

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-14

Date: February 3, 2023

Case File: DEV REV 2022-14 Lincoln City Cultural Center

Project Contact: Alan Holzapfel, Plaza Construction Liaison
Lincoln City Cultural Center

Property Owner: City of Lincoln City

Situs Address: 540 NE Hwy 101

Location: Southeast corner of the Hwy 101/NE 6th Dr intersection

Tax Map and Lot: 07-11-15-AB-15200-00

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

Zoning District: General Commercial (GC) Zone

Site Size: 2.74 acres

Proposal: Request for development review for landscaping and off-street parking site improvements at the Lincoln City Cultural Center.

Surrounding Land Uses and Zones:
North: Businesses; GC
South: Businesses; GC
East: Devils Lake State Park and Campground; P
West: Residences, Businesses; GC

Authority: Table 17.76.020-1 of Lincoln City Municipal Code (LCMC) 17.76.020 lists a development review application as a Type II procedure with the Planning and Community Development Director (Director) listed as the review authority. LCMC 17.76.040(A) states that Type II procedures apply to administrative permits and applications and that decisions on administrative applications are made by the Director, based on reasonably objective approval criteria that require only limited discretion.

Procedure: The application was received on December 12, 2022. The application was deemed complete on December 14, 2022. On December 14, 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 17.77.070 Development Review

BACKGROUND

The subject property (site) is addressed as 540 NE Hwy 101 in the GC zone. The tax lot number is 07-11-15-AB-15200-00. The site is developed as the Lincoln City Cultural Center. The site is located at the southeast corner of the Hwy 101/NE 6th Dr intersection with its north boundary being NE 6th Dr and its west boundary being Hwy 101. East of the site is Devils Lake State Park with a Park zone. South of the site is Pacific Power with a GC zone. The parcels across Hwy 101 are in the GC zone as is the parcel at the northeast corner of the Hwy 101/NE 6th Dr intersection.

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

The proposal is to redevelop the existing parking lot and add landscaping.

COMMENTS

No comments were received from the public.

Comments were received from North Lincoln Sanitary Service, via email, on December 13, 2022, noting the following concern: "The only thing that concerns me is on sheet L301 just to the east of the enclosure they have a site reference of CV-05t which is a "MOUNTABLE CURB AT VEHICLE ACCESS LOCATION." I would suggest having the curb slope down to be flush with the parking lot pavement so we can roll the dumpsters to the pavement to be able to service them. This will ensure our trucks don't have to back onto the sidewalk and potentially damage the concrete."

Comments were received from Lincoln City Public Works, via email, on December 19, 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 December 16, 2022, noting that reconstruction of the connection (driveway) to the highway will require submittal of an application prior to reconstruction.

ANALYSIS

Chapter 17.32 General Commercial (GC) Zone
17.32.020 Uses permitted

Finding: The site is located in the GC zone. Community meeting buildings (LCMC 17.32.020.I) and art gallery and studio (LCMC 17.32.020.T) are listed as permitted uses in the GC zone. The cultural center collectively serves at various times as a community meeting building, art gallery, and/or art studio. The use is permitted.

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 north (NE 6th Dr) property lines. The shortest street frontage is the north property line, which makes it the front property line pursuant to the definition of front property line in LCMC Chapter 17.08. The parcel immediately across from the site across NE 6th Dr is 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 south property line is the rear property line, the east property line is an interior side, and the west property line is a street side. The abutting parcel to the east is in the P zone, the abutting parcel to the south is in the GC zone, and the parcels across the street from Hwy 101 are 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 site contains an existing building that will remain. No new buildings are proposed. This requirement is not applicable to this 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: No new buildings are proposed as part of this application. The existing building is less than 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 or show any proposed 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 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.

- 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 applicable portions of 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 NE 6th Dr. 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 shall meet all clear-vision area requirements and shall be reviewed as part of site development permitting. The clear-vision triangles are shown on the submitted site plan on either side of both driveway approaches. No obstructions are shown in the clear-vision triangles.

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: No new construction of a building or structure is proposed.

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: A lighting plan was not included with the submitted materials. It is unclear if the project is not proposing any new exterior lighting or if the lighting plan was omitted from the submittal. A lighting plan compliant with LCMC 17.52.150 must be submitted with the site development permit application, along with a photometric analysis and cut sheets of proposed fixtures, or a note shall be placed on the site plan that no new exterior lighting is proposed.

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: The submitted site plan shows the location of solid waste storage area on the east side of the existing building at its north end. The trash enclosure area screening includes a steel fence, chain link gate, and evergreen hedge. The enclosure must be sufficient enough that the receptacles are not visible from adjacent properties and rights-of-way. Not enough details have been provided on the site plan to make the determination if the screening requirements are being met. As a condition of approval, the site plan shall be

revised with sufficient detail of the trash enclosure to clearly show that the screening requirements are being met.

17.52.180 Placement and screening of mechanical equipment

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

Finding: No mechanical equipment is proposed.

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

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

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

Finding: No ground-mounted mechanical units are proposed.

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

Finding: No standpipes, meters, vaults, or similar are proposed.

17.52.190 Building height limitations

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

Finding: No new structures are proposed.

- 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: No new structures are proposed.

- 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: No new structures are proposed.

17.52.220 Tree protection and removal

Finding: A tree plan is included in the submitted plans. The submitted tree plan shows all trees to be removed with proposed replacements.

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.

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: Existing plants and trees will be removed and replaced.

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: Total lot perimeter is approximately 1,441.9 linear feet. This linear footage requires a total of 14 trees and 48 shrubs. The submitted application states 79 trees and more than 500 shrubs will be provided. The site plan shows all areas not covered by buildings, structures, or impervious surfaces covered in either living or nonliving ground cover.

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 permitting and inspection 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 permitting and inspection process.

17.55.050 Selection, preparation, and installation for all landscaping

A. Selection of Materials

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

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: This shall be a condition 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 L-102 shows tree sizes range from 8 to 12 feet in height at the time of planting and between 1.5 and 2.5 caliper inches at the time of planting.

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

Finding: Submitted plans do not specify the size of ground cover plants. This shall be a condition of approval.

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

Finding: Submitted plans do not specify the size of shrubs at the time of planting. This shall be a condition of approval.

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

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

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

Finding: The submitted application indicates all plantings have been selected from the City of Lincoln City Guide to Landscape Selections, native to the Pacific Northwest, or suitable for site conditions. However, the plans do not contain a certification statement from the licensed landscape architect indicating such certification. As a condition of approval, the plans shall be revised to include a signed statement from the licensed landscape architect that the selected plantings are suitable for the site conditions.

17.55.060 Irrigation and maintenance

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

Finding: The submitted plans do not clearly specify the irrigation system. As a condition of approval, the irrigation system type shall be specified in the site development permit application.

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 on either side of the driveway approaches, which are depicted on the submitted plans. No obstructions are shown in the 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 proposing the use of an evergreen hedge as part of the solid waste receptacle enclosure. Details are not given regarding the species of shrub or their mature height. This shall be a condition of approval and shall be included with the site development permit application.

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: No new construction is proposed. The cultural center is an existing building with an existing parking lot. The parking lot is being revised to add landscaping, including islands. The parking requirement for a library, museum, or art gallery is one space per 400 square feet of floor area, plus one per employee. The assessed square footage of the existing building is 14,822 square feet. When divided by 400, the resulting number is 37. The application does not list the number of employees. This report assumes no more than 10

employees on the site at any given time for a total number of 47 off-street parking spaces. The project is providing 95 parking spaces, which exceeds the minimum requirement.

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 within the boundaries of any of the pearls.

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

Finding: The project is providing more than the required number of spaces, so this exception is not needed nor is it being requested.

3. The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement by preserving at least two mature and healthy trees. The number of off-street parking spaces may be reduced by 20 percent of the off-street parking requirement by preserving at least four mature and health 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 providing more than the required number of spaces, so this exception is not needed nor is it being requested.

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

Finding: The project is not providing affordable housing, so this exception is not applicable.

17.56.040 Number of off-street loading spaces required

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

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

Finding: The project is not erecting or establishing a building. The building is already erected and established. Accordingly, the loading space requirement is not applicable. Regardless, the project is providing one uncovered loading space. The application lists the dimensions of the space as 12x30, although the site plan does not have the dimensions labeled.

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 spaces for all uses other than detached single-unit dwellings, attached single-unit dwellings, and duplexes

A. Location

- 1. *Off-street parking and loading spaces 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 site.

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

Finding: The submitted materials show that the required number of off-street parking spaces are being provided on the site, not in public right-of-way.

- 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 parking area is to the rear (south) and side (east) of the existing building. No parking spaces are proposed in front of the building between the building and the front (north) property line.

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

Finding: The submitted materials show that all new parking spaces are over four feet from both Hwy 101 and NE 6th Dr. The project does not require a loading space as detailed earlier in this report because the building is already erected and established. However, the project is providing a loading space anyway and that loading space is more than four feet from both Hwy 101 and NE 6th Dr. The submitted materials show the required landscaping proposed for the area between the rights-of-way and the parking spaces and loading space.

- 5. *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 north property line. The submitted plan set shows that there are no off-street parking spaces between the north (front) property line and the north (front) building elevation.

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

Finding: The submitted plans show that there are no backing movements or other maneuvering taking place within either NE 6th Dr or Hwy 101. Rather, all backing movements and maneuvering are 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 consists of one or more of the following materials:*
 - a. *Concrete or asphalt;*
 - b. *Block pavers of concrete, stone, brick, or similar material. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface;*
 - c. *Pervious concrete or asphalt; or*
 - d. *Other materials, as approved by the city engineer.*

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

C. Repealed by Ord. 2022-25

D. Installation and Maintenance.

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

Finding: A preliminary grading and drainage plan was included 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, so this standard is not applicable.

E. Curbing and Wheel Stops

Finding: Sheet C1 of the submitted plan set shows wheel stops or curbing at each parking space.

- 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 permitting and inspection process.

G. Landscaping

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

Finding: The plans show a landscaping on the north and east perimeters of the parking lot. To the west of the parking lot is the existing building. South of the parking lot is the drive aisle, and that drive aisle is adjacent to an existing drive aisle making it impossible to install a perimeter buffer strip on the south side.

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 plans do not show provisions for any parking lighting.

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 do not provide labeled dimensions of the parking spaces. As a condition of approval, the plans submitted with the site development permit shall label the dimensions of the parking spaces.

- 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 submitted plans do not provide labeled dimensions of the parking spaces. As a condition of approval, the plans submitted with the site development permit shall label the dimensions of the parking 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: Sidewalks and crossings are shown on the submitted plans to provide pedestrian circulation.

- 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 more than 20 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, except the south side where there is an existing drive aisle. The submitted materials depict the required buffer. This requirement is met.

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

Finding: With only 47 required off-street parking spaces, no spaces are required for RV/motorhome/bus parking. Regardless, the project is providing three off-street parking spaces sized and designated for the parking of RVs, motorhomes, and buses. Submitted plans do not label the dimensions of the RV/motorhome/bus spaces.

- 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 project requires 47 parking spaces. This equates to two required bicycle parking spaces. The application states the project is providing six bicycle parking spaces, but the site plan does not show the bicycle parking area.

- 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 site development 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. No new construction is taking place. The existing building is remaining. The parking lot is being revised to accommodate more parking and add landscaping. This constitutes redevelopment of a portion of the site, so the standards of Chapter 17.74 are applicable.

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 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 building is existing and will remain. No new buildings or structures are proposed. The project will revise the parking lot and landscaping.

- 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.

- 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 existing vegetation will be removed and replaced with vegetation suitable for the site conditions.

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 project does not involve any new buildings.

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: No new buildings are proposed.

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: No retaining walls are proposed.

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: No new buildings are proposed.

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 and no new construction is proposed. 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 entire western portion of the site to the west of the existing building will be pedestrian space.

- 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 immediately adjacent to the adjoining Hwy 101 sidewalk and has a western exposure.

- 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: The pedestrian space is readily accessible from the adjoining sidewalk along Hwy 101.

- 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 building is existing. No changes are being made to the building. Additionally, this is a “should” not a “shall”, so it’s not required.

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 and the site, and the new building. As a condition of approval, the materials submitted with the site development permit application shall include details showing compliance with 17.74.080(B)(6).

7. *Pedestrian Amenities Required. Required pedestrian spaces must contain pedestrian one or more pedestrian amenity within the designated pedestrian space as follows:*
 - a. *Tables, chairs, benches;*
 - b. *Water features;*
 - c. *Planters;*
 - d. *Plaza space;*
 - e. *Extra-wide sidewalk by at least six inches over and above the minimum width requirement;*
 - f. *Public art;*
 - g. *Pedestrian-scale lighting at street corners, along pedestrian pathways, or throughout the pedestrian space;*
 - h. *Dog stations;*
 - i. *Drinking fountains; or similar.*

Finding: The project is providing several areas of plaza space, public art, and extensive landscaping. This requirement is met.

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.*

Finding: No new buildings are being constructed.

- B. *Specific Design Elements for Pearls.*

Finding: The site is not located in a pearl.

C. Development Standards.

Finding: No new buildings are being constructed.

D. Building Form.

Finding: No new buildings are being constructed.

E. Roof Form.

Finding: No new buildings are being constructed.

F. Building Articulation.

Finding: No new buildings are being constructed, so these standards 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.*

Finding: No new buildings are being constructed, so these standards are not applicable.

H. Windows/Transparency.

Finding: No new buildings are being constructed, so these standards are not applicable.

I. Pedestrian Shelters and Weather Protection.

Finding: No new buildings are being constructed. These standards apply to pedestrian shelters and weather protection on entrances for new construction. These standards are not applicable to this project.

J. Materials and Color.

Finding: No new buildings or structures are proposed as part of this project, so these standards are not applicable.

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: No new buildings are being constructed, so these standards are not applicable to this project.

Chapter 17.76 Procedures

17.76.040 Type II procedure

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

Finding: A pre-application conference is not required.

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

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

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

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

2. *The written public notice shall include the following:*
 - a. *A brief description of the request;*
 - b. *The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review*

- authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
- e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
- 3. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.*
 - 4. Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

Finding: The written public notice contained all the information required in LCMC 17.76.040(E)(2)(a) through (f). The written public notice included the written comment period of 14 days.

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. Purpose. The purpose of development review is to establish a coordinated process to ensure that development is in compliance with the requirements of this title.*
- B. Applicability. Except as exempted in subsection (C) of this section, development review approval is required:

 - 1. Before application for or issuance of any nonresidential structural permit, mixed-use structural permit, or any multi-unit residential structural permit on undeveloped sites in the R-M, PC, RC, GC, PI, MW, P, OS, TVC, NP, and OP zones;*
 - 2. Prior to commencement of redeveloping existing parking lots or developing new parking lots in any zone.**

Finding: The site is in the GC zone. The project is to redevelop the site's existing parking lot. Accordingly, development review approval is required prior to such issuance.

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

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

Finding: The project is not one of the allowed exemptions from development review.

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

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

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

Finding: The required documents were submitted.

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

Finding: No adjustments were requested.

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

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

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

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

DECISION

Based upon an analysis of the submitted application and accompanying materials against applicable criteria, the Director concludes that all criteria have been or will be met, and thus **APPROVES WITH CONDITIONS** the development review 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. Site development permits and/or 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 site development permit application submittal and shall show compliance with 17.52.150 **OR** a note shall be placed on the site plan that no new exterior lighting is proposed.
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. A revised site plan shall be submitted with the site development permit application providing enough details and labels to show that the trash enclosure meets the screening requirements of 17.52.170 and 17.55.080.
3. A detailed landscaping plan showing compliance with Chapter 17.55 shall be submitted with the site development permit application that includes but is not limited to: types and numbers of species being planted; types of shrubs and sizes at planting; types of living ground cover and sizes at planting; types of nonliving ground cover; dimensions of all landscaped areas labeled; size of all plantings at the time of planting; explanation of the type of irrigation system being utilized; statement by the licensed landscape architect that all plant selections are suitable for the site conditions; statement that all plants shall be healthy at the time of planting; and details on how the proposed evergreen hedge meets the living landscaping as screening requirements of 17.55.080.
4. The site plan shall be revised to label the dimensions of the off-street parking spaces, loading space, and RV/motorhome/bus off-street parking spaces.

5. A bicycle parking plan shall be submitted with the site development permit application that clearly and readily identifies how the project is compliant with all portion of 17.56.090.
6. 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.
7. Materials submitted with the site development permit application shall include details showing compliance with 17.74.080(B)(6).

NOTE: Site development permit applications, sign permit applications, and structural permit applications are all submitted online through ePermitting Accela.

Public Works

Erosion Control:

1. The contractor shall be responsible for installing and maintaining inlet protection measures for the existing catch basins on Highway 101 during construction.

Storm Water:

1. The site plan for the site development permit shall include water quality facilities to treat all new impervious parking.

Water Utilities:

1. The applicant proposes to maintain the existing water meter service. The applicant agrees to ensure the water service is adequate to serve the improvements.

Sanitary Sewer Utilities:

1. The applicant proposes to maintain the existing sewer lateral.

Street Improvements:

1. The applicant shall construct upgrades to the south driveway entrance.
2. The city shall construct the half-street improvements required along the site’s NE 6th Dr frontage.
3. The applicant shall submit to Lincoln City Public Works two copies of engineering plans, prepared by a registered engineer in the state of Oregon, for all street improvements for review and approval either as submitted or as modified in accordance with requirements of the City Engineer and city standards.
4. Prior to the commencement of construction, the applicant shall obtain the necessary permits from the Oregon Department of Transportation for street improvements on Hwy 101.

Approved by:

Anne Marie Skinner

Digitally signed by Anne Marie Skinner
 DN: C=US, E=askinner@lincolncity.org, O=City
 of Lincoln City, OU=Planning & Community
 Development, CN=Anne Marie Skinner
 Date: 2023.02.09 15:02:31-08'00'

Anne Marie Skinner, Director
 Planning and Community Development

Date