

**Development Review
Staff Report, Decision, and Conditions of Approval
Case File DEV REV 2024-03**

Date: May 13, 2024

Case File: DEV REV 2024-03 SNLH

Project Contact: Angel Serrato

Property

Owners: Samaritan North Lincoln Hospital

Situs Address: 3011 NE 28th St; 3043 NE 28th St; 2870 NE West Devils Lake Rd

Location: Northeast intersection of NE 28th and NE West Devils Lake

Tax Map/Lot #: 07-11-11-AB-02102-00; 07-11-11-AB-02100-00; 07-11-11-AB-02103-00;
07-11-11-AB-02101-00

**Comprehensive
Plan**

Designation: Professional Campus (PC) Zone

Zoning District: Professional Campus (PC) Zone

Site Size: Approximately 550,279 Square Feet (12.6 acres)

Proposal: Renovation of an existing medical office building to incorporate a new retail pharmacy, including a pick-up drive aisle, and a new interior parking lot.

**Surrounding
Land Uses
and Zones:** North: Single-family homes; R1-7.5
South: Institutional facilities; PC
East: Single-family homes; R1-7.5
West: Institutional facilities; PC

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 April 1, 2024. The application was deemed complete on April 8, 2024. On April 9, 2024, pursuant to LCMC 17.76.040.E, the

Planning and Community Development Department mailed a notice of application to property owners within 250 feet of the subject property.

Applicable Substantive Criteria: LCMC Chapter 17.24 Professional Campus (PC)
LCMC Chapter 17.52 Supplementary Regulations and Exceptions
LCMC Chapter 17.55 Landscaping Standards
LCMC Chapter 17.56 Off-Street Parking and Loading
LCMC Chapter 17.74 Chapter 17.74 Design Standards
LCMC Section 17.76.040 Type II Procedure
LCMC Section 17.77.070 Development Review

BACKGROUND

The subject building is addressed as 3028 NE 28th St and is in the PC zone. The tax lot number is 07-11-11-AB-02102-00. The building site is currently being used as a medical facility within the Samaritan North Lincoln Hospital campus. The new parking lot, and parking lot renovations, are adjacent to the building and also located within the existing hospital campus. This development review considered the requirements for the entire site, consistent with previous Development Review applications for this campus.

The project proposes renovating approximately 1,800 square feet within the existing medical office building to provide a new retail pharmacy and accessory drive-through pick-up window. The proposal includes reconfiguring a portion of the existing parking lot, and the development of a new 15-space parking lot, in an existing landscaped area on the site.

The hospital campus went through a development review in 2018 for the construction of the new hospital building. The site was brought into compliance with all applicable code requirements at that time. The campus also went through a development review in 2021 for the construction of the new MRI building and the modular clinic building. The site was deemed to be in compliance with the landscaping, parking, and other zoning requirements during these reviews.

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

COMMENTS

Comments were received from the Public Works Department. All comments have been incorporated into the conditions of approval. The Public Works department commented :

- 1) Applicant shall be responsible for demonstrating & ensuring that drive-through queue does not stack into or impact the right-of-way. Should queue onto the right-of-way occur following construction applicant agrees to signing and/or additional work to increase internal queuing distance and avoid queue into the right-of-way.
- 2) Applicant shall provide water quality, according to LCPW design standards, for all impervious pavement installed in the project.
- 3) Applicant shall provide stormwater detention, according to LCPW design standards, for all additional impervious area added as part of the project.

ANALYSIS

Chapter 17.24 Professional Campus (PC) Zone

17.24.020 Uses permitted

Finding: The proposed use is a retail pharmacy within an existing medical facility. LCMC 17.24.020(C) allows “ *Hospitals and accessory uses such as pharmacies, and related health facilities, sanitariums, nursing homes, residential homes and assisted living facilities;*” The proposed use is allowed in the PC zone. This requirement is met.

17.24.030 Accessory uses

Finding: The application shows the development of a new parking lot and renovation of an existing parking lot for a pick-up window at the retail pharmacy. The new parking lot, pick-up window, and retail pharmacy are permitted as accessory uses to the existing medical facility in the PC zone. LCMC 17.24.030(C) permits “ *Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use* ” This requirement has been met.

17.24.040 Conditional uses

Finding: The project does not propose any uses that require conditional use approval, so this requirement is not applicable.

17.24.050 Setback Requirements

A. Front Setback. The minimum front setback shall be 20 feet.

B. Side, Street Side, and Rear Setback. The minimum side and rear setback shall be at least five feet. The street side setback shall be a minimum of 15 feet. The side, street side, and rear setbacks shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

C. For additional setback requirements, see Chapter 17.52 LCMC, Supplementary Regulations and Exceptions. (Ord. 2022-15 § 11; Ord. 2020-10 § 15; Ord. 91-14 § 1; Ord. 84-2 § 3.050(4). Formerly 17.24.040)

Finding: The proposed renovation of the existing medical facility includes an approximately 24-square-foot addition that must meet the minimum setbacks described above. The height of the existing building is approximately 12 feet 10 inches as shown on the submitted elevation. The minimum setback, based on the building height and zone is 5 ft for the front, side, and rear. The proposed addition is at least 60 feet from the nearest front, side, or rear property line. The development standards are met for this application and shall be reviewed for continued compliance during the building permit process.

17.24.060 Maximum Building Height

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

Finding: The building's height as shown on the elevation drawings is approximately 12 feet 10 inches. Compliance with the building height requirements will be verified further during the building permit application. This requirement is met.

17.24.065 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: A detailed review of compliance with landscaping standards is in this report under Chapter 17.55.

17.24.070 Signs

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

Finding: The application did not include any requests for signs.

17.24.080 Off-Street Parking and Loading

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

Finding: A detailed review of compliance with supplementary regulations and exceptions is in this report under Chapter 17.56.

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 proposal does not include the creation of any new lots. This requirement is therefore not applicable.

17.52.050 Storage in front setback area

Boats, RVs, trailers and house trailers shall not be stored in a required front setback area.

Finding: The submitted materials do not show, nor does the application request, any storage in the five-foot front setback area. This requirement is met.

17.52.060 Clear-vision area requirement

- A. Requirement to Provide Clear Vision. For public safety purposes, all properties shall have triangular clear-vision areas (aka clear-vision triangles) where streets (public or private) intersect with other streets, commercial alleys and commercial driveways. Clear-vision triangles shall also be provided for street intersections with commercial driveways as provided herein. Clear-vision areas at local intersections shall meet the requirements in this section, which are meant to be adequate to allow drivers and pedestrians who are stopped or approaching with caution to see intersecting traffic in time to avoid collisions. Clear-vision areas at intersections with Highway 101 must meet with Oregon Department of Transportation approval and comply with the requirements of this section.*
- B. Definition of a Clear-Vision Triangle. This section defines a clear-vision triangle differently for (1) controlled intersections, where at least one street has a stop sign or traffic control*

light; (2) for uncontrolled intersections; and (3) in commercial zones, for alleys and driveways.

1. For intersections controlled by a stop sign or traffic light and for T intersections, two sides of the triangle are aligned with the property lines of the corner lot. The side of a triangle that abuts a controlled street or a street that does not continue on the other side of the intersection (ending in a T intersection) shall extend along the right-of-way of the controlled street 10 feet from point A. The side of the triangle abutting an uncontrolled street shall extend 50 feet from point A. The third side shall connect the endpoints of the other two sides.
 2. For uncontrolled intersections. A corner lot that abuts two uncontrolled streets shall have a triangle for each abutting street, defined by the following sides: a side extending along the...
 3. Alleys and Driveways in Commercial Zones.
 4. Notwithstanding the definitions set forth above, the minimum clear-vision area (clear-vision triangle) may be modified by the city engineer, with the concurrence of the director, upon written finding that more or less sight distance is necessary (i.e., due to traffic speeds or roadway alignment).
- C. Clear-Vision Requirements. Clear-vision triangles shall be free of obstructions (including but not limited to plantings, fencing, or other temporary or permanent obstruction) from two-and-one-half feet to eight feet above the grade of the street, except for obstructions specified in subsection (D) of this section.

Finding: The site is currently developed and none of the proposed work is within the existing clear vision areas at the corner of NE 28th St and NE West Devils Lake Rd, nor is any work proposed at any of the commercial driveways intersecting either street. This requirement has been met.

17.52.120 Utilities

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

Finding: The project does not propose new construction of any buildings or structures. If any electrical or lighting is used in the parking lot construction, the service wiring will be required to be placed underground. This will be verified during the building permit process. This requirement has been met.

17.52.150 Exterior lighting.

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

- A. Light poles must not exceed a height of 20 feet.
- B. All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.
- C. Luminance at the property line, or no more than five feet over the property line, must be zero.
- D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.

- E. *Maximum initial luminance of parking lots must not exceed four foot-candles.*
- F. *Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.*
- G. *Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.*
- H. *The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.*

Finding: No exterior lighting is proposed in the submitted plans. If any lighting will be proposed, a lighting plan will need to be submitted and approved in compliance with LCMC 17.52.150. This requirement is met or will be met with the conditions of approval.

17.52.160 Required setbacks – Exceptions

- A. *Architectural Features. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, awnings, and bay windows may project up to 18 inches into a required setback area.*
- 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.*
- 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.*
- 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.*
- 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: No structures appear to encroach into required setbacks, therefore this requirement is 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: No new waste enclosures are proposed. Garbage receptacles will be utilized within the existing campus infrastructure serving the existing building.

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.*
- B. Rooftop mechanical units shall not exceed the allowable building height.*
- C. Ground-mounted mechanical units shall be limited to the sides or rears of buildings and screened from view from adjacent property and from right-of-way.*
- D. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation unless there is no other option.*

Finding: The plans submitted with the development review application show no standpipes, meters, vaults, or equipment. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and construction process.

17.52.190 Building height limitations

- A. No structure used for human habitation that exceeds 45 feet in height...*
- 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.*
- 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 PC zone is 45 feet. The architectural elevations submitted in the application indicate the new addition and remodeling will match the existing height of the building at 12 feet 10 inches. This requirement is met for this application and shall be reviewed for continued compliance during the building permit process.

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

Finding: This is not a building permit application.

- 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: Building elevations do not provide adequate data regarding the existing grade which is needed to accurately determine building height. The grade shown on the submitted elevations does not rely on retaining walls, riprap, other artificial restrains, or berming to increase elevation. This requirement is met for this application and shall be reviewed for continued compliance during the building permit process.

17.52.200 Building height limitations – General exception

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

Finding: As submitted, the project does not include any exempted projections.

17.52.220 Tree protection and removal

Finding: Sheet A1.00 shows the removal of 25 trees on the subject property, which will be removed for the development of the new parking lot. A preliminary tree protection plan was provided with the development review application materials. A tree removal plan and a tree protection plan must be included with the building permit, showing all trees to be removed, and protected within the area of proposed work. Sheet C2.2 shows a number of trees that are proposed to be removed, which are outside of the project area and are unrelated to the proposed project. Trees that are proposed to be removed outside of the project area, are not approved as part of this development review. This requirement has been met for the purposes of this application.

17.52.230 Public infrastructure improvements

Finding: Public Works reviewed the submitted plans and the project does not require any public infrastructure improvements, only private infrastructure improvements that are addressed in the conditions of approval. All public infrastructure improvements were completed as a part of the development of the new hospital building. This requirement has been met.

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 proposal does not trigger a transportation impact study. The proposal has been reviewed by the Public Works Department and no further information or analysis is requested.

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 site is currently developed, and has landscaping on all portions not covered by buildings. Construction of the new parking lot will be in an existing landscaped area. The areas disturbed by construction will need to be re-landscaped as needed. This requirement is met for the purposes of this application and will be reviewed for continued compliance during the building permitting and inspecting 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 submitted narrative states that there are 320 trees and 9,022 shrubs that are pre-existing onsite, and will remain after the construction is complete

1. *At a minimum, the site shall contain the following spaced and/or planted according to best planting practices and aesthetics:*
 - a. *One tree per 100 feet of total lot perimeter; and*
 - b. *One shrub per 30 feet of total lot perimeter; and*
 - c. *The remainder of the site that is not covered by buildings, structures, or impervious surfaces shall be covered with living or nonliving ground cover as outlined subsection (C) of this section and LCMC 17.55.050.*

Finding: The site's total perimeter is approximately 3,193 linear feet, which establishes a requirement of 35 trees and 115 shrubs. The submitted narrative states that 320 trees and 9,022 shrubs will still exist on the site after the proposed development is complete. The site is currently in compliance with all landscaping standards, and all areas not covered with buildings are covered with living and non-living ground cover. This requirement is met for this application and shall be reviewed for continued compliance during the building permitting and inspection process.

2. *If islands are required in parking areas, each island must contain at least one tree, sized appropriately for the area of the island. The remainder of the island must be covered with shrubs and/or living or nonliving ground cover, subject to the standards set out in*

subsection (C) of this section and LCMC 17.55.050. Islands count towards the parking landscaping requirement.

Finding: No islands are required in the parking areas. This requirement is met/not applicable.

C. Ground Cover and Mulch

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

Finding: The submitted plans and existing site conditions indicate this requirement will be met. This shall be reviewed for continued compliance during the building permitting and inspecting process.

17.55.070 Clear-vision requirements.

Landscaping shall be in conformance with the clear-vision area requirements set out in LCMC 17.52.060.

Finding: The site has existing trees and shrubs above the minimum requirements. No new trees or shrubs are required to be planted as a part of this development. No new accesses are proposed to the public right-of-way. This requirement is met for the purposes of this application and will be reviewed for continued compliance during the building permitting and inspecting process.

17.55.080 Living landscaping as screening

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

Finding: No landscaping is proposed to be used as screening. This requirement is met/not applicable.

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 proposal is to renovate approximately 1,800 square feet within the existing medical office building to provide a new retail pharmacy and a 24-square-foot addition for an accessory drive-through pick-up window. The proposal includes reconfiguring a portion of the existing parking lot, and the development of a new 15-space parking lot, in an existing landscaped area on the site. The renovation proposes re-configuring some of the existing parking to make room for the pickup window, and adding additional parking in the newly created parking lot. The overall site is required to have 291 parking spaces. After the parking re-configuration and additional parking lot, the site will have 297 parking spaces. This requirement has been met.

17.56.040 Number of off-street loading spaces required

- A. Every building hereafter erected or established, for a use other than residential, having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area.*
- B. Each loading space shall be not less than 10 feet wide by 25 feet in length and 14 feet in height.*

Finding: This project does not trigger the need for an additional loading space, beyond what already exists onsite. No new loading spaces are proposed. This requirement is met.

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 sits within the North Lincoln Hospital campus. Parking at the site is shared between the entire campus. Parking requirements have been assessed on a campus-wide basis. This requirement has been met.

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

Finding: The parking requirements have been assessed on a campus-wide basis based on the existing buildings and uses. The proposal provides additional parking over the minimum required. This requirement has been met.

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

- A. Location*
 - 1. Off-street parking and loading shall be located on the same lot or parcel as the use or on a separate lot or parcel not farther than 1,000 feet from the building or use they are*

intended to serve, measured in a straight line from nearest property corner to nearest property corner.

Finding: All required off-street parking spaces meet this requirement. All parking is located within the existing campus. This requirement has been met.

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

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

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

Finding: The submitted materials show the new parking lot located in an interior portion of the campus, which is to the side and rear of the existing buildings. This requirement is met.

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

Finding: The submitted materials show the new parking lot located in an interior portion of the campus. The closest parking spaces are approximately 37 ft from the closest property line. This requirement is met.

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

Finding: The submitted materials show that all new parking spaces are over four feet from NE West Devils Lake Road and NE 28th Street. This requirement is met.

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

Finding: The new parking lot is located in the interior of the site, which is surrounded by existing buildings. This requirement has been met.

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

Finding: The submitted plans show that there are no backing movements or other maneuvering taking place on either NE West Devils Lake Road or NE 28th Street. All backing movements and maneuvering are taking place within the interior parking lot located on the site. This requirement is met.

B. Surfacing

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

Finding: The submitted materials indicate that the parking areas, spaces, and drive aisles will be surfaced with asphalt. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

C. Repealed.

D. Installation and Maintenance.

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

Finding: The project proposes a storm water detention facility onsite. All water is to be directed to this detention facility. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

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

Finding: No pervious surfaces are proposed. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

E. Repealed.

F. Curbing and Wheel Stops.

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

Finding: Sheet A1.01 shows curbing or wheel stops on all new and reconfigured parking spaces. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

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

Finding: The submittal does not clearly indicate any curbing height. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

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

Finding: The submittal does not clearly indicate wheel stop heights or widths. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspecting process.

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

Finding: The required length of the standard parking space is 20 feet. The plans show the spaces as meeting the full required 20 feet.

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

Finding: Sheet C220 shows the marking of the off-street parking spaces. This requirement is met for the purposes of the development review and shall be reviewed for continued compliance during the building permitting and construction process.

H. *Landscaping*

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

Finding: No changes are proposed to modify the landscaping buffers in the existing parking areas which were installed during the construction of the hospital and reviewed for the approval of the modular clinic and new MRI building. The new parking lot is in the interior of the site and is buffered by the existing landscaping and buildings. This requirement is met.

I. *Repealed*

J. *Lighting of Parking Areas*

1. *If provided, light poles in parking areas shall not exceed a height of 20 feet.*
2. *Any provided lighting in parking areas shall be shielded or provided with cut-offs to avoid glare, light pollution (night sky) and light spillover onto residentially used properties.*
3. *Maximum initial luminance of lighting provided in parking areas shall not exceed four foot-candles, with zero foot-candles at property lines.*

Finding: No lighting is proposed on the submitted application materials. This requirement is met for the purposes of the development review and shall be reviewed for continued compliance during the building permitting and construction process.

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

Finding: Sheet A1.01 shows 6 ADA parking spaces. ADA parking is reviewed for compliance by the building plans examiner as part of the building permit application review.

L. Parking Area Layout and Dimensions

- 1. A minimum of 50 percent of the required number of parking spaces must be designed as standard sized spaces with a minimum space width of nine feet and length of 20 feet.*

Finding: Sheet C220 shows all new parking spaces are standard size and measure 9x20. This requirement is met.

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

Finding: Sheet C220 shows all new parking spaces are standard size and measure 9x20. This requirement is met.

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

Finding: The submitted plans show a pedestrian circulation route from all newly reconfigured parking stalls to the various entrances to the building. The new parking lot shows a new sidewalk connecting to the existing covered walkway onsite. This requirement is met.

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

Finding: The parking area design and 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 a new parking lot with 15 new parking spaces, therefore this requirement is not applicable. The re-configured area of the existing parking lot does not contain more than 12 contiguous parking spaces. This requirement is met.

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

Finding: No changes are proposed to the landscaping buffers in the existing parking areas. These buffers which were installed as part of the construction of the hospital and reviewed again as part of

the development review for the modular clinic and MRI building. The proposed parking lot is in the interior of the site and is buffered by the existing landscaping and buildings. This requirement is met. This requirement is met for this application and will be reviewed for continued compliance during the building permitting and inspection processes.

N. RV, Motorhome, and Bus Parking. Commercial or mixed-use developments (wholly residential development 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: The new parking lot proposes 15 parking spaces; therefore, no additional RV, motorhome, or bus parking is required.

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

Finding: No structured parking is proposed. This requirement is not applicable.

17.56.090 Bicycle parking

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

Finding: The requirement for bicycle parking spaces begins with 20 required vehicle parking spaces. The new parking lot contains 15 parking spaces. No additional bicycle parking is required.

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 located in the Professional Campus Zone and therefore chapter 17.74 is not applicable.

Chapter 17.76 Procedures

17.76.040 Type II procedure

- A. General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require*

public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.

- B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.*
- D. Application Requirements. Type II applications shall:*
 - 1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 - 2. Be accompanied by the required fee as adopted by city council resolution.*
 - 3. Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete on April 8, 2024 in accordance with LCMC 17.76.110.D and E.

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

Finding: The Planning and Community Development Department mailed the public notice of a complete application on April 9, 2024 to the parties noted in LCMC April 817.76.040.E.1.a through d.

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

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

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

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

Finding: The Director reviewed the submitted Type II application.

G. Decision.

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

Finding: The relevant approval criteria are addressed in detail throughout this staff report.

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

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

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

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

Chapter 17.77 Applications
17.77.070 Development review

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

Finding: The site is in the PC zone and is proposing the development of a new parking lot, therefore development review is required.

- 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 development of a new parking lot is not exempted from development review.

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

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

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

Finding: The required documents were submitted.

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

Finding: No 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 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 application for the renovation of an existing medical office building to incorporate a new retail pharmacy, including a pick-up drive aisle, and a new interior parking lot, subject to the following conditions:

General

1. This approval notwithstanding, the applicant/property owner/developer shall be responsible for knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, codes, rules, standards, and policies, including but not limited to Lincoln City Municipal Code (LCMC).
2. Structural permits shall not be issued until compliance with applicable codes, rules, regulations, and standards is shown in the materials that accompany the structural permit applications.

Planning

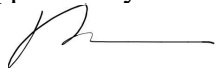
1. A lighting plan complaint with LCMC 17.52.150 must be submitted with the Building Permit if exterior lighting will be added as a part of the development.
2. Building height measurements must be shown on all four elevations, with the height measured from the existing grade to comply with LCMC 17.52.190(C)(1)
3. Placement and screening of mechanical equipment must meet LCMC 17.52.180

4. A tree removal permit and tree protection plan, compliant with LCMC 17.52.200, must be submitted with the building permit application. Trees that are not within the impacted area of the parking lot development will require a separate tree removal permit.
5. Building permit plans must show the heights and widths of curbing and wheel stops to verify compliance with 17.56.080(F)
6. Landscaping must be provided on all areas of the site not covered by buildings and infrastructure; any areas disturbed by construction must be remediated.

Public Works

1. Applicant shall be responsible for demonstrating and ensuring that drive-through queue does not stack into or impact the right-of-way. Should queue onto the right-of-way occur following construction applicant agrees to signing and/or additional work to increase internal queuing distance and avoid queue into the right-of-way.
2. Applicant shall provide water quality, according to LCPW design standards, for all impervious pavement installed in the project.
3. Applicant shall provide stormwater detention, according to LCPW design standards, for all additional impervious area added as part of the project.

Approved by:







05 / 20 / 2024

Daphnee Legarza
City Manager

Date

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