

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-07

Date: July 5, 2022

Case File: DEV REV 2022-07 Sherwin Williams

Project Contact: Karl Sveinsson
Sera Design

Property Owners: Devils Lake Road, LLC

Situs Address: 1500 SE East Devils Lake Rd

Location: Northeast corner of the SE 14th St/Hwy 101 intersection

Tax Map and Lot: 07-11-15-DD-04900-00

Comprehensive Plan Designation: General-Commercial District (G-C)

Zoning District: General Commercial (GC) Zone

Site Size: 1.31 acres

Proposal: Request for development review of a new Sherwin Williams retail facility

Surrounding Land Uses and Zones: North: Businesses; GC
South: Businesses; GC
East: Businesses; GC
West: Church, Businesses; GC

Authority: Section 17.76.040.A of the Lincoln City Municipal Code (LCMC) states that the review authority for Type II applications shall be the Planning and Community Development Director (Director). Table 17.76.020-1 of LCMC Chapter 17.76 lists development review as a Type II application with the Director listed as the review authority.

Procedure: The application was received on April 13, 2022. The application was deemed complete on April 15, 2022. On April 18, 2022, 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 17.32 General Commercial (GC) Zone
Substantive	LCMC Chapter 17.52 Supplementary Regulations and Exceptions
Criteria:	LCMC Chapter 17.55 Landscaping Standards
	LCMC Chapter 17.56 Off-Street Parking and Loading
	LCMC Chapter 17.74 Design Standards
	LCMC Section 17.76.040 Type II Procedure
	LCMC Section 17.77.010 Adjustment – Design Standard
	LCMC Section 17.77.070 Development Review

BACKGROUND

The subject property (site) is addressed as 1500 SE East Devils Lake Rd. The tax lot number is 07-11-15-DD-04900-00, and the assessed site size is 1.31 acres. The site is developed as part of the Lincoln City Outlet Mall. The site's south boundary is SE 14th St and its west boundary is Hwy 101. The Lincoln City Outlet Mall is to the north and east of the site. The site is in the GC zone, surrounded by properties in the GC zone, all of which are developed as businesses, excepting a church to the west of Hwy 101.

Lincoln City's GIS mapping shows the site does not contain bluff erosion hazards, aesthetic resource, floodway, flood hazard areas, or natural resource overlays.

The proposal is to demolish a portion of the existing building and replace it with a 4,022-square-foot detached retail facility, along with off-street parking spaces and landscaping.

COMMENTS

No comments were received from the public.

Comments were received from North Lincoln Sanitary Service, via email, on April 15, 2022, noting that the location of a compactor in the southwest corner appears to be undisturbed. The comments also asked to "remind the owner that this is a solid waste franchise area, and they need to use us or the contractor doing the demo can haul it, but they can't hire someone. Contractors that have done work at the mall in the past are often big companies from out of town and they have tried hiring outside haulers to haul the demo/solid waste."

Comments were received from Lincoln City Public Works, via email, on April 25, 2022, and consisted of conditions of approval for the development review. The conditions of approval are included at the end of the staff report as part of the decision.

Comments were received from Oregon Department of Transportation (ODOT), via email, on May 2, 2022, noting that any work proposed in highway right-of-way would require issuance of an ODOT permit.

ANALYSIS

*Chapter 17.32 General Commercial (GC) Zone
17.32.020 Uses permitted*

Finding: The site is located in the GC zone. Retail use is listed as a permitted use (LCMC 17.32.020.A) in the GC zone.

17.32.050 Setback requirements

- A. *Front Yard. None, except when the front yard is abutting or across the street from a parcel in a residential zone and then the front yard shall be the front yard required in the contiguous residential zone. However, the provisions of LCMC 17.52.060 and 17.52.070 shall apply.*

Finding: The site is a corner lot with street frontages on the west (Hwy 101) and south (SE 14th St) property lines. The shortest street frontage is the west property line, which makes it the front property line pursuant to the definition of front property line in LCMC Chapter 17.08. The parcels across Hwy 101 are in the GC zone. Accordingly, the front setback is zero.

- B. Side, Street Side and Rear Yard. None, except when the side, street side or rear yard is abutting or across the street from a parcel in a residential zone, and then the side, street side or rear yard shall be a minimum of 10 feet. The required side, street side or rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet. However, the provisions of LCMC 17.52.060 and 17.52.070 shall apply.*

Finding: The north property line is an interior side, the south property line is a street side, and the east property line is the rear property line. The abutting parcels are all in the GC zone, and the parcel across SE 14th St is also in the GC zone. Accordingly, the interior side, street side, and rear setbacks are zero.

17.32.060 Minimum lot width

Automobile service stations, drive-in restaurants and similar drive-in establishments shall have a minimum lot width of 100 feet.

Finding: The project is not proposing an automobile service station, drive-in restaurant, or any drive-in establishment; therefore, the minimum lot width is not applicable.

17.32.070 Maximum building height

Maximum building height shall be 45 feet, except as provided in LCMC 17.52.190 and 17.52.200.

Finding: The submitted materials show the height of the proposed structure at approximately 22 feet. This shall be reviewed for continued compliance as part of the structural permitting process. This requirement is met for purposes of the development review application.

17.32.080 Maximum building size

- A. No building or group of contiguous buildings shall exceed a footprint of 60,000 square feet. Notwithstanding this limitation, any building or group of contiguous buildings in lawful existence that exceeded this limitation on January 1, 2003, may expand its footprint, by not more than 10 percent of the footprint on January 1, 2003; provided, that the use of the building or combined contiguous buildings has not ceased for a period of six months or more ending at any time on or after January 1, 2003.*

Finding: The proposed new construction is a 4,022-square-foot detached building that does not exceed 60,000 square feet.

- B. Notwithstanding the provisions of Chapter 17.64 LCMC, any building or group of contiguous buildings in lawful existence and that exceeded this limitation on January 1, 2003, may be rebuilt if destroyed by any cause to any extent up to its footprint immediately prior to its destruction.*

Finding: This is not applicable to this application since no buildings were destroyed.

- C. Variances under Chapter 17.68 LCMC to the footprint limitation set out in this section shall not be allowed.*

Finding: No variances to the footprint limitation have been requested, nor are any necessary.

17.32.085 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: Compliance with landscaping requirements is addressed later in this report under Chapter 17.55.

17.20.090 Signs

Signs shall be allowed subject to the provisions of Chapters 9.34 and 17.72 LCMC.

Finding: The application package does not include any sign permit applications, although the elevations show a roof-mounted sign. Sign permit applications shall be submitted for processing and review prior to the installation of any permanent signs.

17.32.100 Off-street parking and loading

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

Finding: Compliance with off-street parking and loading requirements is addressed later in this report under Chapter 17.56.

17.32.110 Other required conditions

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

Finding: The submitted materials do not show that any outdoor storage area is proposed. This shall be reviewed for continued compliance during the structural permitting process. If outdoor storage areas are added to the site, the required screening shall be installed.

- B. Outdoor Sales Displays. Outdoor sales displays are allowed, but shall not be located in any yard, landscaped area, or off-street parking or loading area which is required by this title.*

Finding: No outdoor sales displays are proposed.

- C. Restrictions. No development shall occur in the GC zone unless all city services (sewer and water) are available to serve such development.*

Finding: The site is a developed site and contains all city services (sewer and water) already. Required disconnections and installations shall take place as part of the demolition and new construction. Preliminary civil engineering plans were included with the submitted plan set showing provisions for city sewer and city water to serve the new building. Public Works reviewed the preliminary plans and provided conditions of approval.

- D. All development in the GC zone must conform to and comply with applicable portions of Chapter 17.74 LCMC, Design Standards.*

Finding: Compliance with Chapter 17.74 is addressed later in this staff report.

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.030 Access requirement

Every lot shall abut a street, other than an alley, for at least 25 feet.

Finding: The site is an existing lot with over 25 feet of frontage on both Hwy 101 and SE 14th St. No new lots are proposed.

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 required front setback is zero; therefore, this requirement is not applicable.

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 proposes a two-way commercial driveway access onto SE 14th. The submitted plans show the required clear-vision areas, and further show them as being free from obstructions. This shall be reviewed for continued compliance as part of the structural permitting and construction process.

17.52.120 Utilities

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

Finding: The project proposes new construction, so all electrical, telephone, and cable television utility service installations or connections made as part of the new construction shall be underground. This shall be reviewed for continued compliance as part of the structural permitting and construction process.

17.52.150 Exterior lighting.

Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.

- 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: No lighting plan was submitted with this application. A lighting plan compliant with LCMC 17.52.150 must be submitted with the structural permit application, along with a photometric plan analysis and cut sheets.

17.52.160 Required setbacks – Exceptions

- A. *Architectural Features.* Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, awnings, and bay windows may project up to 18 inches into a required setback area.

Finding: The required setbacks for a commercial building in the GC zone are zero; therefore, this standard is not applicable.

- B. *Accessory Structures.* A required side or rear setback may be reduced to three feet for an accessory structure, provided the structure is detached from other structures by five feet or more and does not exceed a height of one story nor an area of 200 square feet.

Finding: The required setbacks in the GC zone are zero; therefore, this standard 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: The submitted plans do not show any proposed fences.

- D. *Retaining Walls.* Retaining walls may be constructed in required setback areas, subject to the following limitations:
1. *One or more retaining walls, none of which individually exceeds six feet in height, may be used, in front or street side setback areas provided each successive wall is set back or stepped from the next lowest wall at least one foot for each one foot of height for that wall;*
 2. *Within interior side and rear setback areas a retaining wall may be constructed up to eight feet in height.*
 3. *All building code and structural permitting requirements shall be met prior to construction of any retaining wall.*

Finding: The required setbacks for a commercial development in the GC zone are zero; therefore, 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: The required setbacks for a commercial development in the GC zone are zero; therefore, these requirements are not applicable.

17.52.170 Solid waste, garbage, trash, recycling, and composting receptacle storage areas. All solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure which screens the receptacle from the view of adjacent property and from right-of-way, except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured home.

Finding: Sheet P500 of the submitted plan set shows the trash and recycling area at the southeast corner of the new building. Proposed screening is shown as an eight-foot-tall CMU wall and gates. The application states the following: “CMU block wall and stained wood siding to match the new building, and painted metal swing doors to conceal the area.” Comments from North Lincoln Sanitary Service indicate the presence of a trash compactor in the southwest corner of the site, although the submitted plans don’t show this compactor. If the trash compactor is going to remain as part of the project, it needs to be screened from the view of adjacent property and the right-of-way.

17.52.180 Placement and screening of mechanical equipment

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

Finding: The application indicates the number and location of ground-mounted mechanical units are to be determined, but that two units are likely. The application notes the method of screening as “existing retaining wall and new landscape planting will screen the new equipment which will be located in the flat landscape area between the building and slope to the west.” The materials submitted with the structural permit application will need to show the exact locations of any mechanical equipment and required screening.

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

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

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

Finding: The application indicates the number and location of ground-mounted mechanical units are to be determined, but that two units are likely. The application notes the method of screening as “existing retaining wall and new landscape planting will screen the new equipment which will be located in the flat landscape area between the building and slope to the west.” It is unclear from this statement if the units will be placed on the front, sides, or rear of the building. The code requires that ground-mounted mechanical units shall be limited to the sides or rears of buildings. The materials submitted with the structural permit application will need to show the exact locations of the ground-mounted mechanical units such that they are placed on the sides or rear of the building and that they are screened from view from adjacent properties and right-of-way, with the types, height, and location of all screening materials clearly indicated.

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

Finding: The plans submitted with the development review application show no standpipes, meters, vaults, or equipment are proposed to be placed on the front elevation. This 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 the new building will be less than 22 feet tall. This standard has been met.

- B. *No structure that exceeds 35 feet in height shall be permitted in a residential zone within 500 feet of any shoreline without prior approval as a Type III procedure.*

Finding: The proposed building is not within 500 feet of any shoreline. This standard is not applicable.

- C. *No structures used for human occupancy shall be permitted to exceed the building height limitations of the zones in which they are located. To ensure that this standard is met the following rules apply:*

Finding: The maximum building height in the GC zone is 45 feet. The submitted architectural drawings indicate the building will be less than 22 feet tall. This standard has been 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 application is for redevelopment of an existing site. The existing grade around the building is flat, and is considered the approved grade for the purposes of this review; therefore, no existing grade lines are necessary on the plans. The submitted architectural elevations (Sheet G102) show the height as being less than 22 feet tall at the height point. The height requirement is met.

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 and was done when the current structure was built. No changes are proposed that would affect the building height. This standard has been 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 a redevelopment of an existing site, which has already been graded. The proposed grade is shown on Sheet P400 of the submitted plan set. Minor changes in the grade are proposed for drainage and storm water treatment. No major grading changes are shown that would affect the building height limitations. This standard has been met.

17.52.200 Building height limitations – General exception

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

Finding: The submitted elevations show the tallest point of the building at less than 22 feet. The elevations show a future roof-mounted sign that is 5’10” tall. This is still within the height limitations and no formal sign application has been submitted. This standard is currently met and any additions or signage will be reviewed for compliance at the time an application is submitted. This standard has been met.

17.52.220 Tree protection and removal

Finding: The tree protection plan found on Sheet LD101 of the submitted plan set shows one existing tree in the proposed work area. The one existing tree is proposed to be protected. The submitted landscape plan shows the planting of additional trees, even though no trees are being removed for the project. These requirements are 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 trigger the requirements for a TIS, nor did the city engineer request a TIS for this project.

Chapter 17.55 Landscaping

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

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

Finding: The 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 one existing tree on the site is shown as being preserved and protected.

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 submitted plans show the required number of trees and shrubs are proposed and the remainder of the site covered in living or nonliving ground cover. This shall be reviewed for continued compliance during the structural permitting and construction process.

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

Finding: The islands shown in the submitted plans show the required tree and shrubs/living/nonliving ground cover. This shall be reviewed for continued compliance during the structural permitting and construction process.

C. Ground Cover and Mulch

1. *Ground cover used as mulch between plantings shall be placed at a minimum two- to three-inch-thick layer to ensure effective erosion control and to avoid leaching of excessive nutrients.*
2. *Acceptable mulch materials are straw, well-aged compost and leaves, wood mulch or bark dust, or wood nuggets that are a minimum diameter of one inch. Mulching with manure that has not been composted or aged is prohibited.*
3. *Nonliving ground cover materials such as noncompacted pea gravel, river rock, pumice, stones, boulders, bark dust, cedar chips, or similar, are acceptable nonliving ground cover.*
4. *Standards for living ground cover are those set out in LCMC 17.55.050.*

Finding: The submitted plans appear to show compliance with this requirement. This shall be reviewed for continued compliance during the structural permitting and construction process.

17.55.050 Selection, preparation, and installation for all landscaping

A. Selection of Materials

1. *Noxious vegetation as defined in LCMC 8.12.010 or by the Oregon Department of Agriculture is prohibited. Noxious weeds as defined in LCMC 8.10.020 are prohibited.*

Finding: The submitted preliminary landscape plan does not show the planting of any noxious vegetation or noxious weeds.

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

Finding: The submitted landscape plan does not specify that selections will be healthy at the time of planting. This standard can be met through the conditions of approval.

3. *Sizes of Plantings.*
 - a. *Deciduous trees must be a minimum of one-half caliper inches at the time of planting.*
 - b. *Conifer trees must be a minimum of four feet in height at the time of planting.*

Finding: Sheet PL101 of the submitted plan set notes that the deciduous trees will be 1 ½ caliper inches at the time of planting. Cypress and juniper are noted with a planting height of 6 feet minimum.

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

Finding: Sheet PL101 shows a four-inch minimum pot size for ground cover plants at the time of planting.

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

Finding: Sheet PL101 shows a three-gallon minimum pot size for shrubs 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.

Finding: This requirement is not applicable since the site does not have a view of any shoreline.

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

Finding: The submitted application indicates all plantings have been selected from the City of Lincoln City Guide to Landscape Selections or are native to the Pacific Northwest.

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: Note P on Sheet PL101 of the submitted plan set states that all new landscaping will be provided with irrigation for a minimum period of two years. This requirement is met for purposes of this review.

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 project contains clear-vision areas triangles on either side of the two-way commercial driveway. The submitted plans do not show any obstructions in the required clear-vision areas.

17.55.080 Living landscaping as screening

- A. When screening is required, the applicant may choose to use vegetation as the screening method. If so, the following standards must be met:*
- 1. Screening shall be in the form of a hedge.*
 - 2. The hedge shall consist of evergreen shrubs and shall be native to the Pacific Northwest and suitable for the site conditions as certified by a nursery person or a landscape architect licensed in the state of Oregon or selected from the City of Lincoln City Guide to Landscape Selections.*
 - 3. Selected shrubs must have a mature height of at least six feet.*
 - 4. Shrubs must be of sufficient size and number to provide solid sight obstruction, at a minimum of six feet in height, at the time of planting.*

Finding: The project is not proposing the use of live vegetation as screening.

Chapter 17.56 Off-street Parking and Loading Regulations

17.56.030 Number of off-street parking spaces required

A. The number of off-street parking spaces required shall be as set forth in Table 17.56.030-1.

Finding: The proposed retail building is 4,022 square feet. Table 17.56.030-1 shows a parking requirement of one parking space per 400 square feet, plus one for each employee for retail use. No estimate of the number of employees was provided in the application. Without the number of employees, it is not possible to calculate the required number of off-street parking spaces. The square footage requires 10 parking spaces, but there is an additional requirement for the employees. As a condition of approval, plans shall be submitted with the structural permit application that clearly identify the square footage of the building and the number of employees so that the accurate number of off-street parking spaces can be determined.

B. Exceptions to the Number of Off-Street Parking Spaces Required. One or more exceptions may apply to a development.

1. There are no off-street parking requirements for commercial uses, commercial buildings, or the commercial portion of mixed use buildings located within the boundaries of any of the pearls (Wecoma, Oceanlake, DeLake, Taft, Nelscott, Cutler City), said boundaries as identified on the city's adopted zoning map.

Finding: This exception is not applicable to this project since it is not located in Wecoma, Oceanlake, DeLake, Taft, Nelscott, or Cutler City.

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

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

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

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

17.56.040 Number of off-street loading spaces required

A. Every building hereafter erected or established, for a use other than residential, having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area.

B. Each loading space shall be not less than 10 feet wide by 25 feet in length and 14 feet in height.

Finding: The proposed building is 4,022 square feet, so no off-street loading spaces are required.

17.56.050 Joint use of off-street parking and loading spaces

A. Off-street parking and loading requirements may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, sites, or developments that their operations and parking needs do not overlap in point of time.

- B. *If the uses, structures, sites, or developments are under separate ownership, the right to joint use of off-street parking or loading spaces must be evidenced by a deed, lease, contract, or other appropriate written document establishing the terms of the joint use, and submitted to the department.*

Finding: The project has not requested use of joint off-street parking spaces.

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

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

17.56.080 Development standards for off-street parking and loading areas for all uses other than detached single-unit dwellings, attached single-unit dwellings, and duplexes

A. *Location*

1. *Off-street parking and loading shall be located on the same lot or parcel as the use or on a separate lot or parcel not farther than 1,000 feet from the building or use they are intended to serve, measured in a straight line from nearest property corner to nearest property corner.*

Finding: All required off-street parking is located on the same tax lot as the proposed building.

2. *Area in a public right-of-way or an alley shall not be used as fulfilling any part of the off-street parking or loading requirements.*

Finding: The submitted materials do not show any proposed off-street parking spaces in public right-of-way or an alley.

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

Finding: The submitted materials show that the proposed off-street parking spaces are located to the rear of the building. Based on the definition of front property line in Chapter 17.08, the front of the building is the elevation that faces Hwy 101 to the west. The proposed off-street parking spaces are shown on the submitted plan set to the east, or rear, of the building. This requirement is met.

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

Finding: The site is in the GC zone and there are no required building setbacks in the GC zone, so this requirement is not applicable.

5. *Parking and loading spaces must be at least 4 feet from public right-of-way, and the space between the public right-of-way and the parking and loading spaces must be landscaped according to the standards in Chapter 17.55 LCMC.*

Finding: The submitted materials show that all new parking spaces are at over four feet from both Hwy 101 and SE 14th St. The project does not require loading spaces, although the proposal includes a loading area on the south side of the building. The proposed loading area is more than four feet from both Hwy 101 and SE 14th St. The space between the Hwy 101 and SE 14th St and the parking and loading spaces is landscaped as shown on the submitted plan set.

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

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

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

Finding: The submitted plans show that there are no backing movements or other maneuvering taking place within either SE 14th St or Hwy 101. Rather, all backing movements and maneuvering is shown as taking place within the interior parking lot located on the site. This requirement is met.

B. Surfacing

1. *Parking spaces, parking areas, and driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste vehicles and firefighting apparatus.*
2. *Surfaces shall consist of one or more of the following materials:*
 - a. *Concrete or asphalt;*
 - b. *Block pavers of concrete, stone, brick, or similar material. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface;*
 - c. *Pervious concrete or asphalt; or*
 - d. *Other materials, as approved by the city engineer.*

Finding: The submitted materials indicate that the parking areas, spaces, and drive aisles will be surfaced with asphalt.

C. Installation and Maintenance.

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

Finding: A preliminary grading and drainage plan was included as part of the preliminary plan set.

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

Finding: The project is not proposing pervious surfaces. If pervious parking surfaces are required or proposed later in the project, such surfaces shall be designed, installed, and maintained to ensure proper storm water infiltration.

- D. Maximum Impervious Surface.** *All parking spaces, parking areas, and loading spaces in excess of the minimum required amount shall be surfaced with pervious materials as approved by the city engineer.*

Finding: As discussed earlier in this report, minimum number of parking spaces cannot be determined without knowing the number of employees; therefore, the maximum impervious surface cannot be determined either. The project is providing 25 parking spaces and a loading area. With the proposed 4,022-square-foot building, the number of parking spaces equates to ten plus whatever is needed for the employees. No loading spaces are required. Since the project is providing a loading area that isn't required, and since the project is likely providing more than the required number of parking spaces, the parking and loading areas over and above what is required must be surfaced with pervious materials. As a condition of approval to meet this requirement, the project shall provide pervious surface for any parking spaces over the required number of parking spaces and for any provided loading spaces since loading spaces are not required.

E. Curbing and Wheel Stops

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

Finding: The submitted Sheet P500 shows wheels stops on all parking spaces except the three most northern spots. The three northern parking spaces are adjacent to a sidewalk, so wheel stops will need to be added to these parking spaces. As a condition of approval, plans shall be submitted with the structural permit application showing all required wheel stops.

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

Finding: The height of the proposed curbing is not specified in the submitted plans. This requirement will be met through a condition of approval.

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: All wheel stops will be required to meet this standard and is addressed in the conditions of approval.

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

Finding: The required length of the standard parking space is 20 feet. The plans show wheel stops have been provided and the parking space length being reduced to 18 feet as allowed by the code.

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

Finding: Preliminary plans indicate all spaces will be clearly marked. This requirement is met for the purposes of the development review and shall be reviewed for continued compliance during the structural permit and construction process.

G. 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: The plans do not clearly indicate the square footage of the parking area or the percentage of the parking area that is devoted to landscaping. This shall be addressed as a condition of approval.

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 depth of the perimeter buffer strip landscaping is not clearly identified, nor is it clear if there is a perimeter buffer strip around the entire perimeter. This shall be addressed as a condition of approval.

- H. Screening. Any off-street parking area providing five or more parking spaces shall be screened from view by a screening hedge or a six-foot-tall, sight-obscuring fence on each side that adjoins*

property situated in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, or NCR zones or the premises of any school. Screening hedges are subject to the provisions of Chapter 17.55 LCMC.

Finding: The site does not adjoin the premises of any school or any of the aforementioned zones, so 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 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 ADA-accessible parking spaces.

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 the provided parking spaces as the standard size of nine feet wide by 18 feet long (with the two-foot reduction allowed by the placement of wheel stops).

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

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

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

Finding: The submitted plans show a pedestrian circulation route from parking stalls to the primary building entrance.

- 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 25 parking spaces, so parking islands are required. A review of the submitted materials shows that there are no more than 12 parking spaces in a row without a planting island. This requirement is met.

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

Finding: 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. 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: Even if the number of employees was known, the 4,022-square-foot building is not going to generate a requirement of 50 or more off-street parking spaces, 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

- A. *Number of Bicycle Parking Spaces Required. One bicycle parking space, as defined in subsection (D) of this section, is required for every 20 vehicle parking spaces required in LCMC 17.56.030.*

Finding: The submitted plans do not clearly indicate the required number of vehicle parking spaces since the number of employees is not stated in the application, nor do the submitted plans show any bicycle parking spaces. As a condition of approval, the plans submitted with the structural permit application shall clearly state the required number of vehicle parking spaces and bicycle parking spaces consistent with the requirements of Chapter 17.56. At a minimum, one bicycle parking space is required.

- 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.*
- C. *Location. All bicycle parking areas shall be within a well-lighted area within 100 feet of, clearly visible from the primary building entrance or public right-of-way. Where necessary, a sign shall direct users to the bicycle parking area.*
- D. *Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.*
- 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 plans do not appear to show any bicycle parking facilities. As a condition of approval, bicycle parking facilities as required by Chapter 17.56 shall be shown on the plans submitted with the structural permit application.

Chapter 17.74 Design Standards

17.74.020 Applicability

- A. *Zoning Districts. The provisions of this chapter apply to the multiple-unit residential (R-M), recreation commercial (RC), general commercial (GC), Nelscott plan district (NP), Taft Village core (TVC), and Oceanlake Plan district (OP) zones as follows:*
- B. *Conflicting Regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the strictest requirement shall apply.*

- C. *The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously developed sites, and/or new construction of any building or structure.*

Finding: The site is in the GC zone and the project involves both redevelopment of a previously developed site and new construction of a new building. Accordingly, the design standards of Chapter 17.74 apply.

17.74.030 Exceptions and nonconformances

- A. *Routine Repairs and Maintenance.*
- B. *Additions or Expansion.*
- C. *Residential Dwelling Exception.*
- D. *Nonconformances*

Finding: The exceptions are not applicable to this project for new construction/redevelopment of a previously developed site.

17.74.060 Site design

- A. *Intent*
- B. *General Standards*
 - 1. *Site Conditions. Locate buildings to preserve existing topography, views, and natural features to the extent possible, and to take advantage of unique site conditions.*

Finding: The site does not have any views or natural features. The site does not have any significant existing topography that needs to be preserved. The one unique site condition is that the building area is slightly lower than the Hwy 101/SE 13 St corridor. Rather than using fill, the project is utilizing new and existing retaining walls and sloping pedestrian pathways for an attractive and usable pedestrian experience.

- 2. *Pedestrian Space. Maximize opportunities for usable, attractive, well-integrated pedestrian space.*

Finding: The project will be providing direct pedestrian access to the Hwy 101 sidewalk and connecting throughout the site and the adjacent outlet mall.

- 3. *Site Design. Site designs should maximize the preservation of existing mature vegetation and should provide for on-site storm water quality treatment and management such as through providing bioswales or other natural water treatment features.*

Finding: The site contains one tree. The existing tree will be preserved as part of the project.

- 4. *Natural Features and Systems. Prioritize natural features and systems by orienting buildings around existing existing native vegetation, significant wetland, and significant riparian areas, and maximizing passive heating and solar gain, protection from weather, and predominant winds.*

Finding: The site does not contain any natural features.

- 5. *Building Entries. Create clearly identifiable building entries from the street, unless restricted by unique site conditions.*

Finding: The submitted elevations show a clearly identifiable building entry. Due to the existing grade change and slope, the proposed building is located approximately 30 feet from the Hwy 101 sidewalk. The

project includes a new stair and ramp connection from the sidewalk to the existing pedestrian promenade within the larger retail area.

6. *Building Continuity. Where practicable, it is encouraged to extend buildings from side property line to side property line to increase vitality and to maintain continuity of a storefront character.*

Finding: To accommodate the pedestrian space and landscaping requirements, it is not possible or practicable to extend the building from the north to the south (side) property lines.

7. *Mixed Use Buffers. Provide buffers at residential entries at sidewalks within mixed use frontages by means of entry courtyards, porches, or stoops as well as landscaping.*

Finding: The project does not propose any mixed use.

8. *Retaining Walls. Where new retaining walls are constructed adjacent to public right-of-way, they must consist of one or more of the following: rusticated concrete block, striated or battered concrete, or natural stone.*

Finding: A new retaining wall is shown on the submitted Sheet P500, but the materials of the retaining wall are not indicated. As a condition of approval, the plans submitted with the structural permit application shall show the materials of any new retaining walls adjacent to Hwy 101 or SE 14th St as being one or more of the following: rusticated concrete block, striated or battered concrete, or natural stone.

9. *Compliance with Chapter 17.52 LCMC is required. If conflicts occur, the strictest requirement shall apply.*

Finding: Compliance with Chapter 17.52 is addressed earlier in this staff report.

10. *Drive-Through Facilities and Stacking Lanes.*

Finding: The project is not proposing any drive-through facilities or stacking lanes.

11. *Building Orientation.*

- a. *Building Orientation. A building or structure must extend along at least 50 percent of the lot's street frontage(s). If the lot has more than one street frontage, this requirement shall apply to all of the lot's street frontages. This required 50-percent building frontage must be at the back of a public sidewalk, public right-of-way, or adjacent to an area dedicated to the public.*
- b. *Primary Building Entrance.*
- i. *Corner Building. A primary entrance is required at the corner within 10 feet of right-of-way. Where a corner entrance is not practicable, a primary building entrance must be within 40 feet of the corner.*
- ii. *Interior Building. A primary entrance is required within 10 feet of public right-of-way and directly connected to a public sidewalk.*

Finding: The project requests an adjustment from these standards, with the following rationale:

“Unique site conditions, specifically the 7-foot grade change and associated slope, and significant existing utilities and easements requires locating the building and entries away from the street. The project includes new stair and ramp connection from sidewalk to the existing pedestrian promenade, creating a continuation of the NE [sic] 13th Street corridor into the Mall.”

“Due to the existing grade change and slope, the proposed building is located approximately 30-feet from the Highway 101 sidewalk. The project includes a new stair and ramp connection from the sidewalk to existing pedestrian promenade within the Mall.”

“The corner of Highway 101 and SE 14th Street is approximately 8-feet above the existing parking lot and proposed building pad. The corner also contains several utilities and a drainage easement for the highway that would be prohibitively expensive and time consuming to move. The project will replace the existing landscaping to enhance the visual appeal of project at the corner.”

“Unique site conditions, specifically the grade change and associated slope, requires locating entries away from the street. The projects includes new stair and ramp connection from the Highway 101 sidewalk to the Mall’s pedestrian promenade from which access to the primary store entrance is provided.”

In staff’s opinion, with the provided pedestrian enhancements, landscaping at the southwest corner, and pedestrian connections proposed, the intent of providing a pedestrian-friendly and pedestrian scale project is being met. The adjustment requests from these standards are approved.

17.74.070 View protection

- A. *Intent.*
- B. *Applicability. The view protection guidelines apply to all lots or parcels with frontage along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake, except for lots or parcels fronting Highway 101 which are exempt from these requirements.*
- C. *Standard. Buildings shall be no more than 200 feet in width when constructed along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake. There shall be a minimum distance of 25 feet between buildings on one site, lot, or parcel when siting multiple structures on the same site, lot, or parcel.*

Finding: Not only does the site not have view of the Pacific Ocean, Siletz Bay, or Devils Lake, the site also fronts Hwy 101. These requirements are not applicable.

17.74.080 Pedestrian spaces

- A. *Intent.*
- B. *Standards.*
 - 1. *Required Area and Dimensions. At least three percent of every development site, excepting developments that are wholly residential, must be pedestrian space. Any pedestrian space must be at least eight feet across with a surface area of at least 64 square feet.*

Finding: The submitted materials do not provide enough details to determine if this requirement is being met. As a condition of approval, the plans submitted with the structural permit application shall show detailed and readily identifiable compliance with 17.74.080.B.1.

- 2. *In-Lieu Fee. The applicant may find that the creation of pedestrian space is not practicable. In such case, the review authority may approve an in-lieu fee equal to the assessed value of the land and improvements that would have otherwise been required. The assessed value shall be that shown on the most current property tax report from the Lincoln County assessor’s office. The in-lieu fee shall be paid to the city.*

Finding: The application does not request payment of an in-lieu fee.

3. *Preferred location. The highest priority locations for pedestrian spaces are those areas with the highest pedestrian activity that have a western or southern exposure. Where no such area exists, the pedestrian space should be an extended sidewalk or walkway connecting multiple developments.*

Finding: The pedestrian space is not identifiable from the submitted plans. As a condition of approval, plans submitted with the structural permit application shall show compliance with pedestrian space requirements.

4. *Access. All pedestrian spaces must be accessible from the public right-of-way or otherwise be connected to and visible from the public right-of-way by a sidewalk or pedestrian pathway. Connections between pedestrian spaces and the public right-of-way must be identified with a change in paving materials or paving treatment. Use of painted concrete is not an acceptable method of identifying such connections.*

Finding: Compliance with this requirement is not clearly identified in the submitted plan set. As a condition of approval, the plan submitted with the structural permit application shall very clearly identify, label, and show complete compliance with 17.74.080.B.4.

5. *Weather Protection. Where a pedestrian space adjoins a building entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature.*

Finding: The plans do not show any pedestrian spaces adjoining the building entrance.

6. *Site Features. Features such as trash/recycling receptacles, benches, planter boxes, and other similar items must be coordinated in color and design with each other, the site, and the buildings and structures on the site.*

Finding: The submitted materials do not provide enough details on the proposed site features to make a determination if they are coordinated in color and design with each other, the site, and the new building. As a condition of approval, the materials submitted with the structural permit application shall include details showing compliance with 17.74.080.B.6.

7. *Pedestrian Amenities Required. Required pedestrian spaces must contain pedestrian amenities within the designated pedestrian space in an amount equal to or greater than one-half of one percent of the estimated project construction cost. Cost estimates for pedestrian amenity improvements must be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the review authority. Features that count toward fulfilling the one-half of one percent amenity requirement include:*
8. *Edge Treatment. Pedestrian space should have an articulated edge where feasible to provide visual interest and additional seating along the edges of the pedestrian space where people may linger out of the traffic flow. The articulated edge should be defined without impeding traffic flow.*

Finding: The submitted materials do not provide enough details on the proposed pedestrian space, amenities, and edge treatment to make a determination if these requirements are met. As a condition of approval, the materials submitted with the structural permit application shall include clear and specific details showing compliance with 17.74.080.B.7 and 17.74.080.B.8.

17.74.090 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: Compliance with Chapter 17.55 is addressed earlier in this staff report.

17.74.100 Building design

A. Intent. The building design standards reflect the following community values:

1. Context-sensitive and eclectic coastal architecture.
2. Articulated building facades to break up large volumes and promote human scale.
3. Contextually appropriate materials, textures, and colors.
4. Pedestrian-scale development through ground floors made active with windows, pedestrian amenities, and furnishings.
5. Corner buildings that serve as focal points with vertical building elements, furnishings, and/or public art.
6. Architecture that is consistent with the character of each pearl, balancing rhythm and continuity, yet creative in the design of building elevations, rooflines, and façade elements.
7. Design that increases environmental sustainability, softens the building’s edge, and provides visual interest for the pedestrian.

B. Specific Design Elements for Pearls.

Finding: The site is not located in a pearl.

C. Development Standards.

Standard		Required/Provided
1.	Building height.	
	a. Minimum building height adjacent to public right-of-way.	15 feet/22 feet and as close to public right-of-way as possible given the slope and grade change. Adjustment requested and approved.
	b. Maximum height.	Established by the underlying zone and calculated according to LCMC 17.52.190 and 17.52.200 /Building height is 22 feet, which is well under the maximum height of 45 feet in the GC zone
2.	Ground floor windows.	
	a. Minimum percentage of transparent windows adjacent to public right-of-way.	60%
3.	Building entrances.	
	a. Minimum number of entrances connected to street.	One entrance, and at least one additional entrance for every 40 feet of building street frontage; or An average of at least one entrance for every 90 feet, if the internal building function prevents closer entrance spacing./Adjustment requested and approved. The east and west building elevation is approximately 83 feet and includes one primary entrance facing the new surface parking lot. The project includes a new stair and ramp connection from the Hwy 101 sidewalk to the new pedestrian promenade connection to the interior of the outlet mall.
4.	Building articulation.	

Standard		Required/Provided
	a. <i>Maximum individual wall plane size.</i>	<i>800 square feet/The wall plane of the long building elevation (east and west) is approximately 1,400 square feet and is broken up by a mix of glazing, stained wood siding, and vertical supports planted with vines to reduce the perceived scale of the elevation. Adjustment requested and approved.</i>
	b. <i>Minimum recess or projection of each wall plane.</i>	<i>i. Facades less than 100 feet long: 3 feet ii. Facades 100 feet or longer: 6 feet The proposed wall planes use strong, horizontal forms for the building base contrasted with vertical wood siding to exaggerate height to create a visually interesting building. Additionally, contrasting the wall planes with a mix of solid and transparent forms creates a sense of depth similar to offset wall planes. Adjustment requested and approved.</i>
	c. <i>Maximum length of individual wall plane.</i>	<i>12 feet/The proposed wall planes do not include projections, but include a rich mix of glazing, stained wood siding and vertical supports planted with vines enlivening the west façade. Adjustment requested and approved.</i>
5.	<i>Pedestrian shelters.</i>	
	a. <i>Minimum along street frontage.</i>	<i>75% of building frontage length/Pedestrian shelter extends for 66 feet of the 83-foot entry (east) façade, which is 80% of the primary entry frontage. Requirement met.</i>

D. Building Form.

1. *Upper Floor Stepback. Building facades must step back according to the following:*
 - a. *For buildings over two stories in height, the top floor must step back at least 10 feet; or*
 - b. *Progressive stepbacks on upper floors must be a total of at least 10 feet.*

Finding: The building is a single-story building. This standard is not applicable.

2. *Street-Facing Facades. Architectural designs must address all sides of a building that are adjacent to or visible from a public right-of-way or pedestrian space.*

Finding: The submitted materials address both the west (faces Hwy 101 and pedestrian space) and south (faces SE 14th St and pedestrian space). This requirement is met.

3. *Varied Height. Height must vary from building to building to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, or different height from building to building.*

Finding: The project only proposes one building, so this standard is not applicable.

4. *Minimum Height. Single-story buildings must incorporate parapets, towers or other design elements to reach the minimum height.*

Finding: The building is proposed at approximately 22 feet in height. This height is achieved with various roof forms and slopes, thus providing the required design elements to reach the minimum height of 15 feet.

5. *Building Modulation. Vertical and horizontal building modulation must be used to add variety and to make large buildings appear to be an aggregation of smaller buildings. A Roof plan and foundation footing plan are required at submittal to show compliance with this standard.*

Finding: The proposed building is only 4,022 square feet, which is not considered a large building. This standard is, therefore, not applicable to the project.

6. *Relation to Shorter Buildings. Where a wall of a proposed building is 10 feet taller or more than the adjacent building, the taller building must follow the horizontal lines of the shorter building along the ground floor, and reference elements or detailing of the shorter building(s) on its upper stories.*

Finding: The proposed building is a detached building, separate from any of existing buildings to the north or east. The proposed building is also shorter than the existing buildings to the north or east, so this standard is not applicable to this project.

7. *Highway 101 Corner Buildings. New buildings that are constructed on a corner site that is located at the intersection of a street and Highway 101 must include at least a two-step hierarchy in the building height, with the tallest portion of the building at the corner, tapering down in height along each street frontage. Buildings must additionally include at least two of the following on building corners facing the public right-of-way:*
 - a. *Bay windows;*
 - b. *Roof decks or balconies on upper stories;*
 - c. *Corner entrance;*
 - d. *Crowning features to a tower form such as wide cornices, projecting parapets, or a pitched roof; and/or*
 - e. *Bevel, notch, or rounded corner.*

Finding: The submitted plans do not show specific compliance with these requirements. However, the applicant requested an adjustment stating the following:

“Portion of building facing the corner of Hwy 101 and SE 14th Street is the service side of the building and is intentionally designed to be low to reduce visibility from the public ROW. The high point of the building faces the new pedestrian promenade, creating a more inviting experience.”

Staff feels the intent of the requirement is met and approves the adjustment request.

E. Roof Form.

1. *Primary Roof Form. Buildings with a street-facing façade width less than 50 feet must have sloped roofs. Secondary roof forms may include towers, dormers, turrets or other features with rounded, shed, pyramidal, or crossing elevations.*
2. *Pitched Roofs. Roofs must be gabled or hipped. Sloped roofs should have a minimum pitch of at least 3:12.*
 - a. *The gable end of the roof must face the abutting street.*
3. *Flat Roofs. Buildings with flat roofs must have projecting cornices to create a prominent edge against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.*

Finding: The primary roof form is a sloped roof. No flat roofs are proposed. The roof pitch of 3:12 is a suggestion, not a requirement. The applicant states the following:

“Featuring a sloped roof that is solar-ready, the building height ranges from 12’-6” to approximately 22’. Due to the site being approximately 7 to 8-feet below the existing sidewalk grade, the building will appear low relative to the sidewalk. New plantings between the sidewalk and building will create a sense of verticality and visual interest. Additionally, an enlivened building facing Highway 101 is proposed to compensate for the building location and finished floor elevation.”

Staff feels that the proposed plantings and enlivened building facade compensate for the decrease in roof slope and the proposed roof pitch is approved.

4. *Decks and Balconies. Decks and balconies on upper stories should be designed so that they do not significantly increase the apparent mass of the building within the required upper story stepbacks. Mixed use building facades adjacent to streets and pedestrian spaces should provide balconies of a sufficient depth that are integrated into the structure and fully functional.*

Finding: The project is a single-story, single-use building with no proposed decks or balconies.

5. *Prohibited Roofs. Dual-pitched or hipped “mansard” and A-frame roof forms are not permitted.*

Finding: The project does not propose any dual-pitched, hipped, or A-frame roof forms.

F. Building Articulation.

1. *Changes in Plane. Building elevations must incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics of large buildings. Walls of a structure must be in distinct smaller areas or planes to minimize the appearance of bulk as viewed from any street, pedestrian space, or adjacent property. Changes in plane may include but are not limited to:*
 - a. *Recessed entries;*
 - b. *Bays;*
 - c. *Stepped parapets;*
 - d. *Secondary roof forms such as gables, lower roof sheds, dormers and towers;*
 - e. *Building bases;*
 - f. *Canopies;*
 - g. *Awnings;*
 - h. *Alcoves;*
 - i. *Pergolas;*
 - j. *Pediments;*
 - k. *Porticos;*
 - l. *Roof overhangs; and/or*
 - m. *Other features that are consistent with the overall composition of the building*
2. *Vertical Elements. All architectural elevations of buildings over 25 feet in height visible from public right-of-way or pedestrian space must have a clearly discernible base, body, and cap. The base and cap must be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.*
 - a. *Base. The base must occupy the lowest portion of the elevation using articulation and weightier materials such as concrete and must have a height of at least three feet.*
 - b. *Body. The component described as the body must constitute a minimum of 50 percent of the total building height.*
 - c. *Cap. The cap must occupy the highest portion of the elevation, excluding the roof, and must have a dimension that does not exceed the height of the base. The cap must consist of a cornice, parapet, awning, canopy, eave, or other architectural treatment that visually performs in the same manner.*

Finding: The façade facing Hwy 101 includes limited glazing, stained wood siding, and vertical supports planted with vines enlivening the west façade covered over 60% of the façade. The building includes a 5-foot roof overhang and an additional 5-foot overhang at the primary entry. The SE 14th St façade is the loading zone for the building and will be clad with stained wood siding and screening for the trash/recycling area. Additionally, the area between the sidewalk and the building will be planted with a mix of trees, shrubs, and ground cover. All facades includes doors and/or windows, with higher transparency for facades facing

publicly-accessible spaces (north and east). The project proposes a concrete base with a wood middle and a shed roof with overhang as the top. The wall plane of the long building elevation (east and west) is approximately 1,400 square feet and is broken up by a rich mix of glazing, stained wood siding and vertical supports planted with vines to reduce the perceived scale of the elevation. The intent of these requirements is met.

3. *Horizontal Lines.*

- a. *Multi-story buildings must have designs that establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. It is not necessary for new lines to match existing lines.*
- b. *Use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration must distinguish between street level and upper floors.*

Finding: The building is a single-story building, so these requirements are not applicable.

4. *Blank Wall Treatments. In pearls, walls longer than 30 feet...*

Finding: The site is not in a pearl, so these requirements are not applicable.

G. *Entrances.*

1. *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.*
2. *Transparency. Ground level entrances must be at least partly transparent, accomplished with a window in the door, a transom window above the door, or sidelights beside the door.*
3. *Corner Entrances. Corner buildings that do not have at least one corner entrance must provide a corner plaza consistent with LCMC 17.74.080 or architectural features honoring the corner as a pedestrian space, such as an alcove with seating, public art, a vertical building element such as a tower, or other feature as approved by the review authority.*
4. *Accessibility. Accessibility must be consistent with Americans with Disabilities Act (ADA) standards and applicable building codes. Wheelchair ramp design must incorporate materials and detailing similar to the base of the building.*

H. *Windows/Transparency.*

1. *Ground Floor Windows.*

- a. *Consistent with a desired storefront character, and to avoid blank walls, each individual wall plane must contain partial transparency in the form of windows, windowed doors, or transom windows.*

Finding: All wall planes contain windows or windowed doors.

- b. *The required percentage of ground floor transparency in the individual wall plane should be placed in the area of that wall plane that is between 30 and 80 inches above the sidewalk grade.*

Finding: This is a suggestion not a requirement.

- c. *Ground-floor elevation windows should be framed by piers or pilasters at their sides; awnings, canopies, or trim/hoods at their top; and kick plates or bulkheads at their base.*

Finding: This is a suggestion not a requirement.

- d. *Decorative detailing and ornamentation around windows is encouraged, but is not required.*

Finding: This is a suggestion not a requirement.

2. *Upper Floor Windows. Upper-floor window orientation must be vertical or have a width that is no greater than the width of the ground-floor window immediately below it. Upper-floor windows should follow the vertical lines of the lower-level piers and the horizontal definition of spandrels and any cornices.*

Finding: The building is a single-story building, so there are no upper floor windows.

3. *Projecting Windows, Display Cases. For durability and aesthetic reasons, projecting windows and display cases must be integral to the building design and contain trim or other detailing consistent with the overall composition of the building.*

Finding: The project does not propose any projecting windows or display cases.

4. *ATMs and Service Windows. ATMs and service windows must be visible from the public right-of-way for security and have a canopy, awning, or other weather protection shelter.*

Finding: The project does not propose any ATMs or service windows.

5. *Prohibited Windows. Highly tinted, opaque, or mirrored glass (except stained-glass windows) do not meet the intent of this section and are prohibited.*

Finding: The project does not propose any prohibited windows.

- I. *Pedestrian Shelters and Weather Protection.*
 1. *Required pedestrian shelters must extend at least five feet over the pedestrian area, with a minimum clearance of 8 feet between the shelter and sidewalk surface.*
 2. *Required pedestrian shelters must shed rain away from building entrance(s), be proportionate to the building in their dimensions, not obscure the building's architectural details, and be below any mezzanine or transom windows.*
 3. *Pedestrian shelters must match the width of storefronts or window openings and be integral to the overall composition of the building. Designs must address the location and function of the shelter, building codes, architectural compatibility, durability, and right-of-way constraints, if any.*
 4. *Pedestrian shelters must be made of glass, metal, or a combination of these materials. Fabric awnings are not permitted.*
 5. *Pedestrian shelters must be maintained and in good condition.*

Finding: The project is providing a pedestrian shelter for 66 feet of the 83-foot entry (east) façade, which is 80% of the primary entry frontage.

- J. *Materials and Color.*
 1. *Primary Materials.*
 - a. *Exterior building materials must consist predominantly of unfinished wood, painted or natural-stained wood, fiber cement lap siding, stone, rusticated concrete block, or comparable cladding.*
 - b. *Rough-hewn wood, timbers, and metals may only be used as accents or secondary exterior materials, and not as the primary exterior cladding.*

- c. *Corrugated metal, foam/synthetic stucco, vinyl, and similar materials shall not be allowed.*

Finding: The elevations included in the submitted plan set show exterior building materials of stained wood siding, flat wood panels, and concrete. No rough-hewn wood, timbers, or metals are proposed as primary exterior cladding. Corrugated metal, foam/synthetic stucco, vinyl, and similar materials are not proposed.

2. *Secondary Materials.*

- a. *Any of the materials listed as primary exterior building materials also may be used as secondary materials or accents.*
- b. *Metals such as copper, steel, iron, bronze and similar-appearance metals may be used as trims or accents when compatible with the overall building design.*

Finding: The elevations included in the submitted plan set show exterior building materials of stained wood siding, flat wood panels, and concrete.

3. *Change in Materials.*

- a. *Elevations must incorporate changes in material that define a building's base, middle, and top and create visual interest and relief.*

Finding: The submitted materials do now show a defined base, middle, and top. The base is defined with concrete siding and the remainder of the elevations are shown with stained wood siding. As a condition of approval, plans shall be submitted with the structural permit application showing compliance with 17.74.100.J.

- b. *Side and rear elevations that do not face a public right-of-way, street public parking area, pedestrian space, or public park may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.*

Finding: All elevations are shown with a concrete base and stained wood siding over the remainder of the façade with a few flat wood panels scattered throughout.

- 4. *Substitute Materials. Substitute materials that are equal in appearance and durability to those in this section may be requested as an adjustment or modification for review and approval by the review authority. The application must provide specifications from the manufacturer as part of the adjustment or modification request.*

Finding: The project does not propose any substitute materials.

- 5. *Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles, are encouraged. Building designs that resemble suburban strip-malls or have been replicated in many suburbs and those that use highly reflective glass and/or similar nontraditional features are not permitted.*

Finding: Contemporary designs are encouraged, but not required.

- 6. *Sustainability. Where possible, use materials indigenous to the region and/or manufactured or supplied locally and that have minimal adverse impacts to the environment.*

Finding: This is not a requirement, merely a suggestion.

7. *Color.*

- a. *Muted and subtle earth tones or neutral colors, that are low-reflectance shades, are preferred as the primary colors of buildings. Natural wood finishes are encouraged.*
- b. *Coordinated Color. Color schemes must be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes must tie together signs, ornamentation, awnings, canopies and entrances. Color choices must address the following:*
 - i. *Base Color. Maximum of one base color for every 25 feet of the front elevation. One base color for the entire front elevation is preferred; and*
 - ii. *Accent Color. Up to two accent colors, except where precedent exists for using more than two colors with some architectural styles.*
- c. *Metals. Metals must have a brushed finish or be painted in muted earth tones or neutral colors to minimize glare.*
- d. *Prohibited Colors. Luminescent, sparkling, neon and “day-glow” colors are not acceptable, except that neon signs are allowed subject to applicable sign codes.*

Finding: The submitted elevations show browns and grays as the selected colors. No prohibited colors are proposed.

8. *Restoration and Rehabilitation. Restoration and rehabilitation projects are encouraged to incorporate the building’s original materials and design elements to the extent practicable.*

Finding: The project is new construction, not restoration or rehabilitation.

K. *Sustainable Design.*

1. *When used, sustainable technologies must be an integral part of the building’s form and must be designed to include exterior elements visible from public right-of-way. The review body will make the final determination as to the design integration and appropriateness of sustainable elements.*
2. *Consider passive heating and cooling techniques during building design.*
3. *Control solar heat gain and glare using external shading devices.*
4. *Solar panel installations must minimize glare reflected onto adjacent properties.*
5. *All overhanging elements must be at least eight feet above the adjacent sidewalk or grade.*

Finding: The only evidence of sustainable design is the applicant’s statement that the roof is solar ready, but no solar panel installations are proposed as part of the project. Passive heating and cooling techniques don’t appear to have been considered, but they are not required. External shading devices include preservation of the existing tree and planting of new trees, as well as the roof overhang.

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, but one was held December 9, 2021.

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 GC zone. A nonresidential structural permit is required for the project. Accordingly, development review approval is required prior to such issuance.

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

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 shall be processed concurrently with the development review application.

Finding: Adjustments to LCMC 17.74.130.C were requested as part of the development review application.

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

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

H. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose...

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 and adjustment requests for development of a Sherwin Williams retail facility, subject to the following conditions:

General

1. This approval notwithstanding, the applicant/property owner/developer shall be responsible for knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, codes, rules, standards, and policies, including but not limited to Lincoln City Municipal Code.
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

1. An exterior lighting plan, along with cut sheets of the proposed exterior light fixtures and a photometric analysis, shall be included with the structural permit application submittal and shall show compliance with LCMC 17.52.150.
2. Pursuant to 17.52.170, all solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure that screens the receptacle from the view of adjacent property and from right-of-way. Plans submitted with the structural permit application shall clearly and readily identify all solid waste, garbage, trash, recycling, and composting areas on the site, along with the required screening.
3. Pursuant to 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; 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; and standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation unless there is no other option. An exterior mechanical equipment plan shall be submitted with the structural permit application showing compliance with all portions of 17.52.180 and shall clearly and readily identify the type and location of all exterior mechanical equipment such that no equipment is on the front of the building or between the front of the building and the front property line and that all equipment is screened from view as per 17.52.180.
4. All plans submitted with the structural permit application shall show compliance with Chapter 17.32 and Chapter 17.52.
5. A landscaping plan shall be submitted with the structural permit application that clearly and readily identifies how the plan is compliant with all portions of Chapter 17.55.
6. An off-street parking plan shall be submitted with the structural permit application that clearly and readily identifies how the plan is compliant with all portions of Chapter 17.56, including identification of the required number of vehicle parking spaces, required wheel stops, required landscape islands, required landscape buffer strips around the perimeter of the parking lot, required pervious surface, etc.
7. A bicycle parking plan shall be submitted with the structural permit application that clearly and readily identifies how the project is compliant with all portion of 17.56.090.
8. A revised site plan shall be included with the structural permit application submittal that clearly labels and depicts the required pedestrian space, with dimensions, area, access, site feature coordination details, amenities, and edge treatment to show full compliance with 17.74.080.B.1 through 8. Full compliance must be easily and readily identifiable through notes, labels, illustrations, cut sheets, and/or a narrative.
9. Plans shall be submitted with the structural permit application that clearly and readily identify how the project is compliant with Chapter 17.74, or clearly state which portions had approved adjustments as part of the development review.
10. Plans submitted with the structural permit application shall identify the type of materials for the new retaining wall showing compliance with the requirement of rusticated concrete block, striated or battered concrete, or natural stone.
11. Permit applications shall be submitted and permits shall be issued prior to installation of any permanent signs in compliance with the building code and Chapter 17.72.

Fire

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

Public Works

Engineering Plans:

1. The applicant shall submit digital copies of engineering plans for all public improvements and site development to Lincoln City Public Works (LCPW) for review and approval either as submitted or as modified in accordance with requirements of the City Engineer. The plans must clearly delineate existing and proposed conditions on a single sheet. The City Engineer's review and any required modifications shall be for the purpose of assuring that the improvements shall be consistent with Lincoln City Public Works Standards (LCPWS) and the provisions of this condition of approval.
2. All public infrastructure construction, including sanitary sewer connections, new domestic and fire water service construction, utility relocation, storm sewer and/or roadway construction shall be designed and stamped by a Licensed Professional Engineer.
3. A Combined Public Works Permit application shall be completed and submitted with the structural permit application. All right-of-way work planned shall be noted on the approved plans and performed as shown. 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. All materials and construction shall adhere to LCPWS. Submittals and testing to verify compliance with standards shall be submitted to LCPW as requested.
4. All work located within the ODOT right-of-way shall be completed according to ODOT standards and permit requirements. The applicant shall be responsible for obtaining and adhering to required ODOT permits, permit requirements, and required inspections.
5. All public utility, roadway, and stormwater management improvements shall be completed in accordance with the approved site plan, LCPWS, and the project's Conditions of Approval within 18 months of the structural permit issue date. Per the Lincoln City Municipal Code, final permit approval from LCPW shall not be issued until all improvements have been completed in accordance with the approved plans and applicable standards.
6. **Within 30 days after construction**, field-verified, stamped as-builts for all public improvements, including relevant survey data, shall be provided to the LCPW in AutoCAD format. All discovered utilities and changes to the approved site plan shall be noted with callouts indicating location, depth, and material. **The record drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.**
7. Actual costs incurred by LCPW for review and/or construction services shall be assessed as additional fees in accordance with LCMC 12.12.030. A deposit shall be additionally invoiced at permit issuance in accordance with adopted fee schedules. Additional costs for city inspection and/or construction services beyond the deposit amount shall be due prior to final approval of the subject permit.

Erosion Control:

1. The submitted plans shall include erosion control plans in accordance with LCMC 12.08 for review and approval by the City Engineer. approved soil erosion control measures must be in place and inspected by LCPW prior to any construction activities. Erosion control plans must be prepared by a Registered Professional Engineer, Landscape Architect, Engineering Geologist, or Certified Professional in Erosion Sediment and Control.
2. If disturbing one or more acres of land during construction activity the applicant is responsible for application, acquisition, and compliance with Oregon DEQ 1200-C Stormwater permit.

Street Improvements:

1. Sidewalk, curb and gutter, and necessary pavement repair shall be completed along street frontage in compliance with LCMC 17.52.230. All city right-of-way work planned shall be noted on the approved plan set, meet applicable design standards, and be performed as shown.
2. The clear vision triangle, 50'Lx10'W visibility at highway access, shall be maintained in site plan layout in accordance with LCMC 17.52.060.

3. The driveway approach exceeds the design standard width (30 feet for commercial driveways). Vehicle turning movement diagrams shall be included to address standards exemption.
4. All materials and construction shall adhere to LCPWS. Submittals and testing to verify compliance with standards shall be submitted to LCPW as requested.

Storm Water:

1. All new impervious paving and pollutant generating surfaces shall be treated according to the LCPW Stormwater Design Standards. Per LCPW Stormwater Design Standards, treatment shall be sized according to 50% of the 2-year, 24-hour rain event.
2. All increase from the existing site's total impervious area shall be detained according to LCPW Stormwater Design Standards: 2-year, 10-year, 25-year 24-hour rain event.
3. A stormwater report, demonstrating proposed drainage facilities compliance with LCPW Stormwater Design Standards, or (*for detention*) comparison is existing versus proposed impervious area, shall be submitted with the structural permit application.

Water and Sewer Utilities:

1. The applicant is responsible for determining the desired fire and domestic service size and ensuring adequate flow and pressure are present. The applicant shall be responsible for conducting any flow tests required to establish pertinent pressure and flow information. The applicant shall give LCPW and North Lincoln Fire & Rescue District #1 at least 48 hours advance notice of any flow testing to be performed. A water distribution city staff member and North Lincoln Fire & Rescue District #1 shall be on site at the time of flow testing
2. All sanitary sewer and water construction shall adhere to LCPWS and/or applicable state or industry standards.
3. Any water connections, 1" or smaller requested to be completed by the city shall be explicitly noted on submitted plans with size & location. Work requested to be completed by the city shall be invoiced the standard permit fee. Water connections larger than 1" shall be completed by the applicant per the approved plans.
4. Fire vault locations shall be within 20 feet of the right-of-way. Vault and Double Detector Check details shall be included with engineered plans.
5. Plans shall accommodate of the existing water line, along the western property frontage, beneath the proposed ADA ramp. This shall include a profile of existing and proposed grades of the ADA ramp and associated work to demonstrate minimum cover (36") over the water line.

Right-of-Way and/or Easement Dedication:

1. A water line easement shall be dedicated for the water line on the site. The easement shall be noted on the approved plans and a recorded easement submitted to LCPW prior to the final inspection by LCPW.

Approved by:



Anne Marie Skinner, Director
Planning and Community Development

July 15, 2022
Date