires each tiny house to have facilities; specifically, a tiny must include permanent indoor provisions for living, sleeping, eating, cooking, and sanitation.

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 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.

A tiny house development means a site designed to contain at least three tiny houses and designed and operated under a single land development plan, or as part of another land development plan such as a planned development or a cottage cluster development.

The applicant proposes placement of 12 park model tiny houses constructed by International Housing Concepts, under the ownership and management of Northwest Coastal Housing. The applicant's narrative states that each model is a one-bedroom, one-bath unit 400 square feet in size with a 48-square-foot porch. The development review application does not specify the proposed type of skirting, so that will be reviewed for compliance during the permitting process. The use as proposed is a permitted use.

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: 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: City water is available at the intersection of NE 10th St and NE Keel Ave and shall be extended to the site's frontage to serve the development. The site contains city sanitary sewer service.

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 NE 6th Dr.

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 propose the storage of boats, RVs, trailers, or house trailers in a 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: The applicant's narrative states that no new light poles are proposed and that the proposed development shall comply with the requirements of this section. The exterior lighting plan, photometric analysis, and cut sheets will be submitted as part of the site development permitting process.

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.

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.

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 submitted plans do not show any proposed retaining walls.

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 submitted plans show no disabled access facilities or bridges. Porches, decks, and stairs, are shown outside of the required setback area. This shall be reviewed for continued compliance during the structural permitting process.

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: The submitted plan shows the solid waste receptacle locations with screening. However, the type and height of the screening is not shown. This requirement is met with a condition of approval that the plans submitted with the site development and structural permit applications shall clearly show and label the height of the trash enclosure as well as the type of material of the trash enclosure to show compliance with 17.52.170.

17.52.180 Placement and screening of mechanical equipment

- A. Any heating, air conditioning, or other mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent 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 applicant's narrative states that all mechanical equipment shall be attached to the tiny houses. A tiny house functions as a detached single-unit dwelling, so the screening requirements of this section are 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 applicant's narrative states none of the above items shall be placed on a front elevation of a tiny house unless there is no other option. 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 applicant's narrative states the maximum height of the proposed tiny house 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.*

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 applicant's narrative states the maximum height of the proposed tiny houses is 14.5 feet.

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. The applicant's narrative states the building permit applications will include grade elevations and illustrations showing the highest part of the structure in relation to the line of the approved grade.

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 application did not include a preliminary grading plan. This shall be reviewed for compliance as part of the building permitting process.

17.52.220 Tree protection and removal

Finding: The applicant's narrative states that no trees are planned to be removed. The submitted plans don't indicate the removal of any of the site's existing trees. This shall be reviewed for continued compliance during the building permitting process.

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 12 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 project will not create any changes in internal traffic patterns that will cause back-ups onto the highway or traffic crashes in the approach area. 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 landscape plan submitted with the development review application indicates 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.*
 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 perimeter of the development area is 840 linear feet. This equates to a requirement of 8 trees and 28 shrubs. The landscaping plan shows the site either does or will contain 82 trees and 84 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: The submitted landscape plan shows that all areas of the site not covered by trees, shrubs, structures, or impervious surfaces will be landscaped. This requirement is met and 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 for new plants.

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 spaces in a new parking area.

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: Required off-street parking spaces are located on the same lot as the tiny houses.

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 are located in a cluster to the side of the tiny houses.

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

Finding: The required off-street parking spaces are outside of required building setback areas.

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 spaces are more than four feet from public right-of-way.

6. *In no case shall any parking area or parking or loading space be located between the front of the building and the front property line.*

Finding: The project does not propose any parking spaces between the front property line (NE 6th Dr) 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 part of a self-contained parking area.

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 applicant's narrative states the parking spaces will be paved.

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: Grading and drainage plans will be reviewed for compliance during the site development and structural permitting process.

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

Finding: The project is not proposing pervious surfaces.

- 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 submitted plans do not show curbing or wheel stops, but the applicant's narrative states the required curbing or wheel stops will be installed. As a condition of approval, the plans submitted with the site development and structural permits shall show the required curbing or wheel stops.

- 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 submitted plan shows marking for each parking space. This shall be reviewed for continued compliance during the site development and structural permitting process.

G. Landscaping

Finding: The submitted landscaping plan does not specify the type of landscaping to meet the parking lot landscaping requirement. As a condition of approval, the landscape plan submitted with the site development permit shall show compliance with the parking lot landscaping requirement.

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: The off-street parking area for the northernmost seven tiny houses contains seven parking spaces and adjoins property situated in the R-M zone. The submitted landscape plan does not show the required screening. As a condition of approval, the landscape plan submitted with the site development permit shall show compliance with the screening requirement.

J. Lighting of Parking Areas

Finding: No parking area lighting is proposed.

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

Finding: The submitted plan does not show any accessible parking. As a condition of approval, applicable accessible parking spaces shall be shown on the plans submitted with the site development and structural permit applications.

L. Parking Area Layout and Dimensions

Finding: The dimensions of the parking spaces are not shown on the submitted plan. As a condition of approval, dimensions of the parking area and spaces shall be shown on the plans submitted with the site development and structural permit applications.

M. Parking Rows

Finding: The dimensions of the parking rows are not shown on the submitted plan. As a condition of approval, dimensions of the parking rows shall be shown on the plans submitted with the site development and structural permit applications.

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 requires 12 vehicle parking spaces, which is less than the 20 required to necessitate one bicycle parking space. This requirement is not applicable to this project.

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 1.48 acres, which converts to 64,468.80 square feet. With this square footage, the site can have up to 54 tiny houses. The project proposes 12 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: It is unclear from the submitted plan if there is at least 10 feet between each tiny house. As a condition of approval, the site plan submitted with the site development permit and structural permit applications shall clearly label the distance between each tiny house to show compliance with the 10-foot minimum separation requirement. The submitted plan does show the required 5-foot perimeter setback, so that portion of the requirement is met and 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: The project is proposing 12 tiny houses and 12 off-street parking spaces. The off-street parking spaces are clustered in a group of seven and five. This requirement is met.

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 Coast Vineyard tiny house development, subject to the following conditions:

General

1. This approval notwithstanding, the applicant/property owner/developer/contractor 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. Site development and structural permits shall not be issued until compliance with applicable codes, rules, regulations, standards, and policies is shown in the materials that accompany the permit applications.

Planning

1. An exterior lighting plan, along with cut sheets of the proposed exterior light fixtures, shall be included with the site development and 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 site development and structural permit application shall clearly and readily identify the location of all enclosures, along with the type of material and height of required screening.
3. All plans submitted with the site development and structural permit applications shall show compliance with Chapter 17.20 and Chapter 17.52.
4. A landscaping plan shall be submitted with the site development and structural permit applications that clearly and readily identifies how the plan is compliant with all portions of Chapter 17.55.
5. Plans submitted with the site development and structural permit applications shall clearly show, label, and identify all required elements of Chapter 17.56, including curbing, wheel stops, marking, ADA spaces, type of surfacing, dimensions, and parking lot screening landscaping.
6. Plans submitted with the site development and structural permit applications shall show the location and type of tree protective fencing used during construction, pursuant to LCMC 17.52.220.
7. Plans submitted with the site development and structural permit applications shall clearly show, label, and identify the minimum 10-foot separation distance between each tiny house.
8. All plans submitted with the site development and structural permit applications shall clearly show, label, and identify all required elements of Title 17 before Planning & Community Development will approve any permits.

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 site development and structural permitting process, and site development and structural permits shall not be issued until compliance with the current Oregon Fire Code requirements is shown in the submitted plans.

Public Works**General:**

1. Any public right-of-way work, including excavation, grading, utility connections, and/or roadway construction shall require submission of a combined public works permit with building permit application. The associated plan for public work shall be stamped by a professional engineer. Work shall be completed as shown and in accordance with applicable Lincoln City Public Works Standards, local, state, 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 & erosion control plans as part of permit submittal. The City Engineer will review and approve all grading & 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 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.

Streets:

1. Asphalt paving will be completed on the NE 10th roadway, from the end of existing pavement at NE 10th and Keel to the paved parking area of the proposed development. Roadway paving shall be completed in compliance with LCPW design standards.

Stormwater:

1. Water quality shall be provided for all new impervious paving & pollutant generating surfaces, on the development property, in accordance with Lincoln City Public works Stormwater Design Standards.
2. All increases from the existing sites total impervious area shall be detained according to Lincoln City Public Works Stormwater Design Standards. In lieu of detention requirements the applicant may mitigate known downstream, stormwater impacts. This would entail installation of a roadway culvert beneath NE 6th Dr.

Water and Sewer:

1. Public water facilities end at the intersection of NE 10th and NE Keel Ave. Water utilities shall be extended to the property frontage 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 or connections to the existing water system shall be completed with a Water Distribution staff member on-site with 48-hours advanced notice.
2. 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 Public Works Department 48 hours advance notice of any flow testing to be performed and submit results for city records. A water distribution city staff member shall be on site at the time of flow testing
3. A sanitary sewer utility easement shall be prepared by the applicant, centered over the existing public sewer utility, and be dedicated for the sanitary sewer utility on the northeast corner of tax lot 00900. The easement execution shall be complete prior to completion & final approval of the project.

Approved by:

Anne Marie Skinner

Digitally signed by Anne Marie Skinner
DN: C=US, E=askinner@lincolncity.org, O=City of Lincoln City,
OU=Planning & Community Development, CN=Anne Marie
Skinner
Date: 2023.02.24 19:42:18-08'00'

Anne Marie Skinner, Director
Planning and Community Development