

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2023-03

Date: April 4, 2023

Case File: DEV REV 2023-03 Jetty Ave Multi-Unit Residential Structure

Project Contact: Garrett Sandberg

Property Owners: Dez Development, LLC

Situs Address: 305 SE Jetty Ave

Location: Southwest corner of the SE Jetty Ave/SE 3rd St intersection

Tax Map and Lot: 07-11-15-DA-01100-00

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

Zoning District: Multiple-Unit Residential (RM) Zone

Site Size: 9,500 square feet

Proposal: Request for development review of a new six-unit residential structure

Surrounding Land Uses and Zones: North: Residential; RM
South: Residential; RM
East: Residential; RM
West: Residential; RM

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 April 3, 2023. The application was deemed complete on April 5, 2023. On April 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.



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| Applicable | LCMC Chapter 17.20 Multiple-Unit Residential (RM) Zone |
| Substantive | LCMC Chapter 17.52 Supplementary Regulations and Exceptions |
| Criteria: | LCMC Chapter 17.55 Landscaping Standards |
| | LCMC Chapter 17.56 Off-Street Parking and Loading |
| | LCMC Chapter 17.74 Design Standards |
| | LCMC Section 17.76.040 Type II Procedure |
| | LCMC Section 17.77.010 Adjustment – Design Standard |
| | LCMC Section 17.77.070 Development Review |

BACKGROUND

The subject property (site) is addressed as 305 SE Jetty Ave in the RM zone. The tax lot number is 07-11-15-DA-01100-00, and the site size is 9,500 square feet. The site is undeveloped. The site's north boundary is SE 3rd St, with an east boundary of SE Jetty Ave. Immediately adjacent to the south is an undeveloped tax lot owned by the applicant and not part of this application. South of that are developed residential lots. The lots to the west of the site are developed with residential uses. The site is surrounded by properties in the RM zone that are developed with residential uses.

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 build a new two-story structure, with a 4/12 pitched roof, which will contain six dwelling units. The use is allowed per LCMC 17.20.020.H. Each unit will contain two bedrooms and two-and-a-half bathrooms. The main floor will be for daily activities with the dining area extending to the outside deck and backyard. The second floor will contain two bedrooms and two-and-a-half bathrooms. One unit will face SE 3rd St and the other five units will face SE Jetty Ave. The western portion of the site will contain the required six off-street parking spaces. The driveway entrance will be on the west side of the SE 3rd St property line.

For exterior materials, the project proposes the use of cedar shake on the exterior walls and composite shingles for the roofing. Lap siding, vertical tongue and groove cedar, and vertical board and batt will be secondary materials.

COMMENTS

Comments were received from David and Charlotte Lee, via email, on April 12, 2023. The Lees expressed opposition for the new apartment building with the main concern being parking.

This staff report notes, in response to the comments from the Lees, that LCMC Title 17 provides the criteria for reviewing and approving a development review application. The criteria include minimum off-street parking. The proposed use of a multi-unit residential dwelling is allowed outright, and no approvals are needed for the use. Development review is not a process for reviewing and approving the use; rather, development review is a process for reviewing the proposed project to ensure compliance with development standards. For traffic safety, LCMC 17.52.300 outlines when a traffic impact analysis is required, and this project does not reach the minimum requirements necessary for a traffic impact analysis. Immediate traffic violations need to be reported to the non-emergency police phone number. Requests for the city to investigate if the posting of no parking signs is warranted need to be made to the public works director. LCMC Chapter 17.56 lists the off-street parking requirement for multi-unit residential dwellings as one space per unit. The project proposes one structure with six dwelling units and six off-street parking spaces on the site, thus meeting the off-street parking requirement. The code has no requirements for, or prohibitions against, street parking (public right-of-way parking).

This is not a request for conditional use approval because the use is allowed outright, and use approval is not needed; rather, this is a request for development review and has nothing to do with use approval. Conditions outside of what the code already requires may be placed on a conditional use approval by the review authority

as part of the approval process. However, in a development review approval, the only conditions that may be placed as part of the approval are those specifically listed in the code. The review authority in a development review approval does not have the authority to condition the development review approval with any conditions (for example, two off-street parking spaces per unit) that exceed those in the code (the code requires one off-street parking space per unit). Staff also notes that the rules and codes change frequently, and the rules and codes that were in place 11 years ago are not necessarily the same rules and codes that govern current development.

Comments were received from Joseph and Kelly Florian, via email, on April 13, 2023. Concerns included the following: detrimental effects on the neighborhood; traffic safety issues; street parking; and noise from outside heat pumps. The Florians requested the provision of additional on-site parking spaces by the applicant and the posting of no parking signs by the city.

This staff report notes, in response to the comments from the Florians, that LCMC Title 17 provides the criteria for reviewing and approving a development review application. The criteria do not include detrimental effects on the neighborhood, traffic safety issues, street parking, or noise from heat pumps. The proposed use of a multi-unit residential dwelling is allowed outright, and no approvals are needed for the use. Development review is not a process for reviewing and approving the use; rather, development review is a process for reviewing the proposed project to ensure compliance with development standards. For traffic safety, LCMC 17.52.300 outlines when a traffic impact analysis is required, and this project does not reach the minimum requirements necessary for a traffic impact analysis. Immediate traffic violations need to be reported to the non-emergency police phone number. Requests for the city to investigate if the posting of no parking signs is warranted need to be made to the public works director. LCMC Chapter 17.56 lists the off-street parking requirement for multi-unit residential dwellings as one space per unit. The project proposes one structure with six dwelling units and six off-street parking spaces on the site, thus meeting the off-street parking requirement. The code has no requirements for, or prohibitions against, street parking (public right-of-way parking). LCMC Title 17 has no prohibitions against the use of outside heat pumps. LCMC 17.52.180 provides the placement and screening requirements for mechanical equipment, and the completed project must meet those requirements prior to issuance of a certificate of occupancy. Regarding noise, LCMC Chapter 9.10 addresses noise control. Excepting the listed exemptions, everyone must abide by LCMC Chapter 9.10.

Finally, this is not a request for conditional use approval because the use is allowed outright, and use approval is not needed; rather, this is a request for development review and has nothing to do with use approval. Conditions outside of what the code already requires may be placed on a conditional use approval by the review authority as part of the approval process. However, in a development review approval, the only conditions that may be placed as part of the approval are those specifically listed in the code. The review authority in a development review approval does not have the authority to condition the development review approval with any conditions that exceed those in the code.

Comments were received from Calvin Alsleben, via hand-written letter, on April 18, 2023. Mr. Alsleben notes living in the area over 20 years and the proposed sixplex is not a good idea. He adds that a park is needed with a half-court basketball court and that children play in the street because they have nowhere else to go. Mr. Alsleben states that the neighbors feel the same but are too busy to comment and asks to “please have this option in mind considering the property on 305 SE Jetty.”

This staff report notes, in response to the comments from Mr. Alsleben, that LCMC Title 17 provides the criteria for reviewing and approving a development review application. The criteria do not include provisions for a park. The proposed use of a multi-unit residential dwelling is allowed outright, and no approvals are needed for the use. Development review is not a process for reviewing and approving the use; rather, development review is a process for reviewing the proposed project to ensure compliance with development standards. The development standards include requirements for landscaping, usable open space, and off-street

parking. The staff report analyzes the submitted project for compliance with each of the requirements. Any requirements that aren't met in the development review submittal must be met prior to issuance of the certificate of occupancy.

Again, staff notes that this is not a request for conditional use approval because the use is allowed outright, and use approval is not needed; rather, this is a request for development review and has nothing to do with use approval. Conditions outside of what the code already requires may be placed on a conditional use approval by the review authority as part of the approval process. Accordingly, staff cannot require the project to install a half-court basketball court as part of the development review approval. In the development review approval, the only conditions that may be placed as part of the approval are those specifically listed in the code. The review authority in a development review approval does not have the authority to condition the development review approval with any conditions that exceed those in the code. The required landscaping, usable open space, and off-street parking must be in place prior to issuance of the certificate of occupancy.

Comments were received from Lincoln City Public Works, via email, on April 14, 2023, and consisted of conditions of approval for the development review. The conditions of approval are included at the end of the staff report as part of the decision.

ANALYSIS

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

17.20.020 Permitted uses

Finding: The site is located in the RM zone. The proposed use is a multi-unit dwelling containing six units. Multi-unit dwellings are listed as a permitted use (LCMC 17.20.020.H) in the RM zone. The proposed use is allowed. This requirement is met.

17.20.030 Accessory uses

Finding: The application does not show or request any accessory structures.

17.20.040 Conditional uses

Finding: The project does not propose any uses that require conditional use approval, so this requirement is not applicable.

17.20.050 Development standards

Finding: The minimum lot width is 25 feet. The existing lot is 95 feet wide. The minimum lot area is 2,500 square feet. The existing lot is 9,500 square feet. The minimum density is 15 dwellings units per net acre. This equates to a minimum of three dwelling units. The project proposes six dwelling units. The maximum building height is 40 feet for primary buildings. The project proposes a building height of approximately 31 feet. The minimum front porch, front wall, interior side, street side, and rear setback requirements are five feet. The structure will be five feet four inches from the north property line, six feet from the east property line, five feet from the south property line, and 51 feet from the west property line. The maximum building coverage allowed is 65% of the site, which equals 6,175 square feet. The proposed coverage is 3,717 square feet, or 39% of the site. A minimum of 75 square feet of usable open space per dwelling unit must be installed. With the proposed six dwelling units, this equals a minimum of 450 square feet of usable open space. Private decks, balconies, or patios for individual units may count towards the usable open space square footage provide the deck, balcony, or patio is at least 48 square feet in area with a minimum depth of five feet. The project will be providing each unit with a 60-square-foot deck that is six feet deep. This gives a total of 360 square feet of usable open space. Each unit will additionally be provided an outdoor area of 170 square feet immediately adjacent to the deck. The submitted landscaping plan shows that the outdoor area will be

landscaped with blue oat grass. The development standards are met for this application and shall be reviewed for continued compliance during the building permit process.

17.20.060 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: A detailed review of compliance with landscaping standards is in this report under Chapter 17.55.

17.20.070 Signs

Signs shall be allowed in accordance with Chapter 9.34 and 17.72 LCMC.

Finding: The application did not include any requests for signs.

17.20.080 Supplementary regulations and exceptions

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

Finding: A detailed review of compliance with supplementary regulations and exceptions is in this report under Chapter 17.52.

17.20.090 Off-street parking and loading

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

Finding: A detailed review of compliance with off-street parking and loading requirements is in this report under Chapter 17.56.

17.20.100 Design standards

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

Finding: A detailed review of compliance with design standards is in this report under Chapter 17.74.

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: Sewer and water are available in both SE 3rd St and SE Jetty Ave.

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 has 100 feet of frontage on SE 3rd St and 95 feet of frontage on SE Jetty Ave. 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 submitted materials do not show, nor does the application request, any storage in the five-foot 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.*
- B. *Definition of a Clear-Vision Triangle. This section defines a clear-vision triangle differently for (1) controlled intersections, where at least one street has a stop sign or traffic control light; (2) for uncontrolled intersections; and (3) in commercial zones, for alleys and driveways.*
1. *For intersections controlled by a stop sign or traffic light and for T intersections, two sides of the triangle are aligned with the property lines of the corner lot. The side of a triangle that abuts a controlled street or a street that does not continue on the other side of the intersection (ending in a T intersection) shall extend along the right-of-way of the controlled street 10 feet from point A. The side of the triangle abutting an uncontrolled street shall extend 50 feet from point A. The third side shall connect the endpoints of the other two sides.*
 2. *For uncontrolled intersections. A corner lot that abuts two uncontrolled streets shall have a triangle for each abutting street, defined by the following sides: a side extending along the...*
 3. *Alleys and Driveways in Commercial Zones.*
 4. *Notwithstanding the definitions set forth above, the minimum clear-vision area (clear-vision triangle) may be modified by the city engineer, with the concurrence of the director, upon written finding that more or less sight distance is necessary (i.e., due to traffic speeds or roadway alignment).*
- C. *Clear-Vision Requirements. Clear-vision triangles shall be free of obstructions (including but not limited to plantings, fencing, or other temporary or permanent obstruction) from two-and-one-half feet to eight feet above the grade of the street, except for obstructions specified in subsection (D) of this section.*

Finding: The site is a corner lot in a residential zone. The SE 3rd St/ SE Jetty Ave intersection is a T intersection. The required clear-vision area for the site is its northeast corner. Sheet A0 of the submitted plan set shows the clear-vision triangles with no obstructions. This requirement is met for purposes of this application and shall be reviewed for continued compliance during the building permit process.

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. There is a note on Sheet A0 stating that all service installations and connections shall be underground. This requirement is met for this application and shall be reviewed for continued compliance as part of the building permitting and inspecting 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.

- A. *Light poles must not exceed a height of 20 feet.*
- B. *All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.*

- C. *Luminance at the property line, or no more than five feet over the property line, must be zero.*
- D. *Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.*
- E. *Maximum initial luminance of parking lots must not exceed four foot-candles.*
- F. *Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.*
- G. *Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.*
- H. *The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.*

Finding: Cut sheets of the exterior light fixtures and the photometric analysis were not included as part of the development review application submittal, but the submittal of such is being deferred to the building permit process as indicated by the applicant. The site plan states there will be 11 exterior LED bollard lights to provide maximum four-foot candle of illumination, with side throw lights along property lights. The site plan also states 14 exterior wall-mounted lights will be installed to provide one foot-candle illumination with cut off to neighboring property. The cut sheets for exterior light fixtures and photometric analysis shall be included with the building permit application submittal, and shall show compliance with LCMC 17.52.150.

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: Sheet A1 shows eaves and porch encroachments on the left elevation. Sheet A1.1 shows eaves and porch encroachments on the rear and right elevations. The sheets do not provide the dimensions of the encroachments, however, so a condition of approval will be that encroachment dimensions shall be shown on the elevations submitted with the building permit application such that no architectural features are encroaching into a required setback area by more than 18 inches.

- 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: No accessory structures are proposed as part of this application.

- 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: Fences up to seven feet in height are allowed anywhere on the property. The site plan shows a proposed six-foot-tall wood fence with the location of said fence not immediately clear. However, since the fence is allowed anywhere provided it doesn't exceed seven feet in height, and since the fence is less than seven feet tall, the location is immaterial. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting process.

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

1. *One or more retaining walls, none of which individually exceeds 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 site plans shows proposed retaining walls, all of which are less than four feet in height. Provided the retaining walls do not exceed four feet in height, the location of the retaining walls does not matter. This requirement is met for this application and shall be reviewed for continued compliance during 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: It is unclear if any portion of the covered porches are within the setback areas. The plans submitted with the building permit application shall clearly and explicitly show and state that no part of any porches, decks, or stairs that are more than 30 inches above the ground are in any setback area.

17.52.170 Solid waste, garbage, trash, recycling, and composting receptacle storage areas. All solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure 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 A0.1 shows the trash enclosure on the side of the off-street parking area. The detail of the enclosure is shown on Sheet A0. This requirement is met for this application and shall be reviewed for continued compliance during the building permit process.

17.52.180 Placement and screening of mechanical equipment

- A. *Any heating, air conditioning, or other mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent 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 heat pumps shall be placed outside each unit. The proposed location for the heat pumps is under the rear decks with screening provided by lattice/fence. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspecting process.

- 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: Heat pumps are proposed to be placed under the rear decks with screening provided by lattice/fence. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspecting process.

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 elevation. This requirement is met for this application and shall be reviewed for continued compliance during the building 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 building will be a little less than 31 feet tall. This requirement is met for this application and shall be reviewed for continued compliance during the building permit process.

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 is 40 feet. The submitted architectural drawings indicate the building will be less than 31 feet tall. This requirement is met for this application and shall be reviewed for continued compliance during the building permit process.

- 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: This is not a building permit application.

- 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 grade shown on the submitted elevations does not rely on retaining walls, riprap, other artificial restraints, or berming to increase elevation. This requirement is met for this application and shall be reviewed for continued compliance during the building permit process.

- 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: This is a development review application. The grade shown on the grading for the elevations is, therefore, the approved grade and shall be utilized for the building permit application.

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: As submitted, the project does not include any exempted projections. Should the design change, however, the code does allow projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not use for human occupancy to go beyond the 40-foot maximum height requirement.

17.52.220 Tree protection and removal

Finding: There are no existing trees on the site, so this requirement is not applicable.

17.52.230 Public infrastructure improvements

Finding: Public Works reviewed the submitted plans and provided conditions of approval for compliance with LCMC 17.52.230 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;*
 - 2. *A new direct property approach road to US 101;*
 - 3. *Likely generation of 50 or more p.m. peak-hour trips on US 101, or 100 or more p.m. peak-hour trips on the local transportation system, according to the Institute of Transportation Engineers (ITE) Trip Generation Manual;*
 - 4. *If use on any street or direct property approach road intersecting with US 101 increases by 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight;*
 - 5. *An existing or proposed access driveway that does not meet minimum spacing or sight distance requirements, or a driveway located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard; or*
 - 6. *A change in internal traffic patterns that may cause safety problems, such as back-up onto the highway or traffic crashes in the approach area.*

Finding: The project does not trigger the requirements for a TIS, nor did the city engineer request a TIS for this project. This requirement is not applicable to this application.

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 building permitting and inspecting 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 site does not contain any trees or shrubs.

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 site's total perimeter is 390 feet, which gives a requirement of four trees and 13 shrubs. The submitted landscape plan shows four trees and 13 shrubs, along with living or nonliving ground cover covering the portions of the site not covered by buildings, structures, or impervious surfaces. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspecting 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: The project only requires six off-street parking spaces, which does not trigger the requirement for islands so no islands are provided. This requirement is not applicable to this application.

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 plans appear to show compliance with this requirement. This shall be reviewed for continued compliance during the building permitting and inspecting 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 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: This shall be confirmed at the time of the final inspection, and unhealthy plants shall be replaced with healthy ones.

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 landscaping plan states a tree size of 1.5 caliper inches at the time of tree planting. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspecting process.

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

Finding: The landscaping plan states a ground cover plant size of a four-inch pot at the time of planting. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspecting process.

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

Finding: The landscaping plan states a shrub plant size of one gallon at the time of planting. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspecting process.

- 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 plantings have been selected from the City of Lincoln City Guide to Landscape Selections. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspecting 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 landscaping plan submitted with the development review application does not appear to indicate the method of watering to ensure plant naturalization. As a condition of approval, the landscaping plan that is submitted with the building permit application shall be revised to show or indicate compliance with LCMC 17.55.060.A.

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: Sheet A0 depicts the clear-vision triangles at the site's SE 3rd St/SE Jetty Ave corner. The clear-vision triangles are shown as being free from obstructions. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspecting process.

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: The project proposes one multi-unit residential building containing six dwelling units. The off-street parking requirement is one space per dwelling unit. Sheet A0 shows six off-street parking spaces. This requirement is met and shall be reviewed for continued compliance during the building permitting and inspection process.

- 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 a commercial use, nor is it 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 health, and the grading plan must show enough protection and lack of disturbance around the roots (again, as certified by a licensed Oregon arborist) that the trees will be protected and preserved throughout construction and thereafter.

Finding: The project is not requesting use of this exception.

17.56.040 Number of off-street loading spaces required

- A. Every building hereafter erected or established, for a use other than residential, having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area.*
- B. Each loading space shall be not less than 10 feet wide by 25 feet in length and 14 feet in height.*

Finding: This requirement is not applicable since the project is residential.

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. The project is providing the required off-street parking spaces on the site.

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

Finding: This project is on its own tax lot, and contains one building with one use.

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 proposed building.

- 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: Sheet A0 shows the off-street parking spaces to the rear of the building. This requirement is met.

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

Finding: Sheet A0 shows the off-street parking spaces are outside of the required five-foot building setback areas. This requirement is met.

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 submitted materials show that all new parking spaces are over four feet from SE 3rd St; however, the space between SE 3rd St and the parking spaces is not landscaped. This requirement is partially met and will be fully met with a condition of approval to submit a revised landscaping plan with the building permit application showing compliance with LCMC 17.56.080.A.5.

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

Finding: The front property line is the east property line. The submitted plan set shows that there are no parking spaces between the east (front) property line and the east (front) building elevation.

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

Finding: The submitted plans show that there are no backing movements or other maneuvering taking place within either SE 3rd St or SE Jetty Ave. Rather, all backing movements and maneuvering are taking place within the interior parking lot located on the site. This requirement is met.

B. Surfacing

1. *Parking spaces, parking areas, and driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste vehicles and firefighting apparatus.*
2. *Surfaces shall 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 submitted materials indicate that the parking areas, spaces, and drive aisles will be surfaced with concrete. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

C. Repealed.

D. Installation and Maintenance.

1. *Materials shall be installed and maintained adequately for all-weather use, including proper drainage so as to avoid flow of water across sidewalks and any property line.*

Finding: The project is proposing the use of dry wells to address stormwater drainage. These shall be reviewed for compliance during the building permitting and inspecting process.

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

Finding: No pervious surfaces are proposed, so this requirement is not applicable.

E. *Repealed.*

F. *Curbing and Wheel Stops.*

1. *Parking spaces shall be contained by a curb or wheel stop so placed to prevent a vehicle from extending into an adjacent property, public right-of-way, private street, sidewalk, or landscaping area.*

Finding: The submitted materials don't appear to show curbing or wheel stops at the front of the parking spaces. However, Sheet A0 does show a concrete retaining wall running the entire length of the front of the parking spaces. The retaining wall will prevent vehicles from extending into the adjacent sidewalk.

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

Finding: No curbing is proposed.

3. *Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear.*

Finding: Should any wheel stops be installed, they shall meet these standards.

4. *Parking spaces having curbing or wheel stops may be reduced in length by two feet, allowing for overhang of the vehicle parked in that space, provided the curbing or wheel stops are placed two feet back from the front of the parking space.*

Finding: The required length of the standard parking space is 20 feet. The plans show the spaces as meeting the full required 20 feet.

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

Finding: Sheet A0 shows the marking of the off-street parking spaces. This requirement is met for the purposes of the development review and shall be reviewed for continued compliance during the building permitting and constructing process.

H. *Landscaping*

1. *Surface parking lots must have perimeter buffer strip landscaping of not less than four feet in depth (see Figure 17.56.080-1) landscaped in accordance with Chapter 17.55 LCMC.*

Finding: Sheet A0 shows the parking lot with a perimeter buffer strip of at least four feet deep; however, there is no landscaping shown in the four-foot strip. This requirement is partially met, and will be fully met with a condition of approval that a revised landscaping plan shall be submitted with the building permit application showing compliance with LCMC 17.56.080.H.1.

I. *Repealed*

J. *Lighting of Parking Areas*

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

Finding: The site plan does not show any proposed light poles in the parking lot.

2. *Any provided lighting in parking areas shall be shielded or provided with cut-offs to avoid glare, light pollution (night sky) and light spillover onto residentially used properties.*

Finding: The landscaping plan states that 11 exterior LED bollard lights are proposed. The submittal of the cut sheets and the photometric analysis is deferred to the building permit application.

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

Finding: The applicant has deferred the submittal of the photometric analysis to the building permitting process.

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

Finding: ADA parking is reviewed for compliance by the building plans examiner as part of the building permit application review.

- L. *Parking Area Layout and Dimensions*

1. *A minimum of 50 percent of the required number of parking spaces must be designed as standard sized spaces with a minimum space width of nine feet and length of 20 feet.*

Finding: Sheet A0 shows all six spaces as being nine feet wide and 20 feet long.

2. *No more than 50 percent of the required number of parking spaces may be designed as compact sized spaces with a minimum space width of eight feet and length of 16 feet.*

Finding: The project is not providing any compact-sized spaces.

3. *A clear pedestrian circulation route from parking stalls to the primary building entrance, or a pedestrian area immediately adjacent to the primary building entrance, must be provided.*

Finding: The submitted plans show a pedestrian circulation route from parking stalls to the rear yards and to the front porches.

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

Finding: The parking space dimensions are in compliance with LCMC standards. This requirement is met.

- M. *Parking Rows*

1. *Surface parking lots containing more than 20 parking spaces must have rows of not more than 12 continuous parking spaces and shall include one planting island between every 12 parking stalls.*

Finding: The project proposes six off-street parking spaces, so parking islands are not required. \

2. *The perimeter of parking lots or the outer parking aisles must contain at least a four-foot-wide landscaping/drainage swale or landscape buffer (see Figure 17.56.080-1) landscaped pursuant to the provisions of Chapter 17.55 LCMC. The perimeter landscaping buffer counts towards the interior parking lot landscaping requirement of subsection (H)(1) of this section.*

Finding: The project contains the minimum four-foot-wide buffer around the perimeter of the parking area, but portions of the buffer do not show any proposed landscaping. This requirement is partially met, and can be fully met with a condition of approval that a revised landscaping plan is submitted with the building permit application showing landscaping in the buffer along the west boundary and north boundary.

N. RV, Motorhome, and Bus Parking. Commercial or mixed-use developments (wholly residential development do not have this requirement) with 50 or more required off-street parking spaces shall provide the following minimum number of off-street parking spaces sized and designated for the parking of RVs, motorhomes, and buses:

Finding: This is a residential development, so this requirement is not applicable.

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

Finding: No structured parking is proposed. This requirement is not applicable.

17.56.090 Bicycle parking

Finding: The requirement for bicycle parking spaces begins with 20 required vehicle parking spaces. Since the project only requires six vehicle parking spaces, the bicycle parking space is not applicable.

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 construction of a new building. Accordingly, the design standards of Chapter 17.74 apply.

Article III. Design Regulations for Multi-Unit Residential Structures

17.74.130 Building design

- A. Intent.*
- B. Building Form. All buildings must incorporate elements to preclude blank building elevations facing a public right-of-way. Along the façade of the structure, such features must occur at a minimum of every 100 lineal feet, with each floor containing at least one of the following features:*
 - 1. Roof line offset at least two feet from the top surface of one roof to the top surface of the other;*
 - 2. An offset on the building face of at least eight inches from one exterior wall to the other;*
 - 3. A section of the façade, at least four feet in width, that is either recessed or bumped out by at least one foot deep from the front wall plane;*
 - 4. A recessed building entry at least two feet deep, as measured horizontally from the face of the main building façade, and at least four feet wide;*
 - 5. A balcony at least four feet deep and eight feet wide, that is accessible from at least one interior room;*
 - 6. A covered porch at least two feet deep and at least four feet wide;*
 - 7. Recess with a minimum depth of four feet; or*
 - 8. Extension projecting a minimum of two feet and running horizontally a minimum of four feet.*

Finding: All units have a covered porch at least two feet deep and four feet wide as shown on Sheets A1, A1.2, A2, and A6 (number 6 above). There is a roof -line offset of over two feet once every 100 linear feet and a two-foot grade change every second unit, as shown on Sheets A1 and A1.1 (number 1 above).

C. Roof Form.

1. *Sloped roofs are the preferred form for buildings, and flat roofs should be avoided.*
2. *Sloped roofs must have a pitch between 3:12 and 12:12. Mono-pitch (shed roofs) must have a pitch of at least 2:12.*
3. *Dual-pitched or hipped “mansard” and A-frame roof forms are not permitted.*
4. *Sloped roofs are the preferred roof form for buildings with a front façade width 50 feet or greater.*

Finding: The submitted materials show a sloped roof is proposed with a 4:12 pitch. This requirement is met for this application and shall be required for continued compliance during the building permitting process.

D. Building Entrances.

1. *Porches. Useable porches and stoops are recommended to form a predominant motif of the building design and should be located on the front and/or side of the building to respond to the climatic conditions and the character of nearby residential uses.*

Finding: This is a recommendation, not a requirement.

2. *Primary Entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building entry.*

Finding: The depth of the Unit 1 porch is five feet six inches as shown on Sheet A6 of the submitted plan set. The depth of the porches for Units 2 through 6 are five feet as shown on Sheet A2. On Units 2, 4, and 6, the entry door wall was shifted back two feet to meet the depth requirement. On units 3 and 5, the entry door wall was shifted back six inches to meet the requirement. The original depth of three feet was incorrect. The extent of the porches and dimensions are shown on Sheet A2. The requirement is met for purposes of this application and will be reviewed for continued compliance during the building permit process.

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

Finding: The project proposes providing Unit 3 as having the required ADA entrance connected to the parking area. The threshold will be adjusted during the construction drawing phase. This requirement is met for the purposes of this application and will be reviewed for continued compliance during the building permit process.

E. Building Windows.

1. *Facades Facing a Public Right-of-Way. At least 15 percent of the area of each façade that faces a public right-of-way must have, and maintain, clear and transparent windows or main entrance doors. Windows or doors contributing to this standard must allow views from inside the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. Only transparency in doors at the main entrance and facing the street property line counts toward this standard.*

Finding: The building’s east façade faces SE Jetty Ave, and the north façade faces SE 3rd St. The submitted elevations show transparent windows in both the east and north facades. The total square footage of the east façade is 1,716 square feet with 444 square feet of that being transparent. That equates to 25.87% and meets

the transparency requirement for the east façade. The north façade is 992 square feet, of which 198 square feet (19.95%) is transparent. The transparency requirement is met for the north façade. The transparency requirement is met for this application and will be reviewed for continued compliance during the building permitting process.

2. *Garage Windows. Garages with a side or rear wall that faces the street must have a window on the street-facing wall that is a minimum of six square feet in area.*

Finding: The project does not propose any garages. This requirement is not applicable.

- F. *Building Materials. Exterior walls of all buildings and structures, including accessory, must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, or architectural-grade synthetic materials. Natural materials or natural stain or unfinished wood is the preferred primary cladding.*

Finding: The applicant's narrative states the building will be clad in cedar shake on the exterior walls and composite shingles for the roofing materials. Hardie's lap siding, vertical tongue and groove cedar, and vertical board and batten will also be used. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

- G. *Building Colors. Façade colors must be low reflectance and be muted earth tones or neutral colors. Variations in color schemes and building material must be provided to articulate entryways so as to draw attention to these features.*

Finding: The applicant provided the following information for proposed colors for the front and left elevations: main body color – Sherwin Williams 7043 Wordly Gray; shake – Sherwin Williams 9169 Chatura Gray; fascias/gutters – Sherwin Williams 9169 Chatura Gray; and Unit 2 and 3 porches – vertical tongue and groove cedar. The following are proposed for the rear and right elevations: main body color – Sherwin Williams 7043 Worldly Gray; fascias/gutters – Sherwin Williams 9169 Chatura Gray; and Unit 3 and 5 bumpouts – Sherwin Williams 9169 Chatura Gray. All proposed colors are muted earth tones/neutral colors. The requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

- H. *Garage Requirements. Garage and carport design and construction must use the same architectural features and exterior materials and colors as the primary building.*

Finding: The project does not propose garages or carports. This requirement is not applicable.

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 and adjustment requests for development of a sixplex at 305 SE Jetty Ave, 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 (LCMC).
2. Structural permits shall not be issued until compliance with applicable codes, rules, regulations, and standards is shown in the materials that accompany the structural permit applications.

Planning

1. The building permit submittal shall include revised elevations showing all portions of the building and covered porches outside of required setback areas, pursuant to LCMC 17.20.050.
2. An exterior lighting plan, along with cut sheets of the proposed exterior light fixtures and a photometric analysis, shall be included with the structural permit application submittal and shall show compliance with LCMC 17.52.150.
3. The building permit submittal shall include revised elevations clearly identifying and labeling the dimensions of any architectural projections to show compliance with LCMC 17.52.160.A.
4. The landscaping plan included with the building permit application submittal shall show full compliance with LCMC 17.55, including an indication of the required irrigation method.
5. The landscaping plan including with the building permit application submittal shall show compliance with LCMC 17.56, including the required perimeter buffer landscaping, LCMC 17.56.080.A.5, and 17.56.080.H.1.
6. All plans submitted with the structural permit applications shall show compliance with LCMC Title 17.

Fire

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

Public Works**Engineering Plans:**

1. 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 Design Standards, local, state, ADA standards, and the provisions of these conditions of approval.
2. 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.
3. Within 30 days of the completion of construction, field-verified, stamped as-built drawings shall be submitted to Lincoln City Public Works (LCPW) in AutoCAD format and shall include relevant survey/monument data for utility placement.

Erosion Control:

1. Grading and erosion control plans showing compliance with LCMC 12.08 shall be submitted as part of the building permit application submittal. Erosion control plans must be prepared by a professional engineer, landscape architect, engineering geologist, or certified professional in erosion sediment and control.
2. Grading plans shall identify proposed grading, drainage, and proposed stormwater facilities.
3. Approved soil erosion control measures must be in place and inspected by the LCPW prior to any construction activities.

Right-of-Way Improvements:

1. Sidewalk, curb and gutter, and necessary pavement repair shall be completed along street frontages in compliance with LCMC 17.52.230.
2. Sidewalk construction plans shall include detailed grading demonstrating ADA compliant directional curb ramps, driveway apron, and sidewalk construction.
3. Additional underground drainage improvements shall be completed to serve the project in accordance with LCMC 17.52.230.1.c. At a minimum a standard catch basin shall be placed at the intersection of SE 3rd and SE Jetty.

4. All work shall be designed and constructed in accordance with LCPW Design Standards, applicable ADA guidelines, and engineering best practices.
5. An easement shall be dedicated for sidewalk encroachment onto the subject property in accordance with LCMC 17.52.230.1.d.

Storm Water:

1. The property owner is responsible for knowledge of, adherence to, and compliance with Oregon Drainage Law. The design and construction of all development and stormwater facilities shall comply with Oregon Drainage Law.
2. All new impervious paving shall be treated according to the LCPW Stormwater Design Standards. Treatment shall be sized according to 50% of the 2-year, 24-hour rain event.
3. All increase from the existing site's total impervious area shall be detained according to LCPW Stormwater Design Standards: 2-year, 10-year, 25-year, 24-hour rain event.
4. Utilization of water quality features listed within LCPW Design Standards shall be prioritized over the use of proprietary mechanical measures.
5. Stormwater facilities shall have an approved flow through location to accommodate stormwater events exceeding the design event in accordance with LCPW Design Standards and Stormwater Best Management Practices (BMPs).
6. Calculations for conveyance, infiltration, detention, and water quality for the proposed drainage facilities shall be submitted with the building permit application. The stormwater report shall demonstrate that the system is capable of handling the design stormwater flows and/or proposed work on the system will adequately increase system capacity. Calculations may consist of the methods outlined within LCPW Design Standards or via the simplified methods provided within LCPW Stormwater BMPs.
7. The drywell detail provided in the submitted plans references Lincoln City's standard drywell detail for single-family residential development. Additional design information must be provided, as noted in these conditions of approval, prior to acceptance of application of the design to the subject project.
8. The proposed site plan includes underground infiltration systems. Applicant shall be responsible for registering any subsurface infiltration systems with Oregon DEQ's Underground Injection Control (UIC) program.

Water and Sanitary Sewer Utilities:

1. All connections to the sanitary sewer system, water system, assemblies, and meter assemblies shall be shown on the permit drawings. Connections shall be designed and completed according to LCPW Design Standards.
2. Backflow protection shall be provided on all water service connections in accordance with LCMC 13.18.050.
3. The property owner is responsible for design and sizing of required fire and domestic water services in accordance with applicable requirements.
4. Connections larger than 1" shall be completed by the applicant's contractor with a water distribution staff member on the site after 48-hour notice.

Approved by:



Digitally signed by Anne Marie Skinner
Date: 2023.06.22 23:29:13-07'00'

Anne Marie Skinner, Director
Planning and Community Development

Date