

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-06

Date: May 10, 2022

Case File: DEV REV 2022-06 Kirtsis Park Parking Lot

Project Contact: Daniel Wentz
City of Lincoln City Public Works

Property Owner: City of Lincoln City

Situs Address: 2205 NE 22nd St and 2310 NE Reef Ave

Location: North side of NE 22nd St between NE Quay Ave and NE Devils Point Dr

Tax Map and Lot: 07-11-11-BC-00300-00
07-11-11-BC-00100-00

Comprehensive Plan Designation: Park (P) Zone

Zoning District: Park (P) Zone

Site Size: 9.99 acres

Proposal: Improve the existing gravel parking lot with asphalt paving, landscaping, drainage, and an exhibit area

Surrounding Land Uses and Zones: North: Undeveloped, houses; R-M, OS
South: Community Center, commercial, houses; GC, P, R-1-7.5
East: Undeveloped, houses; R-1-7.5
West: Commercial, houses; GC, RM

Authority: Section 17.76.040.A of the Lincoln City Municipal Code (LCMC) gives the Planning and Community Development Director the authority to review an application for development review for compliance with all requirements of LCMC Title 17, and approve with conditions or disapprove the application.

Procedure: The application was received on April 4, 2022. The application was deemed complete on April 5, 2022. On April 6, 2022, pursuant to LCMC 17.76.040.E, city staff mailed a notice of receipt of application to property owners within 250 feet of the subject property.



Applicable	LCMC Chapter 17.42 Park (P) Zone
Substantive	LCMC Chapter 17.52 Supplementary Regulations and Exceptions
Criteria:	LCMC Chapter 17.55 Landscaping Standards
	LCMC Chapter 17.56 Off-Street Parking and Loading
	LCMC Chapter 17.76 Procedures
	LCMC Chapter 17.77 Applications

BACKGROUND

The subject property (site) is developed as Kirtsis Park with an existing parking area that is gravel. The site comprises two separate tax lots.

COMMENTS

No public comments were received.

Comments were received from North Lincoln Fire & Rescue District #1, via email, on April 6, 2022, noting that the curbing adjacent to spot #31 needs to be a minimum 28' inside turning radius for fire apparatus traveling north in the parking lot to east bound on NE Devils Point Dr.

ANALYSIS

Chapter 17.42 Park (P) Zone

17.42.020 Permitted uses

Finding: Public parking for park use is listed as a permitted use (17.42.020.H). The application proposes conversion of an existing gravel parking lot to an asphalt-paved parking lot for use by patrons of Kirtsis Park. This requirement is met.

17.42.050 Development standards

- A. *Setback Requirements. Setback requirements will be those set forth in LCMC 17.32.040 unless the planning and community development director makes a finding that imposing said requirements will negatively impact the surrounding property owners.*

Finding: The project does not propose the construction of any structures or buildings. This requirement is not applicable.

- B. *Height. Maximum building height is 45 feet.*

Finding: The project does not propose the construction of any structures or buildings. This requirement is not applicable.

- C. *Minimum Lot Size. None.*

Finding: There is no minimum lot size in the P zone, nor does the project propose the creation of any lots or parcels.

17.42.060 Other requirements

- A. *Off-street parking and loading shall be provided in accordance with Chapter [17.56](#) LCMC.*

Finding: This staff report addresses compliance with off-street parking and loading requirements in detail under Chapter 17.56.

- B. *Signs. No signs shall be permitted except for government signs, including signage authorized for approved vendors under special event permits or exclusive use permits with concession agreements.*

Finding: This project does not propose any signs.

- C. *Landscaping shall be provided in accordance with Chapter [17.55](#) LCMC.*

Finding: This staff report addresses compliance with landscaping standards in detail under Chapter 17.55.

- D. *Outdoor Storage Areas. All outdoor storage areas shall be screened from ground level view from adjacent properties and from rights-of-way.*

Finding: The project does not propose any outdoor storage areas.

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.060 Clear-vision area requirement

- A. *Requirement to Provide Clear Vision. For public safety purposes, all properties shall have triangular clear-vision areas (aka clear-vision triangles) where streets (public or private) intersect with other streets, commercial alleys and commercial driveways. Clear-vision triangles shall be also be provided for street intersections with commercial driveways as provided herein. Clear-vision areas at local intersections shall meet the requirements in this section, which are meant to be adequate to allow drivers and pedestrians who are stopped or approaching with caution to see intersecting traffic in time to avoid collisions. Clear-vision areas at intersections with Highway 101 must meet with Oregon Department of Transportation approval and comply with the requirements of this section.*

Finding: The project does not propose public or private streets intersecting with other streets, commercial alleys, or commercial driveways. The project does not involve any street intersections with commercial driveways or intersections with Hwy 101. Accordingly, this standard is not applicable.

17.52.120 Utilities

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

Finding: The project does not propose the new construction of any buildings or structures, so this requirement is not applicable.

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 project does not propose the installation of any exterior lighting.

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 that is at least 20 feet or more from any pedestrian space which screens the receptacle from the view of neighboring property, pedestrian space, or from right-of-way, except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured dwelling.

Finding: No refuse storage areas are proposed. Refuse is currently placed in existing trash bins located throughout the park, which are then emptied by city staff. This requirement is not applicable.

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 properties, pedestrian spaces, and from public right-of-way, and shall not be located within 20 feet of pedestrian space.*
- B. *Rooftop mechanical units shall not be visible from any public right-of-way and shall not exceed the allowable building height.*
- C. *Ground-mounted mechanical units shall be limited to the sides or rears of buildings and screened from view from adjacent properties and from public right-of-way.*
- D. *Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation when other alternative locations exist.*

Finding: No mechanical equipment installation is proposed. This standard is not applicable.

17.52.220 Tree protection and removal

Finding: As shown in the submitted exhibits, no trees are proposed to be removed and existing trees will be protected during installation of the parking lot.

17.52.230 Public infrastructure improvements

Finding: Preliminary public infrastructure improvement plans were submitted as part of the development review application package.

17.52.300 Traffic impact study (TIS) requirements

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 is not an amendment to the comprehensive plan or the zoning map. The project does not propose a new direct property approach to Hwy 101. The project will not generate 100 or more p.m. peak-hour trips on the local transportation system. The project does not intersect with Hwy 101. The project meets the minimum spacing and sight distance requirements. There will be no changes to internal traffic patterns that may cause safety problems. The city engineer did not request a TIS for the project. A TIS is not required for this project.

Chapter 17.55 Landscaping

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

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

Finding: Kirtsis Park contains existing landscaping on all areas other than existing buildings, structures, or impervious surfaces. The submitted application indicates this requirement will continue to be met after completion of the project. This standard has been met.

- B. *Fifteen percent of the total gross area of the site shall be landscaped with live vegetation according to the standards contained within this chapter. Existing plants and trees that are healthy and noninvasive count towards the 15 percent live vegetation requirement, provided they will be protected during development adequately enough to ensure future preservation.*

Finding: The applicant's narrative states the following: "The total site area of Kirtsis Park is 435,000 square feet. Of this area: 20,500 square feet of impervious surface access & services the ball field, 29,500 square feet of impervious surface makes up the Lincoln City Skate Park, and 42,400 square feet is gravel parking area. The remainder, totaling 342,600 square feet, is planted, natural vegetation, or surfaced pervious play surface. This constitutes 78% of the side and exceeds the 15% requirement. This will be preserved and improved through parking lot development."

The submitted plans are consistent with the applicant's narrative. Staff confirmed the accuracy of the statements. This requirement is met.

1. *At a minimum, the site shall contain three distinct and separate landscape area, containing an overall total of the following spaced and/or grouped according to best planting practices and aesthetics:*
 - a. *One tree per 20 feet of total lot perimeter; and*
 - b. *One shrub per 10 feet of total lot perimeter; and*
 - c. *Living ground cover.*

Finding: The site contains three distinct landscape areas, with existing landscaping along the north, east, and west boundary lines. These landscape areas will be preserved as part of the project. Additionally, landscape islands will be added to the interior of the parking lot. The total site perimeter is 2,930 feet, which yields a minimum requirement of 147 trees and 293 shrubs. The submitted plans indicate that there are more than 147 trees and 293 shrubs on the site. All existing trees and shrubs will remain, so 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 both the parking landscaping requirement and the 15-percent landscaping requirement.*

Finding: All islands depicted on the submitted plans show a proposed tree planting for each island, with shrubs or living/nonliving ground cover over the remainder. This standard has been met.

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, and cedar chips are acceptable ground cover.*
4. *Standards for living ground cover are those set out in LCMC 17.55.050.*

Finding: Construction plans note mulch at a 3- to 4-inch depth within the planted areas. This standard has been met.

17.55.050 Selection, preparation, and installation for all landscaping

A. *Selection of Materials*

1. *Invasive and noxious plants as defined in LCMC 8.12.010 or by the Oregon Department of Agriculture are prohibited.*

Finding: The project does not propose to plant any invasive or noxious species.

2. *Hydro-seeding is prohibited.*

Finding: The project does not propose any hydro seeding.

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

Finding: The applicant's narrative states that all selections will be healthy at the time of planting. This will be confirmed by a final planning inspection. Any newly planted vegetation that is dead or dying at the time of the inspection will have to be replaced prior to final approval of the project.

4. *Sizes of Plantings.*
 - a. *Deciduous trees must be a minimum of one and one-half caliper inches at the time of planting.*

Finding: Any trees to be planted shall meet the size requirements of Chapter 17.55. This will be confirmed with the site development permit application and final inspection.

b. *Conifer trees must be a minimum of five feet in height at the time of planting.*

Finding: Any trees to be planted shall meet the size requirements of Chapter 17.55. This will be confirmed with the site development permit application and final inspection.

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

Finding: Any ground cover plants to be planted shall meet the size requirements of Chapter 17.55. This will be confirmed with the site development permit application and final inspection.

d. *Shrubs must be at least three-gallon size at the time of planting, unless three-gallon sizes are not available for purchase at the time of planting for the particular shrub selected. In those instances, one- or two-gallon size is allowed.*

Finding: Any shrubs to be planted shall meet the size requirements of Chapter 17.55. This will be confirmed with the site development permit application and final inspection.

e. *Plantings at their mature height shall not be higher than five feet if they would block the view of any shoreline of the Pacific Ocean, Siletz Bay or Devils Lake.*

Finding: This requirement is not applicable since the site is not within view of any shoreline.

f. *All plantings must be one, or a combination of, the following: native to the Pacific Northwest; selected from the City of Lincoln City Guide to Landscape Selections; or suitable for the site conditions as certified by a written and signed statement from a landscape architect licensed in the state or Oregon or a landscape nursery person.*

Finding: All plantings have been selected from the City of Lincoln City Guide to Landscape Selections.

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 applicant's narrative states the following: "Irrigation & watering shall be completed by hand or irrigation shall be installed by city parks crews." This standard has been 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 plans show that no landscaping impacts clear-vision areas. This standard has been 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: No living landscaping as screening is proposed for the project.

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: Table 17.56.030-1 does not list any number of off-street parking spaces being required for a public park.

- 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 requirement is not applicable to this project since it is not located in Wecoma, Oceanlake, DeLake, Taft, Nelscott, or Cutler City.

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

Finding: There is not a number of off-street parking spaces required for a public park, so this exception is not applicable. However, staff notes that the project will be providing six bicycle parking spaces, which would equate to a 10% reduction in the number of required off-street parking 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: There is not a number of off-street parking spaces required for a public park, so this exception is not applicable. However, staff notes that over 200 mature trees on the site will be preserved, which would give a 10% reduction in the required number of off-street parking spaces if there was a an off-street parking space requirement for public parks.

- C. *Uses Not Listed in Table 17.56.030-1. Uses not specifically listed in Table 17.56.030-1 shall furnish off-street parking as required by the director. In determining the off-street parking requirements for unlisted uses, the director shall use Table 17.56.030-1 as a general guide, and shall determine the minimum number of off-street parking spaces to avoid undue interference with the use of public right-of-way.*

Finding: As noted earlier in this staff report, a public park is a use that is not specifically listed in Table 17.56.030-1. In reviewing the table for use as a general guide, the director notes that nothing listed in the table comes close to a public park. All uses listed in the table provide parking spaces based on fixed seating, number of golf course holes, or gross floor area of a building. Public parks do not contain fixed seating, and this project does not involve a golf course or any buildings. The area has been designed to maximize the number of off-street parking spaces while still adhering to the landscaping requirements of Chapter 17.55 and the parking standards of Chapter 17.56. Clearly delineating the parking spaces through asphalt paving and striping will serve to increase the usable number of spaces from what is currently existing, since no spaces are delineated now and parking instead takes place at random on the existing gravel area. Without a listed requirement or any general guidelines from Table 17.56.030-1, the director determines that maximizing the number of spaces on the site to the greatest extent possible while still maintaining applicable Title 17 requirements is the parking requirement for this public park.

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 proposed project does not propose the erection of any building, 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.*

Finding: The project does not have an off-street parking or loading requirement.

- 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 site is under one ownership of the City of Lincoln City.

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

Finding: This requirement is not applicable to this project because the parking area will only be used for uses in Kirtsis Park.

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.*
 - 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 show that the required off-street parking is located on the tax lot adjacent to the park and is not farther than 1,000 from the park. 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: The project does not propose any buildings, so this requirement is not applicable.

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

Finding: The required setbacks in the P zone are those set forth in Chapter 17.32. The front setback in Chapter 17.32 is zero except where abutting or across the street from a parcel in a residential zone. The side, street side, and rear setbacks in Chapter 17.32 are zero except where abutting or across the street from a parcel in a residential zone. The site abuts a residential zone along the north and east boundaries, as well as the north portion of the west boundary, which makes the setbacks from those property lines a minimum of 10 feet. The proposed parking spaces are well over 10 feet from the north, east, or west boundary lines. This requirement is met.

5. *Parking and loading spaces must be at least 10 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 plans show that the proposed parking spaces are over 10 feet from NE 22nd St, NE Reef Ave, NE 23rd St, NE Quay Ave, and NE Devils Point Dr. This standard has been met.

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

Finding: The project does not propose the construction of any buildings, so this requirement is not applicable.

6. *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.*
- 7.

Finding: All parking spaces are located inside the site. The interior drive aisle provides the area for backing and maneuvering; therefore, there will be no backing or maneuvering within any public right-of-way. This standard has been 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 proposed parking lot is to be paved with asphalt. This standard is met.

- C. *Redevelopment. Site design shall incorporate the conversion of existing parking areas located in front of buildings to pedestrian spaces as properties redevelop.*

Finding: This requirement is not applicable since the project does not include any existing or proposed building.

- 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 submitted plans include a preliminary drainage plan, and the applicant's narrative states that all drainage will be routed to designated water quality basins to accommodate all site drainage. This standard has been met.

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

Finding: No pervious surfacing is proposed for the parking lot.

- E. *Maximum Impervious Surface. All parking spaces, parking areas, and loading spaces in excess of the minimum required amount shall be surfaced with pervious materials as approved by the city engineer.*
1. *Except that, since commercial uses and buildings in the business districts do not have an off-street parking space requirement, if off-street parking is provided anyway as part of the development, the number of spaces provided in excess of what would have been required for the same use if it was not located in a business district, shall be surfaced with pervious materials as approved by the city engineer.*

Finding: There is no minimum number of parking spaces required for a public park. Neither is the project a commercial use or commercial building in a business district; therefore, this standard is not applicable.

- 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 code curbing or wheel stops placed to prevent extension of a vehicle into an adjacent property, public right-of-way, private street, sidewalk, or landscaping area. In this case, the parking spaces are not adjacent to an adjacent property line, public right-of-way, private street, or landscaping area. The submitted plans show wheel stops proposed for all spaces adjacent to sidewalks, with 6-inch reveal curbing around the parking landscape islands. This requirement is met.

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

Finding: The submitted plans show that 6-inch reveal curbing will be placed around the parking landscape islands. 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: The submitted plans show that the proposed wheel stops are the standard size of four inches in height and width, and six feet in length.

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: No proposed reductions are noted in the plans. This standard 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: The proposal notes that 4-inch wide, white extruded thermoplastic striping is proposed to permanently and clearly mark each parking space.

H. *Landscaping*

1. *In all instances except the following when occurring on individual lots and except in the R-1-5, R-1-7.5, R-1-10, R-1-RE, and VR zones, parking areas shall include landscaping to cover not less than 10 percent of the area devoted to parking spaces and areas, which area is computed as a part of the required landscaping of the total gross area pursuant to Chapter 17.55 LCMC.*

Finding: It is unclear from the submitted materials if 10% of the parking area includes landscaping. A revised landscaping plan shall be submitted with the site development permit application listing the square footage of the parking area and the square footage of the landscaping in the parking area such that at least 10% of the area devoted to parking spaces and areas is landscaped.

2. *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 parking lot is bordered by the developed Kirstis Park to the west, a landscaped open space area to the north, and the developed skate park to the east. There is existing landscaping along NE 22nd Ave to the south. These areas serve as the perimeter buffer strip landscaping for this project.

3. *Screening. Any off-street parking area providing five or more parking spaces shall be screened from view by a screening hedge or a six-foot-tall, sight-obscuring fence on each side that adjoins property situated in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, or NCR zones or the premises of any school. Screening hedges are subject to the provisions of Chapter 17.55 LCMC.*

Finding: The parking area itself does not adjoin any residential zones or school premises. The site adjoins residential zones, but the parking area is separated from the property boundary lines by the park and landscaped area. This requirement is not applicable.

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 project does not propose any lighting of the parking area.

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

Finding: The project is providing four accessible parking spaces that meet federal, state, and local codes.

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:

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:

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:

4. Parking areas shall be designed as follows:

Finding:

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 submitted site plan shows that no row contains more than 12 continuous parking spaces without inclusion of one planting island. This requirement is met.

a. Islands must be at least five feet wide, with a minimum area of 190 square feet in a double-loaded parking row or 95 square feet in a single-loaded parking row.

Finding: The dimensions and square footage of the proposed islands are not clear in the submitted plans. Plans shall be revised as part of the site development permit application to clearly show and label the dimensions and square footages of the islands to meet the requirements of Chapter 17.56. This requirement will be met.

b. Islands must be provided with protective curbing to prevent vehicles driving directly into the island.

Finding: The landscape plan submitted with the site development permit application shall show the required protective curbing around the islands.

c. Islands count towards the interior parking lot landscaping requirement of subsection (H)(1) of this section.

Finding: The islands count towards the interior parking lot landscaping requirement.

d. Islands must be landscaped pursuant to the provisions of Chapter 17.55 LCMC.

Finding: The landscaping plan submitted with the site development permit application shall show island landscaping pursuant to the provisions of Chapter 17.55.

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: West of the parking lot is Kirstis park ball fields. East of the parking lot is the developed skate park. North of the parking lot is landscaped. NE 22nd Ave to the south is landscaped.

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

Finding: There are no off-street parking space requirements for a park. Accordingly, the project does not require 50 or more off-street parking spaces, so the RV parking space requirement is not applicable. Nonetheless, the submitted plans show that spaces 33 through 36, 69, and 70 meet the 10-foot wide by 30-foot long dimensional requirements for an RV/motorhome/bus parking space.

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

Finding: A review of the submitted plans shows that the project is not providing any structured parking.

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: Since 17.56.030 does not identify a parking space requirement for a park, there is no bicycle parking space requirement. The project is providing bicycle parking anyway. The submitted plans show a proposed six bicycle parking spaces.

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: The site does not contain any buildings with primary entrances or pedestrian areas. This requirement is not applicable.

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: The bicycle parking area will be illuminated by the existing exterior lighting from the ball field. The bicycle parking area is clearly visible from the NE Reef Ave right-of-way. 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: The submitted site plan shows that the bicycle racks will be four feet apart to provide a two-foot by six-foot parking space. No covers are proposed, so there will be no vertical impediments.

- 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: The submitted site plan shows that bicycle racks are proposed for securing parking bicycles.

Chapter 17.76 Procedures

17.76.040 Type II procedure

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

Finding: A pre-application conference is not required.

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

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

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

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

- 2. The written public notice shall include the following:*
 - a. A brief description of the request;*
 - b. The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*

- c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
 - e. *The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. *Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
3. *An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.*
 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 required affidavit of mailing was prepared, pursuant to LCMC 17.76.040.E.3. The written public notice included the written comment period of 14 days.

F. Review Authority. The review authority for Type II applications shall be the director.

Finding: The Director reviewed the submitted Type II application.

G. Decision.

1. *Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

Finding: The relevant approval criteria are addressed in detail throughout this staff report. Consideration of the written comments received, if any, is given at the beginning of this report.

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

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

3. *The notice of the decision shall include the following:*
 - a. *A brief description of the request;*
 - b. *A statement of the decision and the applicable approval criteria used in making the decision;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*

- e. *The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
- f. *A statement that the complete file is available for review; and*
- g. *The name of a department staff member to contact and the telephone number where additional information may be obtained.*

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

Chapter 17.77 Applications
17.77.070 Development review

- A. *The purpose of development review is to establish a coordinated process to ensure that new development is in compliance with the requirements of this title prior to the submittal of structural permit applications, or in instances where structural permit application are not necessary prior to the commencement of any development. The development review application shall demonstrate that the proposed development will comply with all of the applicable requirements of this title, and that...*
- B. *Applicability. Except as exempted in subsection (C) of this section, development review approval is required before any structural permit is issued authorizing development and before any outdoor storage area or parking lot development commences in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NP, and OP zones, and before any nonresidential structural permit is issued authorizing development and before any nonresidential outdoor storage area or parking lot development commences in any other zone.*

Finding: The site is in the P zone. The project proposes parking lot development. Development review approval is required before any parking lot development commences in the P zone.

- C. *Exemptions. The activities, development and construction projects listed below are exempt from development review:*

Finding: Development of a parking lot 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 shall be processed concurrently with the development review application.*

Finding: The project does not require adherence to standards in Chapter 17.74, so no adjustments are needed.

- 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 request for development of Kirtsis Park Parking Lot, subject to the following conditions:

General

1. This approval notwithstanding, the applicant/property owner/developer shall be responsible for knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, codes, rules, standards, and policies.

Planning

1. The site development permit application shall be submitted and the site development permit obtained prior to commencement of construction.
2. A landscaping plan shall be submitted with the site development permit application showing compliance with Chapters 17.55 and 17.56.

Fire

1. The project shall meet the current Oregon Fire Code requirements for access and water supply, as reviewed by North Lincoln Fire & Rescue District #1 through the site development permitting process, and the site development permit shall not be issued until compliance with the current Oregon Fire Code requirements is shown in the submitted plans.
2. All curbing adjacent to parking spaces shall have a minimum 28' inside turning radius.