

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2024-01

Date: June 25, 2024

Case File: DEV REV 2024-01 HALC Lighthouse Village

Project Contact: Jeremy Cogdill, Open Concept Architecture
Matt Oest, Open Concept Architecture

Property Owners: Housing Authority of Lincoln County
Lighthouse Village Housing, LLC
KemWood Development, LLC
Thomas & Melanie Kemper

Site Address: 4225 N Highway 101

Location: North Lincoln City, east of intersection of Highway 101 and Logan Road

Tax Map and Lot: 07-11-02-B0-01000

Comprehensive Plan Designation: Commercial General (CG)

Zoning District: General Commercial (GC) Zone

Site Size: 30,217 square feet (pending partition)

Proposal: 28-unit supportive housing development

Surrounding Land Uses and Zones:
North: Residential (R1-7.5)
South: General Commercial (GC)
East: General Commercial (GC)
West: General Commercial (GC)

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 initial application was received on March 6, 2024, and was deemed incomplete on April 4, 2024. Additional documents were submitted on May 31, 2024 and the application was deemed complete on June 3, 2024. On June 4, 2024, pursuant to LCMC 17.76.040.E, the Planning and Community Development Department mailed a notice of application to property owners within 500 feet of the subject property.



Applicable Substantive Criteria	LCMC Chapter 17.20 Multiple-Unit Residential (RM) Zone
	LCMC Chapter 17.32 General Commercial (GC) Zone
	LCMC Chapter 17.52 Supplementary Regulations and Exceptions
	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 17.77.070 Development Review

BACKGROUND

The subject property (site) is addressed as 4225 N Highway 101 in the GC zone. The tax lot number is 07-11-02-B0-01000, and the site size, pending an approved partition will be 30,217 square feet. The site was previously developed with a single unit dwelling that has been removed. The adjacent property to the west is Lighthouse Square shopping area. To the north of the site is single unit residential development. To the east of the site is undeveloped property zoned General Commercial (GC) and to the south across Highway 101 is the Wildflower Grill, a commercial use.

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 28-unit 3-story affordable housing development. The proposed housing will be accompanied by community space and offices on the ground floor. The site is proposed to be landscaped to include a common park area, a common patio, and an entry garden. The development as proposed will consist primarily of one-bedroom apartments, with a few two-bedroom units. Health service provider offices are also included in the program so that tenants can have direct access to care on-site. Units and site elements have been designed with ADA accessibility in mind, including an accessible garden walkway and accessible community spaces. A future phase of the development will be a Health and Human Services Clinic on the adjacent site that will provide medical and health services to low-income households and individuals, particularly those with mental and behavioral health needs.

COMMENTS

The Department received a number of public comments, two opposed to the development, one requesting additional information, and one in favor of the project. Those in opposition were primarily concerned about impacts to neighborhood safety. Those in favor recognized the need for supportive housing. All of the comments are included below:

- Darrell and Patricia Hatcher, residents of the Sunridge by the Lake Subdivision north of the site: “The property at 4225 n Hwy 101 should NOT be used or a building built to house low income or affordable housing with supportive services. This is a tourist city and we the people do not want this to be built where you just enter into our city. We live just above where the planned site is located, and would not feel safe here any longer. We will be selling our home and leaving Lincoln City forever is the plan for this development moves forward. Why would the city that we love do something like this to our residents? Please reconsider this and scrap this whole idea.”
- Gary Obitz: “Re: 28 units of affordable housing with supportive services on-site at 4225 N HWY 101. What are these supportive services and how will they be paid for?”
- Norm and Karen King, residents of the Sunridge by the Lake Subdivision north of the site: “What exactly is this type of housing unit? For the homeless? People with special needs? We know last year they wanted to put in an emergency housing shelter in that same area for the homeless. The big FEMA tent. Is this the same type of housing? Only a permanent housing unit now. We have many concerns about this. Does everyone realize that there are many private homes with children in this area? Plus many senior citizens in the area? What is the supportive services on-site going to provide for their protection and well being? I mean the people who live in the surrounding areas. Are they going to steal our dogs and murder us like the poor man at Ashley Inn? Lincoln City is turning into Portland and Salem with all the supportive services for the homeless and mentally challenged people. Yes, there is a great need for this but its throwing everyone else under the bus. Will there be public

hearings about this housing unit? I feel this is a formality for a project that has already been approved since last year. We are not in favor of it. Thank you, Norm and Karen King.”

- Kathy and Ken Schoonveld, residents of Garden Estates Subdivision: “We’d like you to know that we are in favor of this housing and supportive services application. Get it done! People are in need, great need. Non-profits can’t nor should be expected to meet all the needs of hurting people. Nothing’s perfect. Talk is cheap. Difficulties can be conquered through common sense compromise and caring hearts.”

In addition, comments were received from the following City departments and other agencies:

- Duane J. Liner, PE, Oregon Department of Transportation (ODOT);
- Lt. Eric Henderson, Lincoln City Police Department;
- Fire Marshal Cody Heidt, North Lincoln Fire and Rescue Department; and
- Dan Wentz, PE, Lincoln City Public Works Department.

These comments are reflected within the conditions of approval at the end of this staff report.

ANALYSIS

Chapter 17.32 General Commercial (GC) Zone

17.32.020 Uses permitted

Finding: The site is located in the GC zone. The proposed use is a 28-unit dwelling. Multi-unit dwellings developed under the standards and requirements for multi-unit dwellings in Chapter 17.20 LCMC are listed as a permitted use (LCMC 17.32.020.SS) in the GC zone, subject to the standards of LCMC Chapter 17.20. The proposed use is allowed. **This requirement is met.**

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

17.20.050 Development standards

Finding: The minimum lot width is 25 feet. The existing lot is 25 feet wide at the narrowest. The minimum lot area is 2,500 square feet. The existing lot is 30,217 square feet. The minimum density is 15 dwellings units per net acre. This equates to a minimum of 10.4 dwelling units. The project proposes 28 dwelling units.

Note: This analysis is based on completion of the final partition.

The maximum building height is 40 feet for primary buildings. The project proposes a building height of approximately 40 feet, calculated as follows:

North Elevation	34.10’
South Elevation	41.17’
East Elevation	37.50’
<u>West Elevation</u>	<u>42.83’</u>
Total	155.61’
Average	38.90’

The minimum front porch, front wall, interior side, street side, and rear setback requirements are five feet. The structure will be 7.8 feet from the north property line, 5 feet from the west property line, approximately 100 feet from the east property line, and 7.5 feet from the south property line. The maximum building coverage allowed is 65% of the site, which equals 19,641 square feet. The proposed coverage is 9,360 square feet, or 31% of the site. A minimum of 75 square feet of usable open space per dwelling unit must be installed. With the proposed 28 dwelling units, this equals a minimum of 2,100 square feet of usable open space. The project proposes 3,430 square feet, including the park, entry garden, patio/ADA ramp, and the pergola rest area. The submitted landscaping plan shows that the outdoor area

will be landscaped with a combination of trees, shrubs, and living- and non-living ground cover. The development standards will be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 the Highway 101 right-of-way. Sanitary sewer is also available in an easement located on the property to the south. **This requirement is met.**

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 25 feet of frontage on Highway 101. **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. **This requirement is met.**

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 flag lot in a commercial zone on an ODOT regulated right-of-way. The required clear-vision area for the site is located on all three of the properties included in PAR 2023-03. While Sheet LU04 of the submitted plan does not accurately show the clear-vision triangles, no obstructions are planned. However, the existing grade east of the proposed entry presents a significant visual obstruction to be evaluated by the City Engineer and must meet ODOT requirements for vehicles entering and exiting from Highway 101. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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. Notes provided on the Preliminary Utility Plan, Sheet LU18, state that all utility service installations shall be placed underground. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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: An exterior lighting plan is shown on Sheet LU06 and cut sheets of the exterior light fixtures were provided. The applicants have requested that the photometric plan analysis submittal be deferred from this submission and acknowledged that the submission of the photometric analysis is to be included in the building permitting application. The plan indicates there will be 16 short bollard lights, 6 tall lamps, 4 wall sconces, decorative string lights for the patio, and walkway lighting wall sconces on the ramp. 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. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 site plans and elevation drawings shows eaves and porch encroachments. No architectural features are encroaching into a required setback area by more than 18 inches. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

- 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 accessory structures shown, including the trash enclosure, the bike parking enclosure, and the pergola do not require a reduction of the minimum setbacks. This condition is **met.**

- 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 site plan and elevations show a proposed 6' fence along the western property line. It does not conflict with any clear vision areas. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 plan and elevations show a proposed retaining wall to the north side of the building. No wall height has been provided. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 site plans indicate an ADA compliant ramp within the setback. No other structures appear to encroach into required setbacks. Plans submitted with the building permit application shall clearly and explicitly show and state that no part of the proposed pergola or trash enclosure or any porches, decks, or stairs that are more than 30 inches above the ground are in any setback area. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 LU05 shows the trash enclosure on the northeast corner of the site, on the southern side of the proposed park. The detail of the enclosure is shown on Sheet LU21, and is described in the narrative. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

17.52.180 Placement and screening of mechanical equipment

- A. Any heating, air conditioning, or other mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent property and from right-of-way, except those associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured home.*

Finding: The application narrative indicates that approximately 30 ground floor mounted condenser units are proposed on the side and rear of the building, although the exact placement is “TBD by the Mechanical Engineer”. The units will be screened using landscaping, according to the narrative and the elevations, or with fencing as needed. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

Finding: The application states that no rooftop mechanical units are proposed, **this requirement is met.**

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 narrative indicates that approximately 30 ground floor mounted condenser units are proposed on the side and rear of the building and screened with landscaping or fencing as needed. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

17.52.190 Building height limitations

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

Finding: The project proposes a building height of approximately 40 feet, calculated as follows:

North Elevation	34.10'
South Elevation	41.17'
East Elevation	37.50'
West Elevation	42.83'
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Total	155.61'
Average	38.90'

This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 in a residential zone, nor is it 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. As stated previously, the calculated average building height is 38.9 feet. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

1. *Building permit applications must include elevations of all exterior walls of the proposed structure showing:*
 - a. *The line of the approved grade in the plane of the wall; and*
 - b. *The highest part of the structure.*

Finding: This is not a building permit application. At this time, this requirement is **not applicable**.

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 shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met**.

3. *For the purposes of this subsection, “approved grade” means:*
 - a. *The existing grade, meaning one of the following:*
 - a. *The existing grade, meaning one of the following:*
 - i. *The ground level before any human disturbance as shown by survey or other reliable evidence; or*
 - ii. *The ground level shown on the city’s 2018 LIDAR data (which is available from the department); or*
 - iii. *If the proposed building site has existing structures or other disturbances to the land that existed lawfully prior to October 1, 2010, the ground level established when the structure or disturbance was created (which may be determined by any of the above means); or*
 - iv. *If there has been grading on the proposed building site, without a grading permit, the director, in consultation with the city engineer, will determine the existing grade*

Finding: The approved grade means the existing grade. **This requirement is met**.

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: Sheet LU03 shows the removal of two trees on the subject property, and the protection of one tree to remain. A tree removal/tree protection permit will be required as part of the building permit application process.

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: A Transportation Impact Analysis was provided as part of the complete application submittal. This requirement **has been met**.

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 is presented on Sheet LU20. The submitted plans and narrative state that landscaping will be provided on all portions of the site not covered by buildings, structures, or impervious surfaces. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met**.

- 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 submitted plans do not indicate any existing trees or shrubs will be used to meet the landscaping requirements.

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 approximately 820 feet, which gives a requirement of 8 trees and 27 shrubs. The submitted landscape plan shows 34 trees and 100 shrubs, along with living or nonliving ground cover covering the portions of the site not covered by buildings, structures, or impervious

surfaces. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

2. *If islands are required in parking areas, each island must contain at least one tree, sized appropriately for the area of the island. The remainder of the island must be covered with shrubs and/or living or nonliving ground cover, subject to the standards set out in subsection (C) of this section and LCMC 17.55.050. Islands count towards the parking landscaping requirement.*

Finding: No islands are required in the parking areas. However, the submitted plans show islands landscaped with trees. This requirement is **not applicable.**

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, and the narrative states that landscaping is proposed on all portions of the site not covered by buildings, structures, or impervious surfaces. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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. This requirement is **met.**

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. At this time, this requirement is **not applicable.**

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: Sheet LU20 indicates that deciduous trees are to be either 3” or 1” caliper. Conifers are indicated as 4’ high. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

Finding: Sheet LU20 indicates ground cover plants to be provided in 4” pots. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

Finding: Sheet LU20 indicates that shrubs will be minimum one-gallon pots. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 site does not have a view of any shoreline. This requirement is **not applicable.**

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 landscape plan indicates that the plantings will be selected to comply with this section of the code. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

17.55.060 Irrigation and maintenance

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

Finding: Sheet LU20 states that an irrigation system shall be provided for all planted areas for a period of at least two years, or until new plants have become naturalized. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 is a flag lot in a commercial zone on an ODOT regulated right-of-way. The required clear-vision area for the site is located on all three of the properties included in the partition. While Sheet LU04 of the submitted plan does not accurately show the clear-vision triangles, no proposed landscaping appears to present an obstruction. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 application narrative indicates that ground floor mounted condenser units will be screened using landscaping, or with fencing as needed. No additional information about the type of plant materials is provided. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 28 dwelling units. The off-street parking requirement is one space per dwelling unit. Additionally, the building includes approximately 700 square feet of office space. The applicant has stated this office space will be utilized by staff who will park at the clinic planned for the adjacent site. Sheet LU15 shows 17 off-street parking spaces, by utilizing bike parking and affordable housing exceptions (described below). This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

- B. *Exceptions to the Number of Off-Street Parking Spaces Required. One or more exceptions may apply to a development.*
 1. *There are no off-street parking requirements for commercial uses, commercial buildings, or the commercial portion of mixed-use buildings located within the boundaries of any of the pearls (Wecoma, Oceanlake, DeLake, Taft, Nelscott, Cutler City), said boundaries as identified on the city's adopted zoning map.*

Finding: This exception is not applicable to this project since it is not located in a pearl.

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. The number of off-street parking spaces may be reduced by 20 percent of the off-street parking requirement for every 10 bicycle parking spaces provided over and above the standard requirement for bicycle parking spaces.*

Finding: The project is requesting use of this exception by providing 10 more bicycle parking spaces than is minimally required. This will reduce the 28 required spaces by 20% or 5.6 spaces. Combined with the exception for affordable housing, the required parking is $28 - (5.6 + 5.6) = 16.8$ or 17 spaces.

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

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

4. *Projects that are providing affordable housing as defined in Chapter 17.08 LCMC may reduce the parking requirement by up to 20 percent.*

Finding: The project is requesting use of this exception by providing affordable housing. This will reduce the 28 required spaces by 20% or 5.6 spaces. Combined with the exception for bicycle parking, the required parking is $28 - (5.6 + 5.6) = 16.8$ or 17 spaces.

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 project is residential. The requirement is **not applicable**.

17.56.050 Joint use of off-street parking and loading spaces

- A. *Off-street parking and loading requirements may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, sites, or developments that their operations and parking needs do not overlap in point of time.*
- B. *If the uses, structures, sites, or developments are under separate ownership, the right to joint use of off-street parking or loading spaces must be evidenced by a deed, lease, contract, or other appropriate written document establishing the terms of the joint use, and submitted to the department.*

Finding: The project has not requested use of joint off-street parking spaces. The project is providing the required off-street parking spaces on the site. This requirement is **not applicable**.

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

Finding: The project describes additional uses that will occur within the building, including accessory offices for on-site medical visits. These will be staffed by individuals working at the adjacent clinic and therefore no additional parking is required. This requirement is **met**.

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. This requirement is **met**.

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. This requirement is **met**.

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

Finding: Sheet LU15 shows the off-street parking spaces to the east side of the building. This requirement is **met**.

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

Finding: Sheet LU15 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 the Highway 101 right-of-way. This requirement is **met**.

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 south property line. The submitted plan set shows that there are no parking spaces between the south (front) property line and the south (front) building elevation. This requirement is **met**.

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 on N Highway 101. 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 asphalt. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met**.

- 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 proposes a piped system to address stormwater drainage. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

Finding: Pervious surfaces are graded to drain towards the parking lot and to be collected in the piped system. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

Finding: The submittal does not clearly indicate any curbing or wheel stops at the front of the parking spaces. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

- 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. This requirement is **met.**

- 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 LU15 shows the marking of the off-street parking spaces. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

- 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 LU15 shows the parking lot with a perimeter buffer strip of at least four feet deep, and the narrative states that landscaping is proposed for all portions of the site not covered by buildings, structures, or impervious surfaces. This requirement shall be reviewed for continued compliance per

LCMC 17.56.080.H.1 during the building permit process. For purposes of this application, **this requirement is met.**

I. Repealed

J. Lighting of Parking Areas

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

Finding: Sheet LU06 indicates 6 light poles will be located around the parking lot. The narrative states that the proposed light poles are not to exceed a height of 20 feet. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

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

Finding: Sheet LU06 shows the proposed lighting plan, and cut sheets of the fixtures are provided. The applicant has requested that the photometric analysis be deferred to the building permit application. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

Finding: Sheet LU15 shows two ADA parking spaces. ADA parking is reviewed for compliance by the building plans examiner as part of the building permit application review. For purposes of this application, **this requirement is met.**

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 LU15 shows 8 standard (9'x20') spaces, 7 compact (8'x16') spaces, and two ADA spaces. This requirement is **met.**

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

Finding: Sheet LU15 shows 8 standard (9'x20') spaces, 7 compact (8'x16') spaces, and two ADA spaces. This requirement is **met.**

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

Finding: The submitted plans show a pedestrian circulation route from parking stalls to the various entrances to the building. This requirement is **met.**

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

Finding: The parking area design and dimensions comply with LCMC standards. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **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 17 off-street parking spaces. This requirement is **met.**

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

Finding: Sheet LU15 shows the parking lot with a perimeter buffer strip of at least four feet, and the narrative states that landscaping is proposed for all portions of the site not covered by buildings, structures, or impervious surfaces. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

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

- 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 requirement for bicycle parking spaces begins with 20 required vehicle parking spaces. Although no bicycle parking is required, the proposal includes 12 spaces. This requirement is **met.**

- B. Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking area to the primary entrance or the pedestrian area in front of the primary entrance.*

Finding: According to the applicant's narrative, an unobstructed walkway is proposed for bicycle parking on the upper lot, including a 5-foot concrete sidewalk at the area of bike parking, a crosswalk striped accordingly on the parking lot drive aisle, and a 5-foot sidewalk in front of the building/entrance. The bicycle parking at the ground floor is adjacent to the entrance and is accessed by an unobstructed path of 5-feet to the entry. This requirement is **met.**

C. Location. All bicycle parking areas shall be within a well-lighted area within 100 feet of, or clearly visible from, the primary building entrance or public right-of-way. Where necessary, a sign shall direct users to the bicycle parking area.

Finding: According to the applicant's narrative, both the upper and lower bicycle parking spaces are within 100 feet of an entrance and the lighting plan indicates that both areas are to be well lit and clearly visible. This requirement is **met**.

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

Finding: Sheet LU21 provides details of the bike parking, including dimensions. Bicycle parking spaces are indicated to be 2' x 6'. This requirement is **met**.

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

Finding: According to the applicant's narrative, bicycle parking will be composed of stationary racks anchored to concrete. This requirement is **met**.

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 GC zone and the project involves construction of a new multiple unit residential 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: As stated in the applicant’s narrative and indicated on the building elevations, several design elements are incorporated into the design beyond the required minimum of one. These include: a roof line offset of at least 2’ between the three main roofs; an offset of 2’ incorporated into the building’s main and rear facades; the entry section of the façade bumped out 6’ from the front wall plane; and the building entry recessed 4’ deep. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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: As stated in the applicant’s narrative and indicated on the building elevations, all roofs on the proposed building are sloped roofs. No flat roof areas are proposed. The main roof is a gable roof and has a 3:12 pitch. The two side roofs are shed roofs which have a 2:12 pitch. The two smaller center roofs on the front and rear of the building are gables with a pitch of 7:12. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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: No porches or stoops are proposed. 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: As stated in the applicant’s narrative and indicated on the building elevations, the proposed building has a clearly defined primary entrance marked by a smaller gabled roof than the primary roof and a recess in the entrance of 6-feet in depth. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

Finding: As stated in the applicant’s narrative and indicated on the building elevations, there are two ADA-compliant entrances proposed. One is located on the second floor on grade to the upper parking lot and another on the ground level on grade with the lower parking lot. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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 South elevation fronts the public right of way. The Narrative states: “The south elevation has a window transparency of 364 square feet out of the 1,950 square feet total area of the elevation. This equals 19% area of transparency which is above the 15% minimum.” Sheet LU12 indicates a transparency percentage of 21%. While these numbers are inconsistent, they both exceed the minimum standard of 15%. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

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

Finding: The project 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 Fiber Cement Lap Siding, Fiber Cement Shake Siding, with primed trim and fascia boards. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

- 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’s narrative states that the proposed building colors are low reflectance, muted or neutral tones, such as gray, natural wood, white and black. This requirement shall be reviewed for continued compliance during the building permit process. For purposes of this application, **this requirement is met.**

- 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.**

Chapter 17.76 Procedures

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 ...*
- C. *Pre-Application Conference. A pre-application conference is not required for Type II procedures.*
- D. *Application Requirements. Type II applications shall:*

1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
2. *Be accompanied by the required fee as adopted by city council resolution. Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*
3. *Be subject to the completeness review procedures set forth in LCMC 17.76.110 (D) and (E)*

Finding: No pre-application conference was held. 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 complete 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). The notice of a complete application was mailed on June 3, 2024.

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. Several comments were received in response to the notice.

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. The decision is in consideration of the written comments summarized 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 of this decision, a notice of decision will 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 containing all of the information noted in 17.76.040 (G)(3)(a) through (g).

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 complies 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 RM, 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 GC zone. A nonresidential structural permit is required for this project. Development review approval is required prior to such issuance.

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

Finding: This project does not meet any of the criteria for an exemption from development review.

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

- a. 1. The applicant chooses to submit as a Type III procedure; or*
- b. A Type III application is necessary to approve one or more of the uses proposed in the development, in which case the development review application shall be processed concurrently with the Type III application as a Type III procedure.*

Finding: This application has been 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: A detailed review of submittal requirements is in this report under Chapter 17.76.

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

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

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.

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.

I. Appeal of a Decision. Refer to LCMC 17.76.180.

J. Expiration of a Decision. Refer to LCMC 17.76.140.

K. Extension of a Decision. Refer to LCMC 17.76.150.

Finding: The land use action or land use application approval granted pursuant to this chapter expires and becomes void automatically in 3 years. One 1-year extension may be requested, under the review authority of the Director.

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 application for a new 28-unit supportive housing development, subject to the following:

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

3. Prior to the submittal of the building permit application, all of the conditions of PAR 2023-03 shall be met, including the following:
 - Prior to recording the plat map, email a draft of the plat map to Lincoln City Planning and Community Development.
 - The existing dwelling must be completely removed prior to Lincoln City Planning and Community Development's signature on the final plat.
 - Once Lincoln City Planning and Community Development has confirmed consistency with the approval and all conditions of approval have been met, submit the plat map to Lincoln City Planning and Community Development for signature.
 - Record the plat map within two years of the date of this decision.
 - A copy of the recorded plat map shall be emailed to planning@lincolncity.org within 30 days of the recording date.
4. The building permit submittal shall demonstrate that no vegetation or topography or other obstructions will be located within the clear vision triangle per both City standards of LCMC 17.52.060 and ODOT requirements for Highway 101.
5. The building permit submittal shall include the deferred photometric analysis meeting the requirements of 17.52.150.
6. The building permit submittal shall include the required details and proposed heights of all retaining walls and the ADA ramp as needed to ensure compliance with the requirements of LCMC 17.52.160.
7. Placement and screening of ground-mounted mechanical units must meet LCMC 17.52.180.
8. A tree removal permit and tree protection plan, compliant with LCMC 17.52.200, must be submitted with the building permit application.
9. Include all needed information regarding the building program with the building permit submittal, including a detailed code summary showing the design path used to comply with the applicable Oregon Structural Specialty Code and all other applicable specialty codes.
10. An off-street parking plan shall be submitted with the structural permit application that clearly and readily identifies how the plan is compliant with all portions of LCMC Chapter 17.56, including placement and dimensions of required wheel stops and or curbing.
11. Plans shall be submitted with the structural permit application that clearly identifies how the project is compliant with LCMC Chapter 17.74. This shall include proposed building materials and colors. Provide corrected transparency calculations for the South facade of the building to show compliance with 17.74.130 (E).
12. 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.

Fire

13. The location of the Fire Department Connection (FDC) will need to be moved to provide better access and aerial access FDC will need to be moved to the area near the proposed fire hydrant. The location will need to be approved by the fire code official (OFC 912.2).
14. All turns shall have at minimum twenty-six foot (26') inside turning radius (OFC 503.2.4)
15. The building will need aerial fire apparatus access (OFC D105.1). Aerial access roads shall have a minimum unobstructed width of twenty-six feet (26') exclusive of shoulders (OFC D105.2). The aerial access road shall be located parallel to one entire side of the building and shall be located not less than 15 feet and not greater than 30 feet from the building (OFC D105.3). There shall be no obstructions (utility/power lines, trees, etc.) located between the aerial access road and building (OFC D105.4).
16. All required fire lanes shall be provided and maintained with fire lane markings. Markings can be in the form of a 6" red curb with 4" white letters stating "No Parking Fire Lane" or signs meeting the requirements of OFC D103.6. Both sides of the fire lane shall be marked (OFC 503.3, D103.6, and D103.6.1).
17. All buildings or structures shall be constructed in a way that all ground-level, exterior sides of the building are within 150' of the dedicated street or fire lane, measured by an approved route. Additional fire lane is needed to be able to access the back of the building (OFC 503.1.1).
18. General Access Road Requirements:
 - a. Surface – road shall be designed and maintained to support the imposed weight of 75,000 pounds and shall be surfaced as to provide all-weather driving (OFC 503.2.3)
 - b. Grade – road shall not exceed 10 percent in grade (OFC D103.2).
 - c. Road with a hydrant – Roads with a hydrant shall have a minimum road width of 26', 20' in length on each side of the hydrant (40' total length) (OFC D103.1).
19. Fire Hydrant – The fire hydrant shall be able to supply a minimum of 1,100 gallons/min.
20. 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

CONSTRUCTION PLANS

21. 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 building permit application. The associated site plan shall be stamped by a professional engineer. Work shall be completed as shown and in accordance with Lincoln City Public Works Standards, local, state, ADA standards, and the provisions of this condition of approval.
22. 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.
23. 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.

RIGHT-OF-WAY IMPROVEMENTS

24. Frontage improvements shall be completed along the proposed developments highway frontage in compliance with LCMC 17.52.230. This shall include a 6' sidewalk, planter strip, standard curb, 6' striped bike lane, and center refuge lane for incoming and outgoing trips in accordance with the Lincoln City Transportation System Plan. The center turn lane, solely for development entry as shown, will not suffice.
25. The development proposes a new direct property approach to Highway 101 and work to meet sight distance requirements. A Transportation System Analysis (TSA) has been submitted with the application in accordance with LCMC 17.52.300[B][2] and [B][5]. The building permit application shall clearly

demonstrate compliance with the referenced sight distance mitigation measures outlined within the TSA as well as any additional, subsequent requirements following ODOT access review.

26. All work within the state right-of-way shall reviewed, approved, and permitted by Oregon Department of Transportation in accordance with applicable state design criteria and permit requirements.
27. Building permit plans shall clearly delineate existing conditions and proposed work. Submitted plans shall show all existing utilities within the proposed work area and shall additionally note any proposed relocation for all conflicting utilities.
28. Underground drainage improvements shall be shown on the submitted plan set to serve the required highway improvements in accordance with LCMC 17.52.230[1][c]. Improvements shall include conveyance for existing and proposed runoff as well as required water quality and detention in accordance with ODOT and LCPW design standards.
29. Grading details for the right-of-way improvements demonstrating compliance with ADA requirements shall be included with the submitted permit plan set.

EROSION CONTROL

30. Grading and erosion control plans showing compliance with LCMC 12.08 shall be submitted as part of permit submittal. Erosion control plans must be prepared by a Registered Professional engineer, Landscape Architect, Engineering Geologist, or Certified Professional in Erosion Sediment and Control.
31. The site exceeds 1-acre of development. Applicant is responsible for acquiring to Oregon DEQ's 1200-C permit and adhering to permit requirements.
32. Approved soil erosion control measures must be in place and inspected by the Department of Public Works prior to any construction activities.

STORMWATER

33. The applicant is responsible for knowledge of and adherence to Oregon Drainage Law. The design and construction of all stormwater facilities shall demonstrate compliance with all applicable drainage principles.
34. All new impervious paving on site shall be treated according to the Lincoln City Public works Stormwater Design Standards Water Quality shall be sized according 50% of the 2-year, 24-hour rain event.
35. All increase from the existing sites total impervious area shall be detained according to Lincoln City Public Works Stormwater Design Standards: 2-year, 10-year, 25-year 24-hour rain event OR an upstream and downstream analysis shall be completed demonstrating the system is capable of handling the additional runoff.
36. Calculations for conveyance, infiltration, detention, and water quality of proposed drainage facilities shall be submitted with permit application and shall demonstrate that the system is capable of handling the design stormwater flows and/or proposed work on the system will adequately increase system size. Calculations may consist of the methods outlined within LCPW Design standards or by utilizing the simplified methods provided within Lincoln City's Stormwater BMPs.
37. The preliminary plan set indicates a shared, private storm system within the proposed blanket utility easement. Submitted building permit plans and easement documentation shall clearly delineate proposed public vs private utilities.

WATER & SANITARY UTILITIES

38. All connections to the sewer system, water system, assemblies, and meter assemblies shall be clearly shown on the permit drawings. Connections shall be designed and completed according to Lincoln City Public Works Design Standards.
39. Backflow protection shall be provided on all water service connections in accordance with LCMC 13.18.050
40. The property owner is responsible for design and sizing of required fire and domestic water services in accordance with applicable requirements.

- 41. Building permit plans shall include profiles for all proposed public utilities. The submitted sanitary sewer profile shall demonstrate adequate depth for future extension in accordance with the conditions of PAR 2023-03.
- 42. Preliminary sanitary plans indicate multiple direct structure connections to the same manhole. Extension shall be served via a single connection to the existing structure.
- 43. The existing sanitary and storm access shall be preserved until access construction over the noted utility easement is completed for utility crew access and maintenance.

Oregon Department of Transportation

- 44. ODOT maintains jurisdiction of the Oregon Coast Highway No. 9 (US 101) and ODOT approval shall be required for all proposed mitigation measures to this facility. Direct submittal of plans for work in highway right of way will need to be made to ODOT by the applicant for ODOT’s review and approval.
- 45. The proposed mitigation measures appear reasonable for the proposed development. Both the City and the applicant shall be aware no approval for any proposed mitigations have been issued at this time and proposed mitigations shall not be considered approved for installation until formal written approval has been issued.
- 46. Approval request for the eastbound left-turn lane on US 101 will need to be submitted to Region 2 Traffic and be accompanied by the appropriate analysis justifying such request. The approval process takes time and any approval could possibly have added features required to obtain such approval. Left turn lanes have a minimum storage length of 100 feet (see Highway Design Manual, Figure 500-19). Constructing one with a shorter storage length requires the applicant obtain a design exception.
- 47. The plans show a permanent lane shift. Repaving of the entire roadway section where the striping is altered will be required.
- 48. Assume design speed of 45mph within an urban context of suburban fringe. See Table 300-12 for lane width standards and Figure 500-19 for standards of left turn lane layout. Per Figure 500-31 of the Highway design Manual the Median East of the proposed left turn lane should be full width and match into the median of the West Devils Lake Rd left turn lane. A dust pan style driveway is recommended. End of walk curb ramps will be needed at each end of proposed walk.

Approved by:



06 / 26 / 2024

Daphnee Legarza
City Manager

Date