

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2024-02

Date: December 19, 2024

Case File: DEV REV 2024-02 Ebb II

Project Contact: Trisha Clark – NW Land Planning

Property Owner: Taft Development LLC

Situs Address: Unaddressed

Location: SW EBB Ave between SW 50th and SW 48th

Tax Map and Lot: 07-11-27-DC-02800-00 (2900; 3300; 3400; 3500)

Comprehensive Plan Designation: Taft Village Core (TVC)

Zoning District: Taft Village Core (TVC) Zone

Site Size: 25,000 Square Feet

Proposal: Request for development review of 4 new multi-family structures and one duplex for a total of 17 units

Surrounding Land Uses and Zones:
North: Multi-unit Residential, Vacant land; TVC; RC
South: Single-Unit Residential, Hotel; TVC
East: Single-Unit Residential; TVC
West: Vacant land; TVC, RC

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 March 5, 2024. The application was deemed complete on November 1, 2024. On November 4, 2024, pursuant to LCMC 17.76.040.E, the Planning and Community Development Department mailed a notice of application to property owners within 250 feet of the subject property.



Applicable	LCMC Chapter 17.20 Multi-Unit Residential (R-M);
Substantive	LCMC Chapter 17.45 Taft Village Core (TVC);
Criteria:	LCMC Chapter 17.52 Supplementary Regulations and Exceptions
	LCMC Chapter 17.46 Natural Resource Overlay Zone
	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 located in the Taft Village Core (TVC) zoning district. Per information shown on Lincoln City's GIS maps, the site does not contain any mapped floodway or flood hazard area (Zone X as described in FEMA Flood Map #41041C0117E). The site does not contain any significant riparian areas, but does contain some mapped significant wetlands, which are discussed below. The allowed uses listed in Section 17.45.020 include (I.4) Multi-Unit Dwellings, subject to the provisions of Chapters 17.20 and 17.74 LCMC.

The existing site condition is undeveloped. The project site is located along SW Ebb Ave between SW 48th St and SW 50th Street. The subject site contains 5 lots that are 50' x 100' and contain 5,000 sf each for a total of 25,000 square feet for the total project area.

The applicant proposes to build 3 four-unit residential buildings, 1 three-unit residential building, and 1 duplex, with 1 building per each existing lot. Building 1-3 contains 4 units, building 4 contains 1 unit and building 5 is the duplex. The lots will share a common driveway along the west boundary that will be accessed via SW 48th St. The buildings will be three stories each, and each dwelling unit will be provided with two off-street parking spaces - one in a garage and one immediately behind the garage between the drive aisle and the garage door.

Stormwater will be collected from impervious areas and treated in a common system, which ultimately connects to existing drainage ways. The site will be served by existing water and sewer services in the area. The applicant has also submitted a preliminary power service plan they are working on with Pacific Power.

The site was the subject of two previous land use procedures that impacted the proposed development, one a Property Line Adjustment and a Wetland Development variance. The property owner received approval for two property line adjustments (PLA 2024-07 & PLA 2024-08) to re-orient lots 5-8 so the front lot line faces Ebb Street, and not SW 50th and SW 48th Street. Lot 9 remained unchanged. The approved, adjusted lot configurations will be used for this analysis. The property owners received approval for a wetland development variance (Variance 2022-05) to place the structures on portions of the site that are mapped in the Significant Wetland Overlay Zone, but which do not contain any wetlands. The wetland variance documents and approvals are used to assess compliance in this report and are discussed below.

COMMENTS

One comment was received from the public. The commenter stated *“What concerns me is the drainage ditch that runs along 50th street to the pump that pumps water to the bay. There was an atmospheric river that flooded 50th street from Ebb Street west to the parking lot. This was a mess that flooded the lots that Taft Development LLC is planning to build the four new multi-unit buildings and one duplex on 5 lots. What is the plan to handle the rain water off the hill to that drainage ditch?”* Staff has reviewed the regulatory Flood

Maps supplied by FEMA and the proposed development is located in Zone X, which is not a regulatory Special Flood Hazard Area. Therefore no flood development requirements are required for this proposal. All development must be in compliance with the Public Works development standards regarding stormwater management and utility construction.

The Lincoln City Public Works Department submitted comments, via email, on November 12, 2024, and they have provided their comments regarding public infrastructure and utility capacity. Compliance with the Public works requirements will ensure the development is adequately served by utilities and stormwater facilities. This will be addressed in the conditions of approval and during the building permit process. The conditions of approval are included at the end of the staff report as part of the decision.

The North Lincoln Fire & Rescue District #1 submitted comments, via email, on November 6, 2024. The comments focused on requirements that must be met per the fire code for building permit approval. These included items such as access roads, aerial access roads, new fire hydrant locations, and technical requirements. The applicant has changed the proposed height of the duplex to be below 30 feet, which may impact some of the original conditions. These have been incorporated as conditions of approval at the end of this report and compliance with the fire code will be verified by North Lincoln Fire and Rescue District 1 at the time of the building permit submittal.

The Department of State Lands submitted comments, via email on November 7, 2024. DSL noticed that the tax lot numbers were printed incorrectly on the notice and there was concern as to whether or not this was a subdivision proposal. This item has been fixed in city records. DSL also explains the importance of submitting the Wetland Land Use Notification (WLUN) as soon as possible. Staff submitted the WLUN and received a response on November 21, 2024. The response indicated that there may be wetlands on site but the project appeared to avoid jurisdiction wetlands, waterways, and other water. A state permit will be required for 50 cubic yards or more of fill removal or other ground alterations in wetlands, below the ordinary high water of waterways, within other waters of the state, or below the highest measurable tide. The wetland biologist provided more direct comments as well stating *“WD 2020-0630 defines the boundary of the wetland to the west of the project site and shows that there are no wetlands within the project area. The wetland boundary and buffer should be clearly marked to avoid encroachment onto the wetland. Best management practices and erosion control should be used during construction.”* This has been made a condition of approval.

ANALYSIS

Chapter 17.20 Multiple-Unit Residential

17.20.050 Development standards.

Finding: Section 17.20.050 outlines the minimum requirements for lot width, lot area, minimum density, maximum building height, minimum building setbacks, maximum building coverage, common area, and vehicle storage space. The requirements for minimum lot width are 25 feet, with 2,500 square feet for the minimum lot area and a minimum density of 15 dwelling units per net acre. As described by the applicant and shown on the site plan, each lot is 50 feet wide and contains approximately 5000 square feet. The calculated minimum density for a 5,000-square-foot lot is 1.72 or 2 dwelling units. The project proposes 4 dwelling units per lot on 3 of the lots, 3 dwelling units on 1 lot, and 2 dwelling units on the remaining lot, for a total of 17 units. The proposed project meets the minimum density requirement. The 3 and 4-unit buildings have a maximum height of 40', and the duplex has a maximum height of 35'. The three 4-unit buildings are proposed to be 39'-8" tall and the 3-unit building is 37'-9" tall. The duplex is proposed at 29'10". Height measurements were taken to the highest point of the building on all four walls to the existing grade.

There is a minimum setback requirement for the front porch, front wall, interior side, street side, and rear setback is 5 feet. The three 4-unit buildings have side setbacks ranging from 5' to 5'3", front yards ranging from 6'1" to 6'4", and rear yards of 42'4". The 3-unit building has side setbacks of 5'3" and 8'7", front setback of 10'10" and a rear yard of 32'8". The duplex has a front setback of at least 5', side setbacks of 9'2"/14', and a rear setback of 42'. The garages are rear-loaded with a common shared driveway that is accessed off of NW 48th St.

Each of the multi-unit buildings cover approximately 43% of each lot, which meets the maximum 65% building coverage requirement. The duplex covers approximately 27% of the lot, which meets the maximum of 35%. A minimum of 75 square feet of usable open space per dwelling unit must be installed for the 4 multi-unit buildings. The common area must be designed for passive or active recreational use. Each unit in the multi-unit building has at least 85 square feet of usable open space on private decks and balconies. Each balcony is 6' deep, which meets these requirements.

As shown on the landscaping plan, there will be ADA walkways connecting the buildings, parking areas, and public sidewalks. A landscape plan has been provided which is detailed below.

The requirements of 17.20.050 are met as shown on the submitted plans.

17.20.060 Landscaping.

Finding: The applicant has submitted a landscape plan that will be discussed later in this report. This requirement is met.

17.20.070 Signs.

Finding: Not applicable. No signs are proposed.

17.20.080 Supplementary regulations and exceptions.

Finding: The applicant will be required to show compliance with the supplementary regulations and exceptions in accordance with LCMC 17.52. Compliance with this section is detailed in the report below.

17.20.090 Off-street parking and loading.

Finding: The applicant will be required to show compliance with off-street parking and loading requirements as detailed in Chapter 17.56. Compliance with this section is detailed in the report below.

17.20.100 Design standards.

Finding: Compliance with design standards is addressed as part of the findings for Chapter 17.74 later in this document.

Chapter 17.45 Taft Village Core

17.45.010 Purpose.

The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single-family and multifamily residences and combinations of the above in mixed use developments within a core area of the village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes. (Ord. 2020-10 § 7)

17.45.020 Permitted uses.1

Table 17.45.020-1 identifies the land uses allowed in TVC.

4. Multi-unit dwellings, subject to the provisions of Chapters 17.20 and 17.74 LCMC

Finding: Multi-unit dwellings are allowed in TVC per Table 17.45.020-1(I)4. This requirement is met.

17.45.050 Site development standards.

This section establishes development standards for projects in the TVC zone.

B. Development standards for multi-unit residential uses and duplexes shall be in accordance with Chapter 17.20 LCMC.

Finding: The project complies with the development standards of Chapter 17.20 as addressed previously in this document. This requirement is met.

C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200).

Finding: This standard is not applicable to this multi-unit residential development since the development standards for multi-unit residential uses must be in accordance with Chapter 17.20. The project complies with the development standards of Chapter 17.20 as addressed previously in this document. This requirement is met.

D. Minimum setbacks are zero feet and maximum setbacks are 10 feet.

Finding: This standard is not applicable to this multi-unit residential development since the development standards for multi-unit residential uses must be in accordance with Chapter 17.20. The project complies with the development standards of Chapter 17.20 as addressed previously in this document. This requirement is met.

17.45.060 Landscaping.

Landscaping shall be provided in accordance with Chapter 17.55 LCMC. (Ord. 2020-10 § 7)

Finding: The project's compliance with 17.45.060 is addressed later in this document in findings for Chapter 17.55.

17.45.070 Signs.

Signs shall be allowed subject to the provisions of Chapters 9.34 and 17.72 LCMC. (Ord. 2020-14 § 3; Ord. 2020-10 § 7)

Finding: Not applicable. No signs are proposed.

17.45.080 Supplementary regulations and exceptions.

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

Finding: The applicant will be required to show compliance with supplementary regulations and exceptions in accordance with Chapter 17.52.

17.45.090 Off-street parking and loading.

Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC. (Ord. 2020-13 § 21; Ord. 2020-10 § 7)

Finding: The project's compliance with 17.45.090 is addressed later in this document in findings for Chapter 17.56.

17.45.100 Design standards.Design standards shall be adhered to in accordance with Chapter 17.74 LCMC. (Ord. 2020-10 § 7)

Finding: The project's compliance with 17.45.100 is addressed later in this document in findings for Chapter 17.74.

17.45.110 Restrictions.No development shall occur in the TVC zone unless all city services (sewer and water) are available to serve such development.

Finding: As shown on City records, water and sewer services are available to serve the development. 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: Each lot has at least 50' of street frontage. 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 front setback for this site is 5'; notwithstanding the setback, the site plan does not show any boat, RV, trailer, or house trailer storage areas anywhere on the site. 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...*
 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 commercial zone with corners on Ebb Ave and SW 48th St and SW 50th Street and SW Ebb Ave. The submitted site plan shows an access off of SW 48th Street. The required clear-vision triangles are shown on both intersections at SW 48th Street and SW 50th Street. The clear vision area at SW 50th Street is free from any structures and shows some landscaping. All landscaping must meet LCMC 17.52.060(C). The clear vision area at SW48th Place shows a building corner located within its boundaries. The applicant has applied for a modification under LCMC 17.52.060(B)(4). The City Engineer and Planning Director have approved the request. There is some landscaping in this clear vision area as well, which will have to be limited in height to maintain compliance with this section. All clear vision requirements have been met, modified, or will be met through conditions of approval in this report.

17.52.120 Utilities

In all zones, all electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be placed underground in accordance with city standards.

Finding: The project proposes new construction, so all electrical, telephone, and cable television utility service installations or connections made as part of the new construction shall be underground. This is noted on the submitted site plan. 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: The applicant deferred the submittal of the exterior lighting plan, photometric plan analysis, and exterior light fixture cut sheets to the building permitting stage of the project. This will be required to be submitted with the building permit application and has been made a condition of approval.

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: As detailed previously in the staff report, there is a minimum setback of 5' for front, side, and rear yards. All of the multi-unit buildings show an awning over the front entrance that extends 18 inches into the front setback areas. The eaves of buildings 1-4 appear to encroach into the front setback over the allowed 18 inches. Building 4 appears to have a slight encroachment into the North side yard setback. The plans will need to be revised to be in compliance with this requirement. This has been made a condition of approval.

- 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, this requirement is not applicable.

- 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: Fencing will be monitored during the construction and building permit process. Some fencing is shown for the garbage enclosures but no height is shown. 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: No retaining walls are shown in the submitted plans. These requirements are not applicable.

- 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: There are two pedestrian bridges located at the duplex, one leading to SW 50th Street, and one pedestrian footbridge over the water quality facility, which is allowed per the above section. No other porches, decks, stairs, or disabled access facilities are proposed in the required setbacks. This requirement has been 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: The submitted site plan shows the trash area along the sides of the multi-unit buildings. The narrative states these will be screened by a site obscuring fence. 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 states that no rooftop or ground-mounted mechanical units are proposed.

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

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

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

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

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

Finding: The plans submitted with the development review application do not address this criterion. This has been made a condition of approval and shall be reviewed for continued compliance during the structural permitting and construction process.

17.52.190 Building height limitations

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

Finding: The architectural elevations submitted in the application indicate that both new buildings will be less than 45 feet in height. 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 site is not in a residential zone. This requirement 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 submitted elevations show all buildings being less than 40 feet tall. 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: The elevations show measurements from the approved grade to the highest part of the structure.

- 2. The grade may not rely on retaining walls, riprap, other artificial restraints, or berming to increase elevation at the point of height measurement.*

Finding: The site grading is existing. No changes are proposed that would affect the building height. This requirement is met.

- 3. For the purposes of this subsection, "approved grade" means:

 - a. The existing grade, meaning one of the following:**

- b. *The grade shown on a grading plan approved as a part of one of the following:*
 - i. *A final master plan for a planned unit development under LCMC 17.77.120; or*
 - ii. *A partition or subdivision under Chapter 16.08 LCMC; or*
 - iii. *A development review under LCMC 17.77.070; or*
 - iv. *A conditional use permit under LCMC 17.77.060; or*
 - v. *A grading plan under Chapter 12.08 LCMC; or*
 - vi. *A building permit for a structure not subject to any approvals in subsections (C)(3)(b)(i) through (v) of this section.*

Finding: The proposed project is located on an undeveloped, flat lot. The existing grade is the approved grade and was shown on the submitted elevations.

17.52.200 Building height limitations – General exception

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height restrictions of this title.

Finding: The submitted elevations show the tallest point of all buildings is less than 40 feet. No projections are proposed that would go beyond the allowed 40-foot height maximum. This requirement is met.

17.52.220 Tree protection and removal

Finding: The submitted materials included a topographic survey with the existing trees marked. The entire site will be developed and therefore all existing trees will be removed. New trees and shrubs will be planted in accordance with LCMC 17.55. The only area where existing trees will not be removed and re-planted is in the area of the wetlands buffer per VAR 2022-05. The buffer is required to be fenced in accordance with the final order for VAR 2022-05. This requirement is met.

17.52.230 Public infrastructure improvements

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

17.52.300 Traffic impact study (TIS) requirements

- B. *A TIS shall accompany a land use application at the request of the city engineer, if the proposal involves one or more of the following:*
 - 1. *An amendment to the Lincoln City comprehensive plan or zoning map;*
 - 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 appear to trigger the requirements for a TIS and one was not requested by Public Works. This requirement has been met.

Chapter 17.46 Natural Resource Overlay (NR) Zone

17.46.040(B)(1) Development for which a natural resources development variance has been obtained through the provisions of LCMC 17.77.112.

Finding: The subject site is entirely within the Natural Resource Overlay Zone. The applicant received approval for a wetland development variance in 2022 to develop portions of the lot that are outside of the delineated wetland. (VAR 2022-05). There is a proposed stormwater outfall into the existing drainage way and sewer utility connection within the wetland area along SW 50th Street. LCMC 17.46.040(B)(4)(b)(i) allows “Replacement drainage facilities, utility facilities, domestic and irrigation water pumps, and minor facilities authorized by the Oregon Water Resources Department (such as stream gauges).” As outright allowed uses. The applicant is also proposing a pedestrian footbridge, which is allowed per LCMC 17.46.040(3)(C) Compliance with in-water activity standards has been made a condition of approval. Compliance with the final order and variance conditions have also been made a condition of approval. This requirement is met or can be met through the condition of approval.

Chapter 17.55 Landscaping

17.55.040 Landscaping requirements for all development other than detached single-unit dwellings, attached single-unit dwellings, manufactured dwellings, and duplexes.

A. Landscaping is required on all portions of the site not covered by buildings, structures, or impervious surfaces.

Finding: The submitted plans show that landscaping will be provided on all portions of the site not covered by buildings, structures, or impervious surfaces. This requirement is met for purposes of this application and will be reviewed for continued compliance during the structural permitting and construction process.

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

Finding: The only existing plants that will remain onsite will be the ones located within the wetland buffer area. These can count towards the tree and shrub requirement.

- 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 perimeter is 1,500 feet for all 5 lots, which yields a requirement of at least 15 trees and 50 shrubs. The application indicates that 38 trees and 98 shrubs will be provided. The submitted Landscape plan shows these shrubs in different multiple areas around the site. Some of the trees may have to be relocated to comply with the fire code, but there is no restriction on relocating the final plantings. This requirement has been met and will continue to be monitored during the building permit 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: No islands are required, so 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 Landscape shows mulch and ground cover throughout the site. This shall be reviewed for continued compliance during the structural permitting and inspection 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.*
2. *All selections must be healthy at the time of planting.*
3. *Sizes of Plantings.*
 - a. *Deciduous trees must be a minimum of one-half caliper inches at the time of planting.*
 - b. *Conifer trees must be a minimum of four feet in height at the time of planting.*
 - c. *Ground cover plants must be at least four-inch pot size.*
 - d. *Shrubs must be at least one-gallon size at the time of planting.*
 - e. *Plantings at their mature height shall not be higher than five feet if they would block the view of any shoreline of the Pacific Ocean, Siletz Bay or Devils Lake.*
 - f. *All plantings must be one, or a combination of, the following: native to the Pacific Northwest; selected from the City of Lincoln City Guide to Landscape Selections; or suitable for the site conditions as certified by a written and signed statement from a landscape architect licensed in the state or Oregon, a licensed landscaped contractor, or a landscape nursery person.*

Finding: The submitted materials state that all plants will be selected by, and the site prepared by a professional landscape company. The application states the landscaping will be maintained in perpetuity by the HOA. 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: The narrative states that new plants will be watered by the HOA. 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 submitted landscape plan shows a variety of landscaping in the clear-vision area. As a condition of approval, landscaping shall be in conformance with the clear-vision area requirements set out in LCMC 17.52.060 and any landscaping not in compliance with clear-vision area requirements shall be removed.

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 proposed multi-unit building and duplex require 1 parking space per unit, this parking space must be full size measuring 9x20 at a minimum. All of the proposed to provide buildings have two parking spaces per unit. One full-size parking space is located in the garage, and one space is in front of the garage. Every unit has an assigned garage and parking space in front of the garage. 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 a commercial building.

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 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. The number of off-street parking spaces may be reduced by 20 percent of the off-street parking requirement by preserving at least four 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 not providing affordable housing, so this exception is not applicable.

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: The development is entirely residential, so this 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, and the off-street parking requirement is being met on the site as the submitted site plan shows.

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

Finding: The development has one use, this is not applicable.

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 spaces are located on the same tax lots for each building they serve. 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.

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

Finding: The submitted materials show that the proposed off-street parking spaces are located in the rear of each building, with access from a shared driveway off of SW 48th Street. This requirement is met.

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

Finding: The minimum setbacks for Muti-unit buildings and duplexe are 5 ft as discussed above. All parking spaces are located more than five feet from the rear property line and 5'-5'3" from the side property lines. 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 the off-street parking is located at the rear of the buildings at least 5' from NW 48th Street, and at least 6' from SW 50th Street. 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: All parking spaces are located in the rear of the buildings. 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 within any of the public right of ways. Rather, all backing movements and maneuvering will take place within the interior of the site on the shared driveway. 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 consists 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 will be surfaced with concrete and the shared driveway will be surfaced with asphalt. 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: A preliminary grading and drainage plan was included with the development review application. This requirement is met.

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

Finding: The project is not proposing pervious surfaces.

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 site plan shows the exterior parking spaces are located in front of the garage, so no wheel stops are required. The shared driveway has a 4-inch curb protecting the landscaping from vehicles. This requirement is met.

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

Finding: The narrative states that the curbing separating the landscaping from the shared driveway will be 4 inches tall. This requirement is met.

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: This requirement is not applicable.

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: This requirement is not applicable.

- 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: No marking is shown on the submitted plans, this has been made a condition of approval.

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: The site plan shows provisions for the required four-foot-wide landscape buffer along the Western portion of the site. 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.*
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: The applicant has deferred the submittal of the exterior lighting plan to the structural permitting process.

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

Finding: The submitted plans show the required parking spaces and garages, with concrete pathways to the entrances of the buildings. Compliance with the ADA requirements will be assessed during the building permit process.

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: The submitted plans show all of the required parking spaces as the standard size of nine feet wide by 20 feet long located in the garages of the units. There is an additional compact parking space outside of each garage.

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: This requirement has been met as stated above.

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 site plan shows there is a concrete walkway to the front of each building from the rear parking areas. The narrative states that the pedestrian crossing to the duplex will also be clearly marked. This requirement is met.

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 no more than 4 continuous parking spaces for each building. Each parking area for each building is separated by walkways and landscape buffers, so no designated islands are required. This standard has been 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: The project contains the minimum four-foot-wide landscape buffer around the perimeter of the parking area. The submitted materials depict the required buffer. 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 development is wholly residential so this requirement is not applicable. .

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

Finding: The project is not proposing any structured parking.

17.56.090 Bicycle parking

Finding: The project requires 17 vehicle parking spaces across all 5 buildings so no bicycle parking is required. 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 TVC zone and the project involves the development of an undeveloped site so the Design standards do apply.

17.74.030 Exceptions and nonconformances

- A. Routine Repairs and Maintenance. Routine repairs and maintenance are exempt from this chapter.*
- B. Additions or Expansion. Additions to or expansions of an existing building or structure are exempt from this chapter.*
- C. Residential. All residential developments, buildings, and structures other than multi-unit residential developments, buildings and structures and mixed-use buildings are exempt from this chapter.*
- D. Accessory Structures or Buildings. Accessory structures or buildings are exempt from this chapter.*

Finding: The proposed development contains 4 multi-unit buildings with three or more units and 1 duplex. The multi-unit buildings are subject to the design standards in LCMC 17.74.130, but the duplex is exempt.

Article III. Design Regulations for Multi-Unit Residential Structures

17.74.130 Building Design

B. Building Form. All buildings must incorporate elements to preclude blank building elevations facing a public right-of-way (Figure 17.74.130-2). Along the facade 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 of 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 facade, 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 facade, 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 (measured horizontally from the face of the main facade) 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 of the multi-unit buildings have the second and third-floor offset over the first floor of 1 ft, with a covered porch entry of 2'6". The second and third levels of each building have at least 2 decks per level over 4 feet deep and 8 feet wide, facing or visible from the right of way the right-of-way. 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 facade width 50 feet or greater.

Finding: All of the Multi-unit buildings have a mono-pitch roof, with a slope of 2/12. 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.
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.
3. *Accessibility.* Each building must have at least one ADA-compliant entrance connecting required parking to the building.

Finding: The multi-unit buildings have clustered entrances that are clearly defined in the middle of the front wall that lead up to all of the units in each building. The entrance is 4 ft deep and has an additional 2'6" overhang, bringing the total depth of the covered entrance to 6'6". The two-story units have additional entrances on the ground floor that are covered by 2'6" awnings. This requirement is met.

E. *Building Windows*

1. *Facades Facing a Public Right-of-Way.* At least 15 percent of the area of each facade 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.
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:

Right of way on SW Ebb Ave: Buildings 1-4 have front facades that face SW Ebb Ave. Buildings 1-3 have a total of 1304 square feet of wall surface facing SW Ebb Ave with a total of 359 square feet of glazing, which equals 27.5 percent transparency. Building 4 has a total of 1,132 square feet of wall surface with 232 square feet of glazing, which equals 20.5 percent transparency. This requirement is met along SW Ebb.

Right of way on SW 48th Street: Building 1's North façade faces SW 48th Street. The façade has a total of 1,639 square feet of wall surface with 255 square feet of glazing, which equals 15.6 percent transparency. This does include one main door to the garage bay, which has 21 square feet of glazing. This requirement is met along SW 48th Street.

Right of way on SW 50th Street: Building 4 has a southern façade that faces SW 50th Street. This façade has a total of 1,782 square feet of wall surface with 370 square feet of glazing, which equals 20 percent transparency. There is a garage along this façade, which does not have the required window. Adding the required window has been made a condition of approval.

- 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 elevations state that the siding will be a mix of board and batten, lap siding, Hardie board, and vertical wood siding. This requirement is met.

- G. Building Colors. Facade 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 narrative states “ Building colors will be low reflectance and will be muted neutral colors, as shown on the included Architectural renderings, the entryways will be articulated by building materials, paint colors, and awnings.” 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: Garages are integral to the building and have the same materials and design of the main building. This requirement is met.

Chapter 17.76 Procedures

17.76.040 Type II procedure

- A. General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.*
- B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.*

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

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete on November 1, 2024 in accordance with LCMC 17.76.110.D and E.

- E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.*
- 1. After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. The applicant and applicant's representative;*
 - b. The owners of record of the subject property;*
 - c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
 - d. Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*

Finding: The Planning and Community Development Department mailed the public notice of a complete application on November 4, 2024 to the parties noted in LCMC 17.76.040.E.1.a through d.

- 2. The written public notice shall include the following:*
 - a. A brief description of the request;*
 - b. The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. The street address or other easily understood geographical reference to the subject property;*
 - d. Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
 - e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
- 3. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.*

4. *Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

Finding: The written public notice contained all the information required in LCMC 17.76.040.E.2 through 4.

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.

2. *The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *The owners of record of the subject property;*
 - c. *Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
 - d. *Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

Finding: Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by the Planning and Community Development Department, pursuant to LCMC 17.76.040.G.2.

3. *The notice of the decision shall include the following:*

Finding: The Planning and Community Development Department will issue the notice of decision that shall contain all the information noted in LCMC 17.76.040.G.3.a through g.

Chapter 17.77 Applications

17.77.070 Development review

- A. *Purpose. The purpose of development review is to establish a coordinated process to ensure that development is in compliance with the requirements of this title.*
- B. *Applicability. Except as exempted in subsection (C) of this section, development review approval is required:*
 1. *Before application for or issuance of any nonresidential structural permit, mixed-use structural permit, or any multi-unit residential structural permit on undeveloped sites in the R-M, PC, RC, GC, PI, MW, P, OS, TVC, NP, and OP zones;*

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

Finding: The site is in the TVC zone. A multi-unit structural permit is required for the project. Accordingly, development review approval is required prior to such issuance.

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

1. *Detached single-unit dwellings, attached single-unit dwellings, attached single-unit dwellings developments, recreational vehicles, manufactured homes, and duplexes;*
2. *Routine repairs and maintenance;*
3. *Interior remodeling of an existing building or structure;*
4. *Temporary structures associated with temporary uses;*
5. *Accessory structures;*
6. *Construction, alteration, or maintenance of public infrastructure including streets, traffic control devices, drainage ways, sanitary and storm sewers, storm water quality facilities, water lines, electrical power or gas distribution lines, or telephone or television cable systems;*
7. *Type I procedures;*
8. *Exterior remodeling;*
9. *Expansions of an existing structure; or*
10. *Restoration or replacement of a damaged, destroyed, demolished or substantially damaged lawful, nonconforming structure or use (see LCMC 17.64.010).*

Finding: New construction is not exempted from development review.

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

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

E. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

Finding: The required documents were submitted.

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

Finding: No adjustment were requested, this requirement is not applicable.

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

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

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

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

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 for the development of 4 multi-unit buildings and one duplex, subject to the following conditions:

General

1. This approval notwithstanding, the applicant/property owner/developer/contractor shall be responsible for knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, codes, rules, standards, and policies, including but not limited to Lincoln City Municipal Code. Certificates of occupancy shall not be issued unless the project is fully compliant with all applicable rules and codes. Non-compliant items discovered at any inspection throughout the construction process shall be removed and replaced with compliant items, regardless of being shown or not shown on approved plans.
2. Structural permits shall not be issued until compliance with applicable codes, rules, regulations, standards, and policies is shown in the materials that accompany the structural permit applications.

Planning Conditions

1. PLA 2024-07 and PLA 2024-08 must be recorded as approved before submitting the building permit application
2. A photometric lighting plan and cut sheets must be submitted with the building permit showing compliance with LCMC 17.52.150.
3. Per LCMC 17.52.160(A), eaves on the front of building 1-3 need to be reduced to project a maximum of 18 inches into the front setback area. The eaves on the side of building 4 need to be reduced to project a maximum of 18 inches into the required setbacks.
4. All architectural projections into the setbacks must be labeled and measurements shown on the elevations and site plan.
5. Per LCMC 17.52.180 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. Rooftop mechanical units shall not exceed the allowable building height. 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. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation unless there is no other option
6. All applicable conditions and final orders for VAR 2022-05 must be clearly addressed and shown on the submitted plans. All work must be done in accordance with VAR 2022-05. Only allowed uses in LCMC 17.46 are allowed within the wetland boundary and buffer areas and must meet the activity standards in LCMC 17.46.040(4)(a). Per LCMC 17.46.040(3)(C) pedestrian footbridges must not disturb the natural resource function and must not involve the removal of riparian vegetation, require development below the ordinary high water mark, or result in sedimentation or erosion.
7. All requirements in DSL WN# 2024-0783 must be followed. Applicant must obtain a permit for 50 cubic yards of fill removal or any activity in which it is required. The wetland boundary and buffer must be clearly marked and fenced to avoid encroachment onto the wetland.
8. A tree protection plan for trees adjacent to the site that will be preserved, must be submitted in accordance with LCMC 17.52.220(I).

9. 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.
10. Each building must have at least one ADA-compliant entrance connecting required parking to the building.
11. Per LCMC 17.74.130(E)(2), building 4 must add a 6 square foot window to the garage.
12. Final transparency calculations must be included with the building permit application.
13. Garages with a side or rear wall that faces the street along SW 50th Street or SW 48th Street must have a window (or door) on the street-facing wall that is a minimum of six square feet in area. Glazing must be sufficient so the street-facing side meets the minimum transparency requirements.
14. Cut sheets need to be provided for siding materials and colors for exterior walls.
15. Pursuant to LCMC 17.52.120, 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. This statement shall be placed as a note on the site plan and in the general notes on the construction drawings submitted with the structural permit applications.
16. A landscaping plan shall be submitted with the structural permit applications that clearly and readily identify how the plan is compliant with all portions of Chapter 17.55, and shows the types and heights of landscaping in the clear-vision triangles such that no landscaping exceeds the allowed height in the clear-vision triangle.
17. Pursuant to 17.52.170, all solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure that screens the receptacle from the view of adjacent property and from right-of-way. The site plan submitted with the structural permit applications shall clearly and readily label, show, and identify all solid waste, garbage, trash, recycling, and composting areas on the site, along with the required screening, clearly identifying compliance with 17.52.170 by stating the types and colors of materials of the enclosure(s) and the dimensions of the enclosure(s).
18. Building 5 must be built per the revised elevations received on 12/12/24.
19. Any modifications to the proposal will need to be processed per LCMC 17.77.110.

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.
2. Aerial Fire Apparatus Access Roads
 - a. The aerial fire apparatus access road shall have a minimum unobstructed width of 26 in the immediate vicinity of the building, exclusive of shoulders. OFC D105.2
 - b. The aerial fire apparatus access roads shall be a minimum of 15 feet and not more than 30 feet from the building and parallel one entire side of the building, approved by the fire code official. OFC D105.3.
 - c. All utilities need to be underground. OFC D105.4
 - d. No trees shall be planted, new or existing, between aerial apparatus access roads and the building. OFC D105.4
3. Apparatus Access Roads
 - a. Approved markings of fire lanes will be required in accordance with OFC D103.6 and 503.3 on the driveway and SW 48th.
4. Fire Flow/ Fire Hydrants
 - a. Fire flow will need to be calculated for each building and ensure minimum fire flow is able to be achieved by current water supply system plus the new hydrant.
 - b. A fire hydrant will need to be installed in the area of SW Ebb and SW 48th to meet the

- distance from a fire hydrant. OFC 507.5.1.
- i. The fire hydrant shall provide at least the minimum fire flow required for the buildings.
 - ii. The fire hydrant shall have a 5” storz fitting and cap on the largest steamer port.
- c. The fire department connection shall meet all requirements of Section 912 of the OFC and shall be installed in an approved location. OFC 912.1 and 912.2
 - d. Approved key boxes will be needed for each building and mounted in an approved location. OFC 506.1
5. Pedestrian bridge will need to be installed and maintained to support firefighters and equipment for unobstructed access to building #5

Public Works

CONSTRUCTION PLANS:

1. A digitally designed & produced, legible set of engineering plans shall be submitted with permit submittal & all subsequent review applications.
2. 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.
3. 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.
4. 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:

5. Frontage improvements shall be completed along the proposed developments highway frontage in compliance section 17.52.230 of the Lincoln City Municipal Code. A fee-in-lieu agreement shall be applied to undeveloped frontage on SW 50th St as determined by the city engineer, in accordance with Lincoln City Municipal Code.
6. The development proposes a new, shared access to SW 48th St but does not include details of the connection.
 - a. Permit plan set shall include details at to the location, construction, and surfacing proposed within the right-of-way. Any existing pavement or sidewalk that is cracked or spalling shall be removed and repaired as part of the proposed connection.
 - b. Work shall include the addition of underground drainage on SW 48th as required to accommodate existing drainage patterns.
 - c. Work shall include ADA compliant termination at the existing end-of-walk-sidewalk. This should be achieved by connection of the north & south sidewalks on SW 48th with a fully depressed or equivalent style driveway approach.
7. All impacts the existing roadway infrastructure shall be shown on the permit plan set, including but not limited to:
 - a. The existing, non-compliant curb ramps at the corners of SW 48th and SW 49th with SW Ebb shall be demolished and reconstructed to be ADA compliant. Permit plan set shall include detailed curb ramp design demonstrating compliance with ADA requirements as well as connections to existing conditions and resulting grades.

- b. Driveway accesses not utilized by the development shall be demolished and reconstructed as standard sidewalk, curb, & gutter.
- c. Impacted street trees, light poles, signs and/or other existing roadway features shall be restored in existing or better condition following construction and be noted as such on submitted plans. If proposed for relocation, existing & proposed locations and all associated work shall be shown on the permit plan set.
- d. All utility & street cuts shall be shown on the submitted plan sets. At a minimum all road cuts shall be repaired as a “T-cut” per LCPW design standards.

EROSION CONTROL & STORMWATER MANAGEMENT

8. Detailed plans for grading and Erosion & Sediment Control (ESC) showing compliance with LCMC 12.08 shall be submitted as part of permit submittal.
 - a. Grading plans shall include existing grades, proposed grades, proposed retaining walls, accommodations of existing drainage and slope stabilization measures wherever applicable.
 - b. ESC plans must be prepared by a Registered Professional Engineer, Landscape Architect, Engineering Geologist, or Certified Professional in Erosion Sediment and Control. Approved soil erosion control measures must be in place and inspected by the Department of Public Works prior to any construction activities.
 - c. In addition to standard ESC BMPs the erosion control plan shall include sediment controls for the dewatering required for proposed utility & site development.
9. The applicant is responsible for knowledge of and adherence to Oregon Drainage Law. The design & construction of all stormwater facilities shall demonstrate compliance with all applicable drainage principles.
10. 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.
 - a. 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.
 - b. All increase from the existing sites total impervious area shall be detained according to Lincoln City Public Works Stormwater Design Standards, up to the 25-year 24-hour rain event.
11. The current stormwater design indicates design depths for the water quality/detention facility below the known water table. Stormwater facility sizing must take into account and specifically acknowledge the seasonal high water table within the area; Capacity below this is not functional in use and shall not be considered in facility calculations.
12. A shared stormwater system is noted across multiple lots. The private utility easement shall be noted on the submitted plan set. The applicant is responsible for the dedication and terms of the private shared storm utility easement. Terms shall clearly identify maintenance responsibilities of the proposed facility.

WATER & SANITARY UTILITIES:

13. All connections and extensions of the sewer system and water system shall be clearly shown on the permit drawings and installed as part of development construction.
14. Subsequent permit submittals shall include plans AND profiles for all public utilities. Profiles shall include clearly identify utility crossings, depths, and clearances, assumed or otherwise.
15. Services connections shall be designed and constructed by the applicant according to Lincoln City Public Works Design Standards; Each lot shall be serviced for water & sewer off the lots immediate frontage to the subject public utility.

- 16. Installation of a new 4” public water line will NOT be allowed. Minimum water line size shall be 8” C900 per LCPW design standards.
- 17. The applicant is responsible for the design and sizing of requested fire and domestic water services in accordance with applicable requirements.
- 18. Backflow protection shall be provided on water service connections in accordance with LCMC 13.18.050
- 19. Applicant is responsible the submission, review, and approval of sanitary sewer plans with ODEQ.
- 20. A 15’ easement shall be dedicated for the proposed public sanitary sewer on private property.
- 21. The proposed sanitary sewer extension indicating installation by “Bore” is acceptable by “Jack & Bore” only, not via Horizontal Directional Drilling (HDD).

PEDESTRIAN BRIDGE

- 22. Construction of the proposed pedestrian footbridge, for connection of the development to the SW 50th Street right-of-way, will be allowed subject to all applicable environmental, accessibility, and structural requirements. Submitted plans shall be prepared & stamped by a registered Structural Professional Engineer, clearly indicating design according to relevant and current structural loading parameters & best engineering practice. A separate right-of-way permit shall be additionally submitted for the owner’s placement, use and perpetual maintenance of the structure. A maintenance agreement shall be additionally prepared & executed including but not limited to details on ownership, maintenance, indemnity, and/or removal.

Approved by:

Richard Townsend

Richard Townend
Planning and Community Development

Jan. 2, 2025

Date