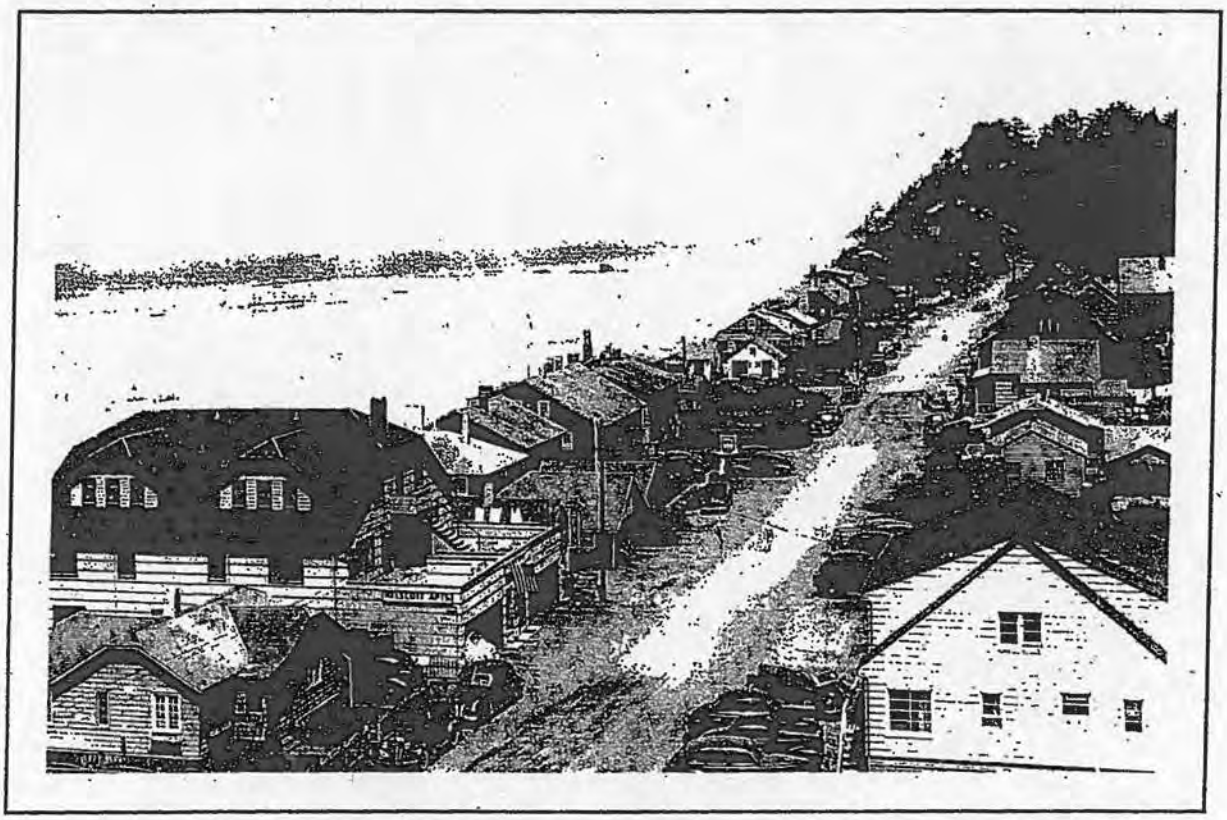
Lincoln City Comprehensive Plan

including

Lincoln City Estuary Management Plan



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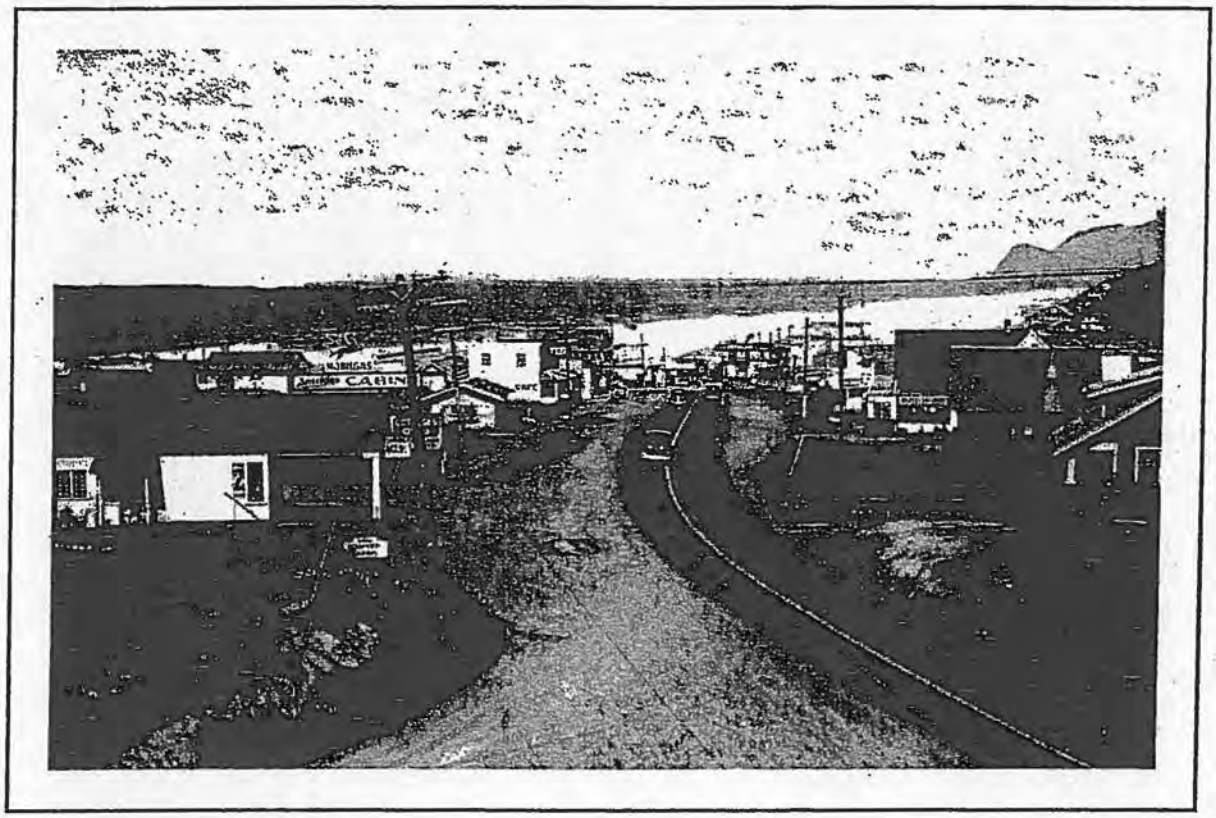

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Comprehensive Plan title page - Delake
Estuary Management Plan title page - Taft

COMPREHENSIVE PLAN

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LINCOLN CITY ESTUARY MANAGEMENT PLAN Attached

Comprehensive Plan

Action	Ordinance No.	Adoption Date
Adoption	Ordinance No. 84-01	January 23, 1984
Amendment	Ordinance No. 90-29	December 10, 1990
Amendment	Ordinance No. 92-02	January 13, 1992
Amendment	Ordinance No. 94-08	May 23, 1994
Amendment	Ordinance No. 94-11	May 23, 1994
Amendment	Ordinance No. 94-18	November 14, 1994
Amendment	Ordinance No. 95-01	January 9, 1995
Amendment	Ordinance No. 95-07	February 27, 1995
Amendment	Ordinance No. 95-11	March 27, 1995

Notes:
In accordance with Section 2 of Ordinance No. 84-01, the *Comprehensive Plan* land use designations (as amended) are the same as shown on the *Zoning Map* adopted by Ordinance No. 84-02 (as amended).

For clarification purposes, staff has added section headings in the *Comprehensive Plan*. These headings, which according to available records, were not part of the City Council's adoption of the *Comprehensive Plan* by Ordinance No. 84-01, are shown in *italics*.

Adopted Documents Supporting Comprehensive Plan

Document	Adopted By	Adoption Date
Additional Inventory[1]	Resolution No. 83-03	January 25, 1983
Inventory Material[1]	Ordinance No. 84-01	January 23, 1984
Economic Inventory[1]	Resolution No. 95-01	January 9, 1995

Adopted Documents Implementing Comprehensive Plan

Document	Adopted By	Adoption Date
Parks Master Plan[2]	Resolution No. 94-09	May 23, 1994
Citizen Involvement Program[1]	Resolution No. 94-33	November 14, 1994
Transportation Master Plan[3]	Resolution No. 95-09	February 27, 1995
Storm Water Master Plan[3]	Resolution No. 95-11	March 27, 1995
Wastewater Master Plan[3]	Resolution No. 95-11	March 27, 1995

[1] Available from the Planning and Community Development Department
[2] Available from the Parks and Recreation Department.
[3] Available from the Public Works Department.

PREAMBLE

We, the citizens of Lincoln City, in order to promote fulfillment of our highest aspirations for the development of our community, and to incorporate into the conduct of our private and corporate lives the principles of human dignity, social responsibility, and stewardship over land and resources, do set forth herein the policies we will uphold and the goals we will pursue in the management of our civic affairs, our decisions concerning the use of the land and its resources, our acts for the public health and welfare, and our pursuit of our personal and social satisfaction and our economic and commercial affairs.

INTRODUCTION TO LINCOLN CITY

Lincoln City is located along the shore of the Pacific Ocean in central Oregon. The City borders Siletz Bay, one of the few estuaries along the rugged Oregon Coast. Much of the city is built on the marine terrace, a narrow plateau of sediments that formed in ancient times when the ocean's depth was much greater than it is now. Other areas of the City rest on headlands of the Coast Range or reach upward along the foothills of the mountains that form the City's eastern backdrop.

The Pacific Ocean dominates the humid, temperate, maritime climate. Summers are cool, dry, and generally fair after morning fog. Winters are mild, cloudy, and rainy.

The temperate climate and attractive environment enhanced by the ocean, mountains, and nearby forests, rivers, lakes, and estuaries, draw people not only from all parts of Oregon and all states of the union, but also from distant parts of the earth. As a result, recreation has become the City's primary industry, and the City provides a substantial portion of the State's tourist income.

The ocean beach is major attraction for visitors to the City. Beachcombing, rock hunting, driftwood collecting, bird watching, and simply walking along the beach are popular activities that bring people to the oceanfront. The beach is public and the City has provided numerous access points. The beach is used during all seasons by both visitors and residents. Even the fierce winter storms that occasionally pummel the coast attract visitors to watch and photograph the drama of the sea and shore.

Angling is also available year-round in the Lincoln City area. Coho Chinook salmon, and numerous types of bottom fish and rockfish are sought in the ocean. Salmon and Steelhead enter the numerous coastal streams and rivers near Lincoln City in all seasons, depending on the species. Sea-run cutthroat trout and native coastal cutthroat trout can also be found in streams and rivers. Devils Lake, which is within the city's Urban Growth Boundary, harbors largemouth bass, perch and rainbow trout. Crabs can be taken from Siletz Bay.

The public and private forests of the Coast Range provide additional recreational activities, although the forests are primarily managed for the intensive harvest of timber. The rugged, sometimes heavily forested peaks provide vast green panoramas for viewing and photography. Hiking trails are maintained along Cascade Head by the National Forest Service, and the State is developing a coast trail for hiking and backpacking. Blacktail deer, Roosevelt elk, ruffed grouse, quail, and pigeons are hunted in the mountains not far from the City. Ducks and geese stop at Siletz Bay in the Salmon River Estuary on their migrations.

National forest campgrounds are located near the City and along the coast north and south of the area. State campgrounds are available at Devils Lake and several points along the coast. Scenic viewpoints and picnicking areas are provided by the State and the City.

Devils Lake is popular for sailing and water skiing, besides angling. It is also the site of annual hydroplane races.

There are five golf courses open to the public and within fifteen minutes of Lincoln City.

Lincoln City is a popular vacation and weekend destination of residents of Oregon's populous Willamette Valley. The City is about 89 miles southwest of Portland, about 55 miles west of Salem, and about 122 miles northwest of Eugene. State Highway 18 serves as a major route between the City and the Willamette Valley. It is the most heavily travelled route across the Coast Range between the interior valley and the coast.

Highway 18 intersects U.S. Highway 101, which is the only north-south route serving coastal Oregon communities, only a few miles north of Lincoln City.

U.S. Highway 101 serves as the main street for Lincoln City and most businesses in the City are located on this highway.

The City's economy predominately consists of numerous motels and small businesses such as restaurants and gift shops which serve tourists and recreational needs.

Since its incorporation in 1965, the City has grown in population from 4,198 to 5,820 permanent residents. The City has attracted many retired people and a large portion of its population is over 65 years of age. Many of the City's residences are used as vacation homes or were purchased in expectation of future retirement.

Lincoln City's incorporation in March, 1965, combined the three incorporated cities of Taft, Delake, and Oceanlake and the unincorporated communities of Cutler City and Nelscott. The new City has a Council-Manager form of government. Under the City's Home Rule Charter, the seven member City Council has power to legislate on matters of local concern and to hire a City Manager as the City's chief executive.

The City is divided into three wards with one Council member elected from each ward every two years. The Mayor, who serves as the presiding officer of the City Council, is elected at large for a four-year term. The council members serve without compensation.

The City provides water and sewer services, police protection, and a variety of cultural and recreational services. The City supports a public library and has an active community education program jointly sponsored with Linn-Benton Community College and the Lincoln County School District. The City recently completed a new community activity center that contains a large swimming pool, a senior center, recreation and education offices, and meeting rooms available to the public. In addition to beach access points, the City maintains several public parks.

The City provides financial support to the Lincoln City Chamber of Commerce and provides tax receipts for the Chamber's promotional programs. The City also co-sponsors with the Oregon Coast Council for the Arts, an annual Sea Coast Harvest Fair, held in the City's Regatta Grounds Park. The Fair emphasizes the work of local artists and artisans.

Private utilities serving the City are Pacific Power and Light Company, which provides electricity, Northwest Natural Gas, and United Telephone of the Northwest.

Public education is provided by the Lincoln County School District.

Health care is provided by numerous private physicians and a 48-bed hospital operated in the City by the North Lincoln Health District. The Health District is governed by a publicly elected board, which supervises hospital administrators and may propose the sale of tax-supported bonds for some hospital projects.

Other government services are available to Lincoln City residents through County and State programs. Lincoln County maintains offices at Newport, the County seat, about 25 miles south of Lincoln City. The Oregon State Police, Motor Vehicles Division, and Department of Forestry maintain offices in Lincoln City. State Employment Division representatives visit the City on a regular schedule.

LAND USE PLANNING

The Comprehensive Plan of the City of Lincoln City is a document which guides land use decisions in the City of Lincoln City. The Plan identifies issues and problems in the City of Lincoln City and considers social, economic, energy and environmental needs. The Plan shall be the basis for specific implementation measures. The Plan establishes Goals and Policies which establish a general framework and general principles to guide implementing land use regulations such as the zoning ordinance, and other provisions which would be included in a Land Development Code. The implementing measures provide the specific approval criteria applicable to individual land use decisions.

GOAL - Planning

To Establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

GENERAL IMPLEMENTATION

Introduction

Since zoning was first established in New York City in 1915, land use regulation has evolved into a fairly sophisticated network of many techniques and strategies. Several techniques applicable to Lincoln City are herein presented. They are included because, in most instances, the comprehensive plan will not implement itself, although recent Oregon court cases emphasize that a comprehensive plan is, in fact, the controlling land use planning instrument for a city.

The techniques presented will not be effectuated immediately. Some may never be enacted and others may not be put to use for several years. They are presented to outline possible strategies and courses of action that may be desirable in the future.

INVENTORY OF IMPLEMENTATION TECHNIQUES

Zoning

Zoning is the most common method of land use regulation and control. It is generally guided by the comprehensive plan. Through the application of various zoning districts, such as Single Family Residential, Commercial or Floodplain, only certain land uses and development densities and intensities are permitted so a community may develop in an orderly and efficient manner in accord with the comprehensive plan. For zoning ordinances to be valid, they must promote the general welfare and be reasonable.

Essentially, zoning is a means of ensuring that the land uses of an area are properly situated in relation to one another. It provides adequate amounts of space for each type of development. It allows for the control of development density so that the property can be adequately utilized without causing undue stress on the natural environment. This allows the directing of new

growth into appropriate areas where public facilities and services exist or can be reasonably provided. It is necessary that zoning be used in a coordinated manner with other devices, such as subdivision regulations, to promote orderly growth. Recently, zoning and subdivision ordinances, among other techniques, have been combined into a single overall land use code in some communities. Although this has not generally changed the purpose or intent of the various ordinances, it has provided for a more concise and more readily understood assembly of land use regulations.

Most present day zoning enabling legislation is based upon the U.S. Department of Commerce 1924 Standard Zoning Enabling Act which defines zoning as the division of a governmental unit into districts and the regulation within those districts of:

1. The height, bulk, and site orientation of buildings and accessory structures.

2. The area of a lot or parcel which may be occupied by structures and the size of required open spaces.

3. The density of development and the overall population.

4. The use of land for each or the basic land uses.

Zoning by parcel size restrictions and use is by far the most popular and accepted type of zoning used. Another commonly used zoning device is density zoning. It establishes a maximum density for an area, usually in acreage required per dwelling unit and then allows the clustering of units so long as the overall density standard is maintained. Refer to section on Planned Unit Development.

Subdivision Regulations

The earliest communities in this county were laid out by royal directives. A principal ingredient of most such directives was a map of the street system, typically a grid-iron pattern. From these early beginnings grew the U.S. Department of Commerce 1928 Standard City Planning Enabling Act, which gave birth to the modern subdivision ordinance.

Subdivision regulations are locally adopted laws governing the process of converting raw land into buildable sites. This is normally accomplished by plat map review and approval procedures. As a practical matter, much subdivision regulation is treated as a bargaining process between a developer who desires cost effective standards of development, and the governing body which must protect the general public interest.

Subdivision regulations may serve a wide range of purposes. They enable the coordination of otherwise unrelated plans of numerous individual developments and in this process ensure that adequate provision is made for such major features of the comprehensive plan as rights-of-way for streets and utilities, parks, schools and public facilities such as sewer and water. Subdivision regulations also provide a measure of control over internal design to ensure that the pattern of streets, lots, and other public facilities will be safe, convenient, pleasant and economical to maintain.

A common requirement for approval of a subdivision plat is the dedication of a certain percentage of each subdivision for permanent open space or other needed public facilities, or a payment of fees in lieu thereof. The required dedication is justified on the grounds that each subdivider should provide community facilities in relation to the demand generated by the development.

Subdivision regulations can also incorporate performance standards to affect the appearance, quality, ecology, energy efficiency and solar orientation of an area by requiring that specific standards be met. When integrated with planned unit development, the subdivision ordinance should allow for optimal innovation and design flexibility.

To be most effective, subdivision regulations and their administration must be closely coordinated with other local policies, ordinances and activities. Among these, the more important ones are the comprehensive plan, the zoning ordinance, health and safety regulations and the uniform building code.

Land Acquisition

Acquisition of a title (fee simple) or partial acquisition (less than fee simple) are methods that are available to all levels of government to acquire land for public purposes. Acquisition of title usually involves:

1.Outright purchase.

2.Negotiated purchase.

3.Advance acquisition or land banking.

4.Installment purchase.

5.Donation or gift.

6.Eminent domain or condemnation.

7.Trade or land exchange.

Partial acquisition or less than fee simple is often used when the cost of direct acquisition is too great or less extensive control is adequate. Less than fee interests are normally called development rights. Some advantages to less than fee acquisition include lower cost in some cases, retention of lands on the tax rolls and the efficiency of private management. Acquisition of less than fee simple usually involves:

1.Scenic easements

2.Conservation easements.

3.Purchase and resale with restrictions.

Transferable Development Rights (TDR)

This concept is based on the underlying principle that the development potential of privately owned land is, in part, a community asset that government may allocate and regulate to enhance the public's general welfare. In concept, TDR provides a means of allowing an equitable return on land investment to property owners whose return might be otherwise reduced by normal regulatory activity.

Basically, TDR works in the following manner: Conservation and transfer zones are established, usually through an overlay technique. Development is reduced or not allowed in conservation zones such as historic preservation districts, environmentally or ecologically sensitive, or other areas where development is not desirable, and the development potential or rights are severed from parcels in the conservation zone. Normally, the rights are bought and sold on the open market and the costs of rights is therefore determined by free market forces. There is an allowed maximum density in transfer zone area, but that density can be exceeded by the purchase of development rights from conservation zone property owners. For Lincoln City, TDR may have four basic uses:
1.Historic preservation.

2.Buffering.

3.Alternative zoning.

4.Preserving environmentally and/or ecologically sensitive, fragile areas.

Planned Unit Development/Cluster Housing

Cluster is the development pattern and technique wherein structures are arranged into closely related groups. Instead of distributing houses uniformly over an entire area, clustering enables a developer to build at higher densities in certain locations and to preserve natural features in others. Cluster development requires a greater degree of skill to implement than does conventional subdivision planning. However, cluster arrangements offer a greater overall land use efficiency and more land in common open space. Open space held in common is typically managed through a homeowner's association.

Planned Unit Development (PUD) is an extension of cluster planning. The concept basically involves a mixture of densities, housing types and land uses. It may also include land uses of a cultural or recreational character. Like cluster planning, residential density, averaged over the entire area being planned, offers overall development control rather than individual lot regulations based on size and setback. The concept also allows a level of creativity and innovation of design not possible in conventional subdivisions. Generally, the advantages of planned unit development include:
1.Building cost reduction.

2.Reduced costs for providing public facilities to the development since fewer streets are needed than for servicing scattered sites.

3.Preservation of larger amounts of open space, or ecologically/environmentally sensitive or fragile areas.

4.Provides for innovative design flexibility.

5.Provides for more compatible land use mixture.

Special Review Committees

Special programs headed by committees or commissions are often used for purposes of site plan review, architectural review, historical review, or a combination of these and other matters of concern to a community. These committees are normally afforded broad guidelines for review and discretion is required to ensure that development pays close attention to community standards and detail. In some cases, more than one special review committee, in addition to the planning commission, is consulted for a recommendation. Often, this creates unnecessary delays and works to the overall disadvantage of all involved. Communities should seek to streamline special review procedures and consolidate the interests of various committees into a single, well-organized and clearly defined special review committee.

Building Code

The building code is designed to protect the health and safety of people using property and structures designed for human occupation. A variety of standards are contained in the Uniform Building Code (UBC), and single- and two-family (CABO) which relate to structural strength, fire safety, sanitation facilities, light, ventilation and room sizes. The Code, in most cases, sets the minimum requirements for a structure and can often be supplemented to provide for other local needs. Such needs often relate to standards for the energy efficiency of structures.

Code Enforcement

Code enforcement can be defined by four different levels of application: light penalty and intermittent enforcement, light penalty and continuous enforcement, heavy penalty and intermittent enforcement, and heavy penalty and continuous enforcement.

Generally, code enforcement protects the public health, safety and welfare by preventing the deterioration of structures and by ensuring that the community standards embodied by the comprehensive plan and implementing ordinances is adhered to.

Physical Impact and Maintenance Codes

The variety of available devices does not necessarily provide for wise and appropriate land use as much as providing techniques to ensure the preservation of such areas in their desired state. Such devices include:

1. Litter control.

2.Weed and insect control.

3.Erosion control.

4.Floodplain control.

5.Grading controls.

Capital Improvements Planning and Programming

In addition to being an effective tool for implementing a comprehensive plan, a capital improvements program (CIP) is an effective means to ensure that public dollars are wisely spent. The investment of public funds in such facilities as streets, schools, utilities or buildings clearly has an impact on the pattern of community development. Planning for such public facilities and the announcement of public intentions to acquire properties or schedule construction of new facilities can do much to influence private sector decisions. Since government actions can influence the pattern, timing and standards of private development, a coordinated mechanism for planning and programming public capital investments is desirable to balance competing pressures for limited funds, systematically review project proposals and demonstrate to the taxpaying public that fairness and objectivity are being exercised in public expenditures to achieve identified community goals. With the growing complexities in both financing and development activities, even the smallest units of government need to carefully analyze the way funds are allocated to be sure they maximize the available dollars. No agency has enough money to accomplish its objectives, so it must have a method for determining priorities.

It is customary to prepare a capital improvements budget and program annually, revising the entire program as part of the annual budgetary process. Long-range projects and their estimated costs are normally planned over a period ranging form five to ten years by means of continuous updates of public facilities master plans. Various component methods are available to inventory and prioritize projects for capital programming and allocate specific amounts of annual public funding for each month.

Plan Review and Amendment

Although the comprehensive plan is designed and intended to be the controlling land use planning instrument to the year 2010, it is important to recognize and effectively deal with major changes in the community. The comprehensive plan reflects the desires of the community at the time it is adopted and must be continually reviewed and revised to keep pace with changing circumstances and community desires and standards.

At the time of periodic review, decision makers should re-examine the plan and consider, at their discretion, possible amendments to the plan text and generalized land use map. During this process, the thinking that led to the principal concepts of the plan should be weighed against the merits of the proposed changes. This periodic review is the primary mechanism designed to ensure that the plan is kept up to date and not ignored as an obsolete, outmoded or unusable document.

At the time of periodic review, the plan may undergo major reconsideration. This process should entail an overhaul of the entire plan, including new data inventory, updated forecasts and major restudy of plan goals, policies and implementation strategies. The following are the basic processes that should be used in reviewing, updating and amending the various components of the comprehensive plan, including the urban growth boundary.

DATA BASE UPDATE

(a)Primary Responsibility: Staff.

(b)Initiation of Amendment: Staff.

(c)Type of Amendment: Minor (Informal).

(d)Review Responsibility: Planning Commission.

(e)Final Action: Planning Commission.

(f)Frequency: Whenever necessary. This update does not relate to the goals, policies, implementation strategies, forecasts or distribution formulas of the plan text.

(g)Procedure: Data update is a continuing process and should be considered whenever a sufficient amount of data has been collected to merit a significant addition to the comprehensive plan. The material to be included is reviewed by the city administrative staff and is then presented to the planning commission for final review and amendment. Unless requested, a public hearing need not be held and public notice not occur.

PLAN GOALS, POLICIES, IMPLEMENTATION STRATEGIES, FORECASTS AND DISTRIBUTION AND ALLOCATION FORMULAS REVIEW AND AMENDMENT; ZONING ORDINANCE TEXT AMENDMENT

(a)Primary Responsibility: City Council, Planning Commission

(b)Initiation of Amendment: City Council, Planning Commission, or by a resident of Lincoln City.

(c)Type of Amendment: Major (Legislative or Quasi-Judicial)

(d)Review Responsibility: Planning Commission, Special Committee(s), Affected Agencies.

(e)Final Action: City Council.

(f)Frequency: Amendments may be proposed at any time subject to initiation. Every periodic review sequence, major text revisions will occur through a broad legislative process. During this periodic review process, proposed amendments received during the interim will be considered by the planning commission. If compelling reasons for these amendments occur between review periods, a majority vote of the planning commission and city council can authorize immediate initiation of the proposed amendment.

(g)Procedure: Proposed amendments should be considered based upon a finding that one or more of the following standards are met:

(1)Updated data manifests significantly different trends than indicated by previous data;

(2)New data reflects a new or previously disclosed public need;

(3)New community attitudes representing a significant departure from previous attitudes is found to exist by the planning commission or city council;

(4)Changes in statutory or case law occur which affects the applicability or appropriateness of applicable portions of the plan text;

(5)A demonstrable error or inconsistency is found to exist.

The proposed amendment will be presented for review to the planning commission. The planning commission may, at this point, elect to hold a public hearing. The proposal will then be sent to all city departments, review committees and affected agencies for review. Upon receiving input from the various review bodies, the planning commission may elect to hold a public hearing with proper public notice, as set forth in state law or forward a recommendation directly to the city council. The city council will hold at least one public hearing with proper public notice, as set forth in state law.

COMPREHENSIVE PLAN AND ZONING: MAJOR REVISIONS

Definition of Major Revision: Changes to the comprehensive plan and zoning map that have widespread and significant impact upon the immediate area of the change; such as quantitative changes, producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to commercial land use; or a spatial change that affects large areas or many different ownerships. A determination of whether a proposed change is major or minor is made by the planning director or city manager.

(a)Primary Responsibility: City Council, Planning Commission.

(b)Initiation of Amendment: City Council, Planning Commission, or by application of property owner(s).

(c)Type of Amendment: Major (Legislative).

(d)Review Responsibility: Affected Agencies, Planning Commission.

(e)Final Action: City Council.

(f)Frequency: Amendments may be proposed at any time, subject to initiation. During periodic review process, major map revisions will be considered through a broad legislative process. During this periodic review, proposed amendments received during the interim will be considered by the planning commission. If compelling reasons for these amendments occur between periodic review periods, a majority vote of the planning commission and city council can authorize immediate initiation of the proposed amendment

(g)Procedure: The proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan.

The proposed amendment will be presented for review to the planning commission. The planning commission may, at this point, elect to hold a public hearing, after the proposal is sent to all city departments, review committees and affected agencies for review. Upon receiving input from the various review bodies, the planning commission may elect to hold a public hearing with proper public notice as set forth in state law, or forward a recommendation directly to the city council. The city council will hold at least one public hearing with proper public notice as set forth in state law.

COMPREHENSIVE PLAN AND ZONING: MINOR REVISIONS

Definition of Minor Revision: Changes to the comprehensive plan and zoning map which focus on specific individual properties and which do not have a significant effect beyond the immediate area of the change. A determination of whether a proposed change is major or minor is made by the planning director or city manager.

(a)Primary Responsibility: City Council, Planning Commission

(b)Initiation of Amendment: City Council, Planning Commission, or by application of property owner(s).

(c)Type of Amendment: Minor (Quasi-Judicial)

(d)Review Responsibility: Affected agencies, planning commission.

(e)Final Action: City Council.

(f)Frequency: Amendments may be proposed at any time subject to initiation. Minor map revisions will be considered on a case by case basis.

(g)Procedure: The proposed amendment must conform to the Statewide Planning Goals and be consistent and compatible with other unamended portions of the comprehensive plan.

Upon receiving input from the various review bodies, the matter will then be presented to the planning commission who may elect to hold a public hearing with proper public notice as set forth in state law, or forward a recommendation directly to the city council. The city council will hold at least one public hearing with proper public notice, as set forth in state law.

URBAN GROWTH BOUNDARY AND URBANIZATION POLICY REVISIONS

Major Revisions

Major revisions in boundary or policies will be considered amendments to both the city and county comprehensive plans, and, as such, are subject to a legislative review process.

A major revision shall include any boundary change that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in population or significant increases in resource impacts; qualitative changes in population or significant increases in resource impacts; qualitative changes in the land use itself, such as conversion of residential to industrial use; or spatial changes that affect large areas or many different ownerships. Any change in urbanization policies is considered a major revision.

Major revisions will be considered by the city and county at the time of first periodic review by the city or at five-year intervals. If the city and county governing bodies find that circumstances prevail which have a significant effect on the public health, safety or general welfare of the community, a major revision could be considered at intervals of less than five years or at periodic review period.

A request for a major revision can be initiated by an individual or group, citizens advisory committees, affected agencies and governing bodies. The party who seeks the revision shall be responsible for filing adequate written documentation with the city and county governing bodies. Final legislative action on major revision requests shall be based on the following factors:

(a)Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs or to assure adequate employment opportunities;

(b)The orderly and economic provision of urban facilities and services;

(c)Maximum efficiency of land uses within the current urbanizable area;

(d)Environmental, energy, economic and social consequences;

(e)Compatibility of the proposed change with other elements of the city and county comprehensive plans;

(f)The other urbanization factors & statewide planning goals.

Major revision proposals shall be subject to a mutual city and county review and an agreement process involving affected agencies and the general public.

Minor Boundary Line Adjustments

Minor adjustments to an urban growth boundary line may be considered subject to similar procedures used by the city and county in hearing zoning requests. A minor amendment is defined as focusing on specific individual properties and not having significant impact beyond the immediate area of the change.

Application for a minor boundary line amendment can only be made by property owners, their authorized agents, or by a city or county governing body. Written applications for amendments may be filed in the office of the Lincoln City Department of Planning and Community Development on forms prescribed by the city. The standards for processing an application are as follows:

(a)Documentation must exist indicating the minor adjustment is based on:

(1)A demonstrated need for the change consistent with the urbanization policies of the city and county.

(2)Maximum efficiency of land use and key public facilities.

(3)The effect on the existing land use character in the immediate area of the request.

(b)The applications will be reviewed by the affected city and county planning commission meeting held on an as-needed basis for the express purpose of considering a minor boundary line adjustment.

(e)[sic] The planning commissions are required to forward a recommendation and findings on each application to the city and county governing bodies for final consideration.

(f)[sic] Amendments cannot be made to the urban growth boundary line unless mutually agreed to by a majority from each governing body. Both the city and county governing bodies shall be responsible for the preparation of the actual legal instrument which officially amends the boundary line.

[Land Use Planning amended by Ordinance No. 92-02, adopted January 13, 1992]

CITIZENS INVOLVEMENT PROGRAM

The Lincoln City Citizens Involvement Program is an ongoing process. The effectiveness of government is only measured by the extent that the citizens participate. Only through citizens' participation can a government determine attitudes, needs, and desires of its public. Without adequate citizen participation, government decisions are made in a void.

CONCLUSION:

Lincoln City recognizes that citizen involvement is necessary in making wise and legitimate land use decisions.

Goal - Citizens Involvement

Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process.

Citizen Involvement Policies

1.Lincoln City shall develop multi-media informational programs on the planning process and procedure, such as television and radio talk shows, newsletter, slide and discussion panels.

2.Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings.

3.Lincoln City shall work with the school district to establish a Lincoln City Government Educational Program in cooperation with the school curriculum.

4.Lincoln City shall strive to establish a better liaison with other community groups and senior citizens.

5.Lincoln City shall maintain a Committee for Citizen Involvement which is charged with the responsibility for assisting the City Council with the development of a Citizen Involvement Program (CIP) that promotes and enhances citizen involvement in land use planning, implementation of the CIP, and a yearly objective evaluation of the process being used and the effectiveness of the CIP.

6.The Committee for Citizen Involvement and its format, responsibilities and the basic element of the Citizen Involvement Program are established by Resolution of the Council.

7.Lincoln City shall encourage a variety of citizen programs such as neighborhood associations and other committees to serve in the interest of the community.

[Citizens Involvement Program amended by Ordinance No. 94-18, adopted November 14, 1994]

PUBLIC SERVICES & UTILITIES

Lincoln City and several special service districts provide a complete compliment [sic] of municipal services. The City has developed master plans for water and sewer utilities and storm drainage which master plans have been adopted and may be amended from time to time by resolution of the City Council. The City has passed supplemental bond levies to begin the construction of needed water and sewer facilities to implement the plans. Other municipal services, such as fire service, health service, telephone and gas service, are located in Lincoln City and provide utilities on a regional basis to the North Lincoln County areas. These utilities or services have also completed comprehensive planning to ensure that there are no constraints to future extension of the services. Future utility and service needs have been designed in a manner to accommodate high population projections. Service can be provided within all areas of the Urban Growth Boundary.

[Public Services & Utilities amended by Ordinance No. 95-11, adopted March 27, 1995]

CONCLUSION:

Lincoln City and other providers of utility services have developed an orderly system for providing public facilities necessary for the future growth of the city.

Goal - Public Services and Utilities
To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment [sic] the area and serve as a framework for urban and rural development.

Overall Public Facility Policies
1.It shall be the overall policy of Lincoln City to centralize public facilities where appropriate.

2.The City shall utilize the extension of public utilities as a method of controlling growth.

3.Lincoln City shall work with utility companies to develop and directly implement programs for placing all utilities underground. This program may be accomplished in conjunction with scheduled street repairs.

4.The City shall require new developments to pay for service extensions.

Individual Public Facility Policies
I.Sewer and Water:

1.Connection to or extension of public facilities (i.e., water, and sewer) to areas outside existing city limits, but within the adopted Urban Growth Area boundary shall be conditional upon annexation to the City of Lincoln City, unless such service is provided for by written contract executed prior to December 1, 1990. The requirement for annexation may be satisfied by the execution and recording of an irrevocable consent to annexation and waiver of time limitation of such annexation consent by the owner(s) of record.

2.The City staff shall review proposals to extend public facilities and shall consider the following:

a.The amount of vacant land within the city that is presently sewered.

b.The cost of extending the proposed facilities to the area.

c.The central treatment facility capacity necessary to accommodate the extension.

d.IF, following the consideration, the STAFF determines that the extension will cause severe impacts, either physical or financial, the extension will NOT be allowed.

[Sewer and Water amended by Ordinance No. 90-29, adopted December 10, 1990]
[Sewer and Water amended by Ordinance No. 94-08, adopted May 23, 1994]
[Sewer and Water amended by Ordinance No. 95-11, adopted March 27, 1995]

II.Drainage Policies:

1.Adequate storm drainage facilities, including culverts, catch basins, natural or surface channel systems (approved by the city engineer) shall be a part of all subdivision design, planned development, City- or locally-initiated street construction or improvement, or other development and shall conform to the City's Master Drainage Plan.

2.Subdivision of areas that have drainage problems shall have adequate provision for storm runoff. This may be accomplished by larger lot sizes, mechanical means, maximum lot coverage requirements or other methods approved by the city engineer.

3.The city engineer shall designate culvert sizes in conformance with the City's Master Drainage Plan.

4.Where possible, natural drainageways must be maintained and protected from filling or other alteration.

5.The City shall evaluate its storm drainage needs during its yearly budgeting process. Storm drainage should be a part of the overall capital improvements program.

6.Storm drainage or run off from new developments, particularly those which have large parking lots or service stations, shall have catch basins or other treatment facilities for oil, grease, or other contaminants to protect the water quality of Devils Lake.

[Drainage Policies amended by Ordinance No. 95-11, adopted March 27, 1995]

III.Park and Recreation Policies

1.The City shall provide recreational facilities and activities for all citizens of the city.

2.The City shall maintain a Parks and Recreation Committee of citizens and professional staff which shall periodically review Lincoln City's parks and recommend improvements and properties for park acquisition.

3.The City shall provide areas for high intensity recreation such as ball parks, swimming pools, tennis courts, neighborhood and community play fields.

4.It shall be a policy of the City of Lincoln City to preserve publicly owned beach front property, and undeveloped right-of-way, in order to provide public beach accesses and viewpoints. The City will not vacate undeveloped right-of-way or convey property if such right-of way or property has the potential for being utilized as a beach access or viewpoint without first having received a favorable recommendation from the Parks Board and conducting a public hearing before the Planning Commission.

[Park and Recreation Policy 4 amended by Ordinance No. 94-11, dated May 23, 1994]

5.When considering parks and parks improvements related to Siletz Bay and Devils Lake, the City shall determine the feasibility of boating facilities.

6.The City shall continue to work with the Council on Aging in the management of the Community Center and rely on the center to provide activities and recreational opportunities for the elderly.

7.The City's recreation committee shall encourage a bikeway plan within the city and shall cooperate with the Oregon Department of Transportation in establishment of the Oregon Coast Bikeway through Lincoln City.

8.The City shall work with the State Parks Department to improve the use of existing State Parks within the city.

9.The City shall continue to rely on the Lincoln County School District to make available indoor and outdoor high intensity recreation areas such as gyms, multi-purpose buildings, track, football, and soccer fields.

10.The City shall work with private and public agencies to provide indoor recreation opportunities such as handball, racquetball, and indoor tennis courts.

11.The City shall work with community groups and citizens to encourage the development of cultural enrichment programs and activities.

IV.Police and Fire Service Policies

1.Future police and fire facilities shall be coordinated with the Lincoln City Comprehensive Plan policies. Improvement to facilities shall be reviewed by the Planning Commission.

2.The Planning Commission shall consider the impacts proposed developments will have on police and fire protection.

V.Library Policies

1.The City's Library shall work with the other libraries and services in the County to improve library resources and circulation in the area.

2.The Lincoln City Library shall utilize public and private sources of funding such as donations, grants, etc. available to public libraries to meet program needs and to supplement other public funding.

3.The Lincoln City Library shall continue its outreach programs for the young, aged, and infirm.

VI.Health Service Policies

1.The City shall rely on the North Lincoln Health District to identify, plan, and provide health programs and facility needs within the service area.

2.The City shall provide a designated professional campus area in which hospitals, physicians, and other health facilities may benefit from close association.

3.The City shall request comments from the North Lincoln Health District concerning land use plans, programs, or actions that might affect health facilities and services.

4.The City shall work with the North Lincoln Health District to evaluate ownership and operation of local ambulance services.

5.The City shall cooperate with the North Lincoln Health District in making available public facilities such as meeting rooms, halls, etc. for programs, clinics, and other services where appropriate.

6.The City shall rely on the North Lincoln Health District to seek public and private funding, including federal, state, local and private grants and donations, for the provision of health care facilities and services in the area.

VII.School Policies

LINCOLN CITY SCHOOL DISTRICT ENROLLMENT PROJECTIONS

19791982-831987-881992-93

1,321 1,575 2,150 2,825

1.The existing enrollment in all of Lincoln City schools results in overcrowded conditions. Any future development will only exaggerate the overcrowded conditions.

2.All existing and future school sites, except Delake Elementary shall be designated for school use consistent with the School District's Comprehensive Building Plan and with the Lincoln City Comprehensive Plan.

3.The City shall assist the Lincoln County School District in planning by providing information concerning the Lincoln City area.

4.School sites shall be developed with park and recreation areas whenever possible to allow joint acquisition and use of both school and recreation facilities.

5.The City shall request comments from the District concerning land use plans, programs, or actions that might affect facilities and services.

6.The City shall rely on the Lincoln County School District for the provision of public education.

7.Lincoln City will cooperate with the Lincoln County School Board in designating future school sites. The City will additionally assist the District in acquiring property by requiring developments to set aside land for school sites. Lands will be set aside for a period of time mutually agreed upon by the School District, the City, and the developer.

8.The Lincoln County School District is responsible with the City for planning for public schools in the City. Any change(s) in the District's Comprehensive Building Plan, May, 1979, which affect land use such as site acquisition, building construction, and school closure will be reviewed by the City to determine consistency with the City's Comprehensive Plan prior to accepting the proposed change(s).

URBANIZATION

The City's high quality of life insures that tremendous growth pressures will be experienced in the next several years.

Because Lincoln City's environments are fragile, growth could be a threat to the quality of life as it now exists. Even though Lincoln City is small, it is not exempt from the unrestricted sprawl which is associated with larger cities. Sprawl tends to injure older developed areas in and near the City. The more urban development is permitted to spill out into the areas outside the urban area, the weaker becomes economic pressures for renewal or revitalization. Leap frogging development results in increased costs for providing public services, as well as committing lands to development prior to its need. By establishing an Urban Growth Boundary, the city provides for an economic and an efficient transition of urban lands from rural to urban uses. The Urban Growth Boundary serves as a guide to development to fit the natural resources and to preserve as much as possible, the quality of life as experiences by the citizens of today.

CONCLUSION:

Lincoln City has a need to accommodate growth. Because of its desirable environment, high growth projection figures should be assumed for the City. There is, however, a need to monitor this growth so that better information may verify the urban needs for the future.

Urbanization Goal

To promote an orderly and efficient transition of land uses from rural to urban.

Urbanization Policies

1.Lincoln City shall coordinate its planning efforts with Lincoln County.

2.Lincoln City and Lincoln County shall establish urbanization policies which are mutually agreeable.

3.Within the UGB, the City shall have planned utility capacity to service all growth.

4.Within the urban growth area, proposals for subdivisions and major and minor partitions shall be accompanied by a redivision plan. This redivision plan shall show the proposed location of future streets, lot lines and any proposed structures.

5.Proposals to change the Urban Growth Boundary shall be considered Plan amendments to the City and County Plan. The boundary alteration must be mutually agreed upon by the City and County. The compelling reasons for alteration of the UGB shall include at a minimum, an analysis which indicates:

a.Why existing land inventory is not sufficient to meet present needs.

b.That alternative location within the existing UGB cannot be employed for the proposed uses.

c.That the short and long term negative, environmental, economic, social, and energy impacts from the proposed alternatives are inconsequential to the City, the County, and the State.

d.That findings will be presented which indicate the land uses proposed for the new boundary will be compatible with existing City and adjacent land uses.

e.That the boundary alteration will not interfere with the orderly extension of utilities.

f.And that the boundary alteration is consistent with statewide planning goals.

g.Annexation of sites within the UGB shall be reviewed by the Planning Commission and shall be in accordance with relevant Oregon statutes.

h.Lincoln City shall exclude forest lands identified in the "inventory map of forest lands" from its Urban Growth Boundary.

i.Lincoln City shall encourage Lincoln County to develop adequate protection for agricultural lands.

j.Lincoln City will not provide utility services outside the UGB to properties beyond existing connection, (1979).

NATURAL HAZARD

The Oregon Coast can be a treacherous environment in which to reside. Active environmental and geological constraints as well as severe winter storms can create situations which are hazardous to residents and their property. Specific hazardous areas have been identified by RNKR, Associates, Corvallis, Oregon in their work Environment Hazards, Coastal Lincoln County, Oregon, 1979. The complete RNKR study and detail map are available at City Hall for inspection and review. In some instances, building in hazardous areas can be accomplished through the employment of certain safety precautions. A report to determine these precautions will be required prior to development. The level of information to be supplied will be determined by the extent of the hazard associated with the specific site.

CONCLUSION:

There are areas in Lincoln City where development activities must be controlled to protect life and property. The City has defined these areas on the Plan Map. The City will allow development within these areas if adequate protective measures can be employed which prevent or minimize damage.

Natural Hazard Goal

The City shall control development in hazardous areas to protect life and property from natural disasters and hazards.

Natural Hazard Policies:

1.Developments of all types in identified hazard areas shall not occur until a review is completed by a qualified engineer or qualified engineering geologist.

2.The review shall be submitted to the City as a written report and shall consider as a minimum the following:

a.Definition of the degree the hazard affects the use in question.

b.Define the method(s) to be employed to minimize the potential losses associated with the hazard.

c.The environmental consequences the development will have on surrounding properties.

3.If structures to protect shorelands, beaches, and dunes or flood areas are proposed, Shoreland Policies 4, 22, and 23 shall apply.

4.The report shall be prepared at the developer's expense. All review costs incurred by the City will be borne by the developer.

HOUSING

The single greatest financial expenditure by a family is for housing.

Lincoln City has an existing inventory of 4009 dwelling units. The stock is primarily comprised of single family units. However, there has been a trend toward the development of multi-family units, which are used primarily as seasonal housing. There are four users which determine Lincoln City housing needs. These are:

1.The permanent resident seeking shelter at affordable prices.

2.The tourist industry seeking seasonal shelter for its employees.

3.The elderly population seeking retirement shelter.

4.The seasonal resident seeking shelter.

These users work in competition for the limited lands available for housing development. Tables indicate housing demands, needs, and available vacant property.

CONCLUSION:

There is a competition for the limited housing available in Lincoln City. The competition creates artificially high prices and reduces housing choices.

Housing Goal

To provide for the housing needs of all citizens.

Housing Policies

1.The City shall encourage a wide range of housing types.

2.The City shall establish minimum construction and lot coverage standards for residential development.

3.The City shall encourage multi-family buildings subject to design and landscape control.

4.The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.

5.The City shall work with State, County, and local housing agencies to publicize the existence of housing programs available to Lincoln City residents in order to:

a.Make residential housing more energy efficient.

b.Make home rehabilitation loan and grant funds available to homeowners and renters especially those of low to moderate income.

c.Increase the amount of decent and affordable housing, especially rentals available to lower income households.

d.Increase the amount of lower cost rental housing available to the elderly.

e.Decrease the proportion of income which the elderly spend on housing.

ECONOMY

To assure a healthy economy as Lincoln City grows, there will be a need to provide more "quality" job opportunities.

Lincoln City's primary industry is tourism. One out of every three jobs is related to recreational-oriented employment. Future employment projections assume a continued emphasis in Lincoln City on the tourist industry.

The retirement community composes 28% of Lincoln City's population. This segment of the city's society, when considered as a whole, is an additional important economic asset. There are indications that there will be an increase in the number of service-related employment opportunities to citizens of Lincoln City. These new opportunities will occur in such fields as government, real estate, and insurance sales. If their predictions are accurate, then the city will realize some needed diversity in its economy.

CONCLUSION:

Tourism will continue to function as the basic industry in Lincoln City. An anticipated increase in the retirement population will serve to contribute to the contribute to the economic base of the community. New employment opportunities are projected to occur in service related industries. Tourism and service jobs are labor intensive and relatively "clean industries", however, some of the positions are seasonal, the wages are minimal and are subject to sudden changes in economic conditions.

To achieve a more stable economy, the city should strive to improve tourism, as well as attempt to diversify the economic base.

<u>Economy Goal</u>

To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.

<u>Economic Development Policies</u>

1.Lincoln City shall work with Lincoln County in implementing recommendations for regional economic development.

2.Lincoln City shall periodically analyze the commercially and industrially zoned lands. The analysis shall include a summary of economic activities within the City including residential development in commercially or industrially zoned properties. The report shall make projections of future commercial land needs based on economic activities, residential development, and the supply of available commercial and industrial lands. If current demands exceed supply, the Planning

Commission shall hold a public hearing as soon as possible to consider lands which may be suitable for conversion to commercial or industrial uses.

3. Lincoln City shall encourage local financial institutions to support low interest loans to rehabilitate deteriorating structures and to upgrade city center areas.

4. Lincoln City shall explore incentives for economic development in order to expand and increase the productivity of commerce and industry.

[Economy Policies amended by Ordinance No. 95-01, adopted January 9, 1995]

AESTHETICS

Lincoln City is located in an area of phenomenal natural beauty. The "quality of life" for most of Lincoln City citizens is quite high. The City's appearance should compliment [sic] natures [sic] environment, rather than detract from it. Harsh and conflicting vistas conflict with natures [sic] scenic quality which surrounds Lincoln City. The poor appearance of the city was noted in each of the City's Comprehensive Plan surveys. Development along Highway 101 is the most graphic example between the natural beauty of the surrounding area and harsh vistas of certain developments. However, away from Highway 101, the view qualities of most of the residential neighborhoods are in keeping with the natural surroundings. Areas of significant scenic qualities are inventoried on the scenic view map of Lincoln City. Maintaining these areas and improving the visual quality along Highway 101 would greatly enhance the aesthetic qualities of the City.

CONCLUSION:

Lincoln City is an area of exceptional aesthetic quality. There is a need to protect this aesthetic quality from harsh and uncompatible development. Certain areas along Highway 101 detract from the natural beauty of Lincoln City, and major improvements are now wanted.

Aesthetic Goal

To develop a livable and pleasing city which enhances mans [sic] activities while protecting the exceptional aesthetic quality of the area.

Aesthetic Policies

1.The City shall encourage property owners to landscape areas between buildings for beautification and access to off-street parking and facilities.

2.The City shall consider development of a city-wide landscape plan and explore various alternatives for implementation such as CETA, volunteer or student aide.

3.The Planning Commission shall recommend designated scenic viewpoints and areas within the City and shall review the impact of new proposals near these designated points for restriction of the viewing area. The following criteria shall be employed to evaluate proposed developments within 100' of a scenic viewpoint or area:

a.All proposed developments within 100' of a scenic viewpoint or area shall, prior to development, provide a detailed diagram and written statement as to the nature of the proposed activity will have on the visual and aesthetic quality of the scenic point or area.

The work must consider:

a.How the activity will maintain natural vegetation.

b.If vegetation is removed, how the activity will restore and protect the site from erosion and other negative results.

c.If necessary, how the activity should be screened to protect the scenic view.

d.The number, size, and design of signs associated with the activity.

e.The extent [of] natural materials and design to be employed in the activity.

f.The balance between the activity and other surrounding developed areas.

g.How wildlife habitats and environmental quality will be protected.

4.The City shall encourage the placement of utilities underground to improve the aesthetic qualities along Highway 101 and in other areas of the community.

5.The City shall establish a special study group to review the feasibility of placing utilities underground.

a.The group shall be comprised of representatives of utility companies, the Planning Commission, the City's merchants, and interested citizens.

b.The group shall report to the City Council no later than July 1, 1984, the results of their review.

c.The group shall report to the City Council no later than July 1, 1984 the results of their review and make recommendations as to the implementation of a plan.

6.Lincoln City shall maintain the historical integrity of the Dorchester House and the Taft Cemetery. Alteration of either site shall be in accordance with Environmental Quality Overlay Zone protection.

TRANSPORTATION

Lincoln City lies along and adjacent to U.S. Highway 101. Highway 101 is a principal State transportation facility which serves to connect Oregon's coastal communities. The highway also accommodates the City's population travel needs. Additionally, there are a high number of pedestrian users. These users have no defined pedestrian or bicycle path through the City. Also, being a tourist-oriented city, the City experiences a large influx of visitors who are not acquainted with the City's traffic system. This causes erratic traffic movements and safety problems. Traffic proceeding through Lincoln City also experiences a number of confusing lane changes (4 to 2 lanes) and speed zoning changes, this contributes to safety problems. On-street parking is also a problem.

The sum total of these problems creates poor and uneven traffic movement, conflicts between major and local access movement, conflicts between vehicles and pedestrians, parking conflicts and as a result, safety and hazard problems. With anticipated population growth, these problems will only be compounded exponentially.

Although many problems exist on U.S. Highway 101, a number of other safety problems exist on some of the minor arterial and collector streets of the City. These problems relate to deteriorated pavement and roadway conditions, offset intersection designs, and large developments recently completed which have impacted the overall ability of the system to perform adequately.

CONCLUSION:

1.Highway 101 is the single greatest constraint to the orderly development of Lincoln City.

2.There exists a conflict between the movement of the City's citizens, visitors, and through traffic.

3.Highway 101 is the only through traffic route.

4.Access between residential areas and service centers in inadequate.

5.Even with increased energy shortages, the automobile will remain the primary tool for the movement of people.

6.There is a need to consider the development of alternative methods of transportation.

<u>Transportation Goal</u>

To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.

Transportation Policies

Roadway Development

1. Identify an overall improvement strategy for Lincoln City's "Main Street" which will lead to better utilization of the roadway, reduced traffic congestion and conflicts, and enhanced local traffic circulation.

2. Identify, and develop bicycle routes through and around town that are safe, attractive, and user-friendly.

3. Identify suitable alternate north-south local "reliever" routes to Hwy 101.

4. Develop improved east-west street connections with neighborhood needs and the direction of commercial in mind.

5. Develop a functional classification plan for all streets in the City.

6. Identify short-term improvements at critical intersections and along street segments, to solve pressing current traffic safety and congestion problems. Consider temporary test trials.

Pedestrian Facilities

1. Develop a plan for improved pedestrian crossings of 101, including signal treatments, with some crosswalk relocation and development.

2. Develop criteria for further sidewalk development along the streets in the City, incorporating federal guidelines for the handicapped.

3. Develop an off-street pedestrian trail system, perhaps integrated with a bike trail system, to supplement on-street provisions.

Bicycle Facilities

1. Identify and develop a system of off-Hwy 101 bicycle routes through and around town that are safe, attractive and user-friendly. Sign the *Oregon Coast Bike Route*.

2. Modify and update the 1987 City Bicycle Master Plan to reflect the latest information on traffic volumes, travel patterns, and new development locations in the City.

3. Identify a strategy for the development of bicycle repair and storage facilities in convenient locations to encourage bicycle travel in the City.

4. Investigate the potential for hostel-type accommodations in conjunction with the *Oregon Coast Bike Route*.

Street Lighting

1.Develop criteria for identifying those street segments which warrant new or improved lighting.

2.Identify a strategy for jurisdictional responsibility for street lighting operations and maintenance.

Public Transit

1.Identify the feasibility of instituting public transit service in the City, addressing the needs of a varied market (general residents, elderly, handicapped, visitors, intercity travel, etc.)

2.Develop a basic framework for a transit system in the City (routes, service levels, ridership, and capital, operating, and maintenance costs).

3.Evaluate the appropriate role of the existing cab and senior citizens' bus service in handling future public transit needs.

Travel Demand Reduction

1.Investigate strategies for reducing vehicle trip-making in the City other than public transit--for example: carpool/vanpool incentives and flex-time applications.

Off-Street Parking Development

1.Refine the public off-street parking development plan along Hwy 101 through the City.

2.Develop improved beach access parking facilities in the City.

3.Identify a strategy for gradual and timely replacement of on-street parking along Hwy 101 associated with future roadway improvements.

Transportation Financing

1.Identify financial strategies and resources that will allow long-term financing of transportation improvements in the City.

2.Identify the appropriate roles of System Development Charges (SDCs) and Local Improvement Districts (LIDs) in transportation improvement financing.

3.Develop a Capital Improvement Program for Transportation needs that can be implemented with available funding sources.

Public Involvement

1.Develop a Transportation Master Plan that addresses general public issues and concerns related to transportation system development in the City.

2.Evaluate and adopt those strategies and policies which most closely reflect the community's views and needs, while accommodating the state's need to move traffic safely and efficiently through the community.

3.Appoint members to a Regional Task Force to study regional transportation issues: a) to identify problem areas, b) to evaluate mutually acceptable solutions, and c) to coordinate efforts to achieve them.

4.Monitor the impact and effectiveness of the Transportation Master Plan as it is implemented.

[Transportation Policies amended by Ordinance No. 95-07, adopted February 27, 1995]

ENERGY

Prior to the oil emergencies of the early 1970s, there was little awareness of possible energy shortages. Society had become accustomed to the unrestricted consumption of energy, however, there has recently been a realization that the world's energy sources are not finite and that there must be a conscious effort to conserve resources.

Through leadership, building practices, and the establishment of land development patterns, a city can influence the energy consumption of its citizens. The principal consumption of energy in the City is attributed to residential use. Without the implementation of conservation methods, the City's energy usage will double by the year 2000.

Through the lifetime of this Plan, the automobile will remain the primary tool for the movement of people. Gasoline supplies must be available to the local residents. In addition, sufficient supplies must be readily available to the tourist if we are to continue a tourist based economy.

CONCLUSION:

1.There is a need to conserve energy.

2.Residential and commercial users are the largest consumers of energy. Conservation can best be achieved by directing programs and practices toward those users.

3.The City can encourage energy conservation by establishing land use patterns which consider and reflect efficient use of lands.

4.There is a need to conserve gasoline to assure supplies to the residents of Lincoln City as well as the tourists.

Energy Goal

To conserve energy.

Energy Policies

1.The City shall maintain energy standards for buildings which will meet or exceed the Uniform Building Code.

2.The City shall consider ways to conserve energy to all public buildings and facilities.

3.The City shall actively explore alternative energy funding for local facilities such as federal and state grants.

4.The City shall encourage residents to utilize federal, state, and private energy conservation programs such as weatherization and home rehabilitation.

5.The City shall encourage the use of cluster development in multi-family and planned development in order to lower energy expense in site and building development.

6.The City shall review its ordinances to insure that the users of alternative energys [sic] do not have their access to energy sources restricted.

7.The City shall work with professionals and a citizens committee such as the Parks & Recreation Committee or Chamber of Commerce to develop an access plan which encourages alternatives to the automobile.

8.The City shall locate high-density development within walking distance of services and shopping areas.

9.The City shall review proposals for onshore and offshore location of major energy producing or storage facilities for consistency with this Comprehensive Plan.

OVERALL ENVIRONMENTAL

Lincoln City is located in an area of exceptional environmental quality. The City is bounded on the north by the Cascade Head Scenic Research area; on the south by Drift Creek, Schooner Creek and Siletz Bay; on the east by vast expanses of forest lands; and on the west by the Pacific Ocean.

These environments provide more than panoramic vistas, they give form and substance to our personal, social, and political lives. To degrade, one contributes not only to the destruction of the resource but also to ourselves. It is, therefore, our responsibility to act as stewards to our fragile environment not just to protect, but more important, to enhance the community in which we work and live; to think not only with our minds, but also with our hearts. The purpose of the following goals and policies are to achieve a balance between the need to use our environment and the need to protect and enhance the quality of life for the residents of the City. This section is divided into areas of specific environmental concerns. These are, air quality, water quality, land quality, coastal shorelands, estuarine resources, beaches and dunes, and ocean resources.

Overall Environmental Goal

To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environments of the City.

Overall Environmental Policies

Where the environmental impact of a proposal is significant, the City shall require the preparation of an environmental assessment. The assessment will be prepared in all developments which occur within coastal shorelands, floodplains, waterway shorelands, scenic corridors, scenic viewpoints, areas of sufficient historical or archaeological value and any development which is greater than five acres in size. The assessment will be prepared in accordance with the City's Environmental Impact Ordinance.

Air, Water, and Land Quality

Environmental problems associated with air, water, and land quality have been identified in the Lincoln City area.

The Department of Environmental Quality has not described any part of Lincoln County as being in an air shed of critical importance. Air quality problems which might arise are usually of short duration and of minor consequence. Air quality problems would be associated with construction, land preparation, forest slash burning, and vehicle emission. In any event, maritime winds quickly disperse most air pollutants which occur.

There are identified areas of water quality concern in the Lincoln City area. The areas identified are Devils Lake, Schooner Creek, and Drift Creek.

Devils Lake is an important asset to Lincoln City and the State of Oregon. The lake is presently experiencing an accelerated rate of eutrophication. The lake is surrounded by many residences which add to the continued nutrient enrichment will lead to the destruction of the lake for water uses. The need to protect the lake is one of the City's major goals.

In the 1978 assessment of D.E.Q., it was noted that along Schooner there is "moderate streambank erosion as far upstream as the most southerly junction of the two unnamed streams in Section 30 and in the unnamed stream paralleling the western edge of Section 26 (Map No. 1)."

Also an identified area of water quality problems was from the mouth of Drift Creek to Gordy Creek due to excessive debris, severe sedimentation and streambank erosion. Activities in these areas must be carefully monitored to assure continued water quality. There are sufficient areas of exceptional land value. These include wildlife areas, the Cascade Scenic Research Area, forest land and an eagle's nest in the Schooner Creek area.

Lincoln City recognizes that the collection and disposal of solid waste is a utility as important as the water or sewer utility. Improper disposal of solid waste has a major impact on land quality.

Lincoln City is presently serviced by a single franchised solid waste hauler who is responsible ofr collection and final disposal of all solid waste generated in the City.

In 1974, Lincoln County commissioned and then adopted a solid waste management plan prepared by UMA-NORTEC (plan referenced in Lincoln County's Plan Inventory).

In 1976, the County formed and funded by the passage of a $600,000 bond issue, a Special Service District to implement the UMA-NORTEC Plan.

CONCLUSION:

1.Sources of air contamination in the Lincoln City area are minimal, vehicular travel, and slash burning do contribute some pollution, however, these are disposed by maritime wind currents.

2.There is a need for streambank protection.

3.There is a need to reduce the amount of nutrients permitted to enter Devils Lake.

4.There is a need to improve the sewage treatment facility to prevent further degradation of Siletz Bay and Schooner Creek.

5.There is a need to explore alternatives to the Schooner Creek sewage outfall.

6.Existing solid waste plans and programs are adequate to minimize land degradation.

7.Wildlife areas such as stream spawning beds and the eagle's nest need to be preserved.

<u>Environmental Policies</u>

1.Lincoln City recognizes the authority and responsibility of the Oregon Department of Environmental Quality to manage the waste and process discharges of all existing and future development. Lincoln City shall require conformance with all applicable state and federal regulations regarding waste and process discharge prior to approval of any development.

2.Lincoln City shall refer development which is greater than 5 acres in size to the State Historical Preservation Office for review and comment.

3.To minimize wildlife habitat disruption, the removal of larger trees shall be minimized. In the subdivision of land, site preparation will not be allowed until final approval of all improvement plans has been granted by the Planning Commission or by the City Engineer acting on behalf of the Planning Commission. Reconnaissance surveys of the land including clearing to allow for accurate topographic determination, coring to permit geotechnical evaluation, and similar efforts, are not prohibited by this restriction. The "improvement plans" are the plans prepared for the construction of improvements such as streets, sanitary sewers, storm sewers, and water systems, but do not include the final subdivision plat." After final approval and following site preparation, excavated and disturbed areas must be re-vegetated immediately upon completion of the work.

4.The City shall explore methods for preservation of the area surrounding the eagle's nest.

5.Lincoln City will continue to work with the countywide Solid Waste District to implement the UMA-NORTEC Plan for solid waste disposal.

6.Lincoln City will encourage the search for alternate methods of collection and disposal of solid waste.

7.Lincoln City will, in noise sensitive areas such as schools, hospitals, wildlife habitats, discourage uses which generate noise levels that can be disruptive to activities associated with the areas.

8.Within the defined Lincoln City watershed and along all tributaries of that watershed, the City encourages only those forest activities which will insure the maintenance of high water quality standards.

9.Lincoln City shall develop programs to resolve conflicts between the preservation of sensitive wildlife habitats and conflicting uses.

10.Lincoln City shall develop programs to resolve conflicts between the preservation of scientifically and ecologically significant areas and conflicting uses, such programs shall be based on an analysis of the social, environmental, energy, and economic consequences of courses of action.

11. Lincoln City shall develop programs to resolve conflicts between the protection of historical and cultural sites and land use activities which would diminish their value.

SHORELAND, BEACHES, DUNES, ESTUARY & OCEAN RESOURCES

Lincoln City's single greatest natural resource is the Pacific Ocean. The ocean's scenic vista is the element which draws the tourists and provides the inspiration for the community's vigor.

Devils Lake, Siletz Bay and Estuary, Schooner Creek, and Drift Creek provides other important coastal shoreland resources. These shorelands are indicated on the Environmental Quality Inventory Map.

These areas contain either significant wildlife habitat, are of exceptional aesthetic quality, or have historical or archeological value. The shoreland area of the Siletz Bayfront is most suitable for existing tourist-related uses. Development activities in other parts of Siletz Bay and the Estuary are limited because of the bay's conservation classification.

Lincoln City, Devils Lake, Schooner Creek, and Drift Creek have historically been used as important recreational sites for Lincoln City. Lincoln City has seven miles of sandy beaches. The beaches are adjacent in most cases, to steep cliff formation. These cliffs are the source of material which eventually give form to the beach. The cliff areas are predominantly stable because of the extensive vegetation growth.

CONCLUSION:

1.There are special areas of Lincoln City which have exceptional visual, ecological, historical, and recreational value.

2.Devils Lake, Siletz Bay, and the ocean beaches offer important coastal resources.

3.Development in Siletz Bay is limited to the Taft Bayfront area.

4.Wind and wave action can endanger property, therefore, our activities along shorelands must be qualified by professional observations.

5.There is a need to study and understand the inter-relationship between ocean resources and land activities.

<u>Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Goal</u>

To conserve to protect and to enhance the coastal resources of the City.

<u>Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Policies</u>

1.All land within the 100-year floodplain; within 50' of streams, creeks, rivers, marshes; 200' of the shoreland of Devils Lake; 200' east and west of East Devils Lake Road; or between the ocean and the first street east of the ocean high water line, including Siletz Bay, shall be designated as coastal shorelands.

2.Riparian vegetation shall be protected and maintained, except in cases where removal of riparian vegetation is required for uses requiring direct water access. Temporary removal of riparian vegetation may be permitted subject to the approval of a permanent revegetation plan. To protect riparian vegetation and associated habitat, all structures and parking shall be set back 25 feet from the landward boundary of the riparian vegetation.

3.Dredged material disposal and mitigation sites identified in the Lincoln County Estuary Management Plan shall be used to meet dredged material disposal and mitigation needs for estuarine areas within the Lincoln City city limits. Use of alternative sites not identified in the Lincoln County Estuary Management Plan may also be allowed subject to approval by Lincoln City, the Division of State Lands and other state and federal resource agencies with permit authority for dredging and fill. Lincoln City shall evaluate any proposed alternative dredged material disposal and mitigation sites during its review of DSL/USACE permit applications for dredging and fill.

4.A classification of dune forms on which Lincoln City is built is contained in inventory material Sand Dune Map. The inventory material is from Beaches and Dunes of the Oregon Coast, O.L.C. & D.L., 1975 and Environmental Hazard Inventory, Coastal Lincoln County, RNKR Associates, 1977. The City is predominantly developed on older stabilized dune formations. Development has additionally occurred on older foredunes. Some beach and dune forms are identified as areas of critical environmental concern and as such are subject to provisions of Environmental and Shoreland goals and policies. In the Cutler City area, development has occurred on recently stabilized foredunes. The Cutler City area is protected by the Salishan Spit, and active foredune. Control of activities on the Spit is under the jurisdiction of Lincoln County. It is unlikely, given the extensive residential development and shoreline protection actively undertaken along the Spit, that breaching of the foredune would be allowed to occur.

In addition, extensive development occurring along the stabilized foredune in Cutler City will prevent the breaching of this area. In any case, it shall be the City's policy to restrict any attempt to breach any foredune area.

There are three isolated areas of open dune sand. These three areas are surrounded by residential or commercial development. Extensive sand mining has occurred in two of the areas. Protection of any of these dune areas for low intensive uses is prohibitive. However, the protecting of existing dune forms from further degradation, the City shall review construction and alteration activities in all identified beach and dune areas. Prior to any activity in a beach or dune area, a site specific geotechnical analysis must be prepared by a qualified engineer or qualified engineering geologist. The report shall consider the following in addition to all information necessary to meet the requirements of the Uniform Building Code.

a.The degree to which vegetation removal will occur. If vegetation is to be removed, a revegetation and enhancement plan must be submitted which outlines

revegetation activities to be as great or greater than than [sic] existing prior to disruption.

b.The type of proposed use and the adverse affect it might have on the site and the adjacent area. Adverse affects include those which could create a hazard to life, public and private property, and the natural environment.

c.The method(s) to be employed to protect the site and the surrounding area from adverse consequences created by the use.

d.The report will be prepared by the developer and any expense required for review and notification by the City shall be the responsibility of the applicant.

5.Development in beach and dune areas shall be permitted only if the geotechnical analysis can demonstrate that the development can be designed to minimize adverse environmental impacts on the site and on adjacent properties by providing protection from geologic hazards, wind erosion, and water erosion caused by ocean flooding and storm waves, and is consistent with the requirements of Shoreland Policies 4, 22, and 23.

6.Residential development and commercial and industrial buildings shall be prohibited on active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave over-topping, and deflation planes that are subject to ocean flooding. Other development in these areas shall be permitted only if the requirement of Policy 4 above are met, and if it is demonstrated that the proposed development: a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flood and storm waves, or is of minimal value; and b) is designed to minimize adverse environmental effects.

7.Breaching of foredunes shall be prohibited.

8.Lincoln City shall cooperate with the Oregon State Department of Fish & Wildlife to protect significant wildlife habitat in beach and dune areas where identified.

9.For shorelands identified in the inventory as major marshes, significant wildlife habitat, headlands, areas having exceptional aesthetic resources or historic and archeological sites, Lincoln City shall adopt land use designations and standards which are consistent with the protection of natural values.

10.No development will be allowed to use existing groundwater sources as a primary water source. Developments may use existing groundwater resources for limited irrigation, after securing all necessary permits from the Department of Environmental Quality and the Department of Water Resources, and the submission of findings prepared by a qualified engineer or qualified engineering geologist, that the irrigation will not cause groundwater drawdown to levels which would lead to loss of stabilizing vegetation or intrusion of salt water into the groundwater supply.

11. Devils Lake, which has historically been used as a recreational area for boating and fishing, shall be designated a marine waterway to ensure that it remain protected for water dependent uses.

12. Lincoln City shall continue enforcement of the standards of the Housing and Urban Development Flood Insurance Program.

13. Lincoln City shall rely on Lincoln County for management within the Siletz estuaries, including Schooner Creek and Drift Creek.

14. Lincoln City shall manage the shoreline development of Siletz Bay, Schooner Creek, and Drift Creek consistent with the adjacent estuarine management unit designation.

15. Development of community docking and pier facilities within estuaries shall be limited to the Taft area of Siletz Bay. The planning commission shall consider the following for any proposals:

a. The size and shape of docks shall be limited to the intended use.

b. Proposals shall be accompanied by alternatives considering various dock and pier designs, mooring buoys, dryland storage and launch ramps.

c. A finding shall be required that the use is consistent with the resource capability of the area and with the purpose of the estuarine management unit.

16. Lincoln City shall rely on the Division of State Lands Fill and Removal Permit program to monitor fill and removal activities of greater than 50 cubic yards within identified wetlands. The City shall also require that a permit be obtained prior to any work.

17. Lincoln City shall rely on Lincoln County and the State of Oregon to ensure that the Siletz sandspit protects the Bay area including Taft and the Cutler City areas of Lincoln City.

18. Ocean erosion control structures such as jetties, bulkheads, seawalls, rip-rap, and similar protective structures shall be designed to minimize impacts on water currents, erosion and accretion patterns consistent with ORS 390.605-390.770. The City shall consider sharing in the cost of ocean erosion control structures only if City property is concerned.

19. In addition to all City Plan and Ordinance requirements, the City shall rely on the Department of Transportation as stated in ORS 390.605-390.770 to monitor ocean erosion control structures and assure that City beaches are not degraded by such structures.

20.Where existing structures are threaten by ocean erosion, the City will encourage area-wide local improvement districts or other methods to coordinate protective measures and minimize cost.

21.The Planning Commission shall work with State and Federal agencies to study ocean resources development proposals. The Commission shall recommend appropriate actions to preserve valuable resources and minimize impacts.

22.Development activities of all types of identified beach and dune areas shall not occur unitl [sic] a review is completed by a qualified engineer or qualified engineering geologist. The review shall be submitted to the City in a written report and shall consider as a minimum, the following:

a.The type of proposed use and the adverse effects it might have on the site and the adjacent area. Adverse effects include those which could create a hazard to life, public and private property, and the natural environment.

b.The method(s) to be employed to protect the site and the surrounding area from adverse consequences created by the use.

c.The written report must be prepared by the developer and any expenses incurred by the City for review, shall be paid by the developer.

23.Shoreland protection projects shall not begin before a permit is obtained from the City. No permit shall be issued until the developer has supplied to the City, a plan prepared by a registered engineer or registered engineering geologist indicating the nature and scope of the proposed protective activity.

Non-structural means of erosion control which can be demonstrated to be effective shall be the first order of consideration in protecting shorelands. Structural devices shall only be considered when it is determined that non-structural means cannot be expected to protect property and when the impacts created by the structure, both environmentally and aesthetically can be minimized.

The development of shoreline protective structures shall be required to meet all requirements of the Environmental Quality Overlay Zone. Repair and minor betterment of existing protective structures shall be exempt from the requirements of this policy.

DEVELOPMENT CATEGORIES

The Plan provides for several categories of development patterns. These categories are intended to accommodate the residential, commercial, industrial, and environmental needs provided for in the Comprehensive Plan document. The City designation and the policies with regard to the specific districts are as follows:

1. Professional Campus District (P-C), is provided for the development of professional offices and institutions in a concentrated area. The area including the hospital and such related uses as doctor's clinics, pharmacies, nursing homes, and related uses are concentrated. The design and specific location of these districts will be reviewed by the Planning Commission with respect to their impact on the development of adjacent properties for residential uses.

2. Commercial-Recreation District (R-C), is provided for those commercial uses having a strong tourist orientation, such as motels, restaurants, recreational outlets, gift and souvenir shops. The purpose of the district is to encourage the development of certain areas having a quality resort character. To enhance their attractiveness, special attention will be paid to design and landscaping.

3. General-Commercial District (G-C), is provided to accommodate [a] wide range [of] retail commercial uses which attract shoppers from the community or the larger market area. The District runs along Highway 101. To create better Highway 101 visual quality, excellence in design and landscaping will be encouraged by the Planning Commission.

4. Planned Industrial District (P-I), is provided to accommodate the normal range as well as the more intensive and large scale commercial enterprises and "light" industrial uses. Emphasis will be placed on creating an attractive setting for business activity by regulating landscaping, site and building design, signing, and access to the highway.

5. Planned Development District (PUD), is provided to permit greater freedom of design within the existing designation of this Comprehensive Plan but shall accomplish the same general objectives. The purpose of the district is to allow filling in of difficult to develop sites within the City and Urban Growth Boundary. Densities within this district shall be that of the underlying plan designation.

6. A Low-Density Residential (R-10), with lot sizes ranging upward from 10,000 square feet. These areas are generally in the location either well removed from resort centers or are those currently not provided with City services. These areas also include land utilization for agriculture and silvaculture. In some areas not served by the City sewer system, the local topography and soil types will require larger lots.

7. A Medium-Density Residential District (R-7.5), in which the minimum lot size per dwelling unit is 7,500 square feet and the housing density is in [the] range of 4 to 5 dwelling units per acre. In areas not served by the sewer system, larger lots will be required.

8. A Single-Family Residential District (R-5), located along the ocean and lake fronts is to be composed primarily of single-family dwellings. This district is designed to provide neighborhoods of a quiet residential nature in which all structures have approximately the same height and bulk. The majority of the land in these areas is platted in lots of 5,000 square feet or less.

9. A High-Density Residential District (R-M), designed for the widest range of housing types at a high density. Such areas are located in locations having good access to major thoroughfares and to shopping facilities. Special land use regulations will insure adequate open space and off-street parking accommodations in order to avoid congestion and to provide an attractive environment. Professional offices and personal services are permitted at a scale and intensity of use that is compatible with any and all adjacent residential uses. Such facilities should not be extensive in areas, nor should they generate substantial amounts of pedestrian or vehicular traffic at any time.

~~10. Environmental Quality Overlay District (E-Q), the purpose of the Environmental Quality Overlay Zone is to recognize the value of several areas of exceptional environmental quality so that these areas can be protected for the maintenance of water quality, riparian vegetation, major marshes, exceptional aesthetic resources, historical and archeological sites, fish and wildlife habitat, economic resources, and recreational opportunities.~~ *(deleted by Ordinance 2000-11).*

10. Natural Resources Overlay Zone (NR), the purpose of the Natural Resource Overlay Zone (NR) is to protect, maintain, and, where possible, enhance those streams, lakes, major marshes, wetlands, bays, estuaries, riparian areas, fish and wildlife habitat-identified as significant natural resources in the Comprehensive Plan Natural Resources Inventory. These resources are of value to the ecological and economic well-being of the community as well as the community's natural beauty, and their protection contributes to a sustainable future for Lincoln City. Protection, maintenance, and enhancement of Lincoln City's natural resources will reduce adverse impacts from development on water quality and will reduce hazards to human life and property.

11. Open Space Zone (OS), is designed for the protection and preservation of open space for future generations. The Open Space Zone is intended to ensure that designated lands remain in their natural state, including reclaimed areas, by protecting such areas from development and preserving open space. Protecting sensitive natural areas is important for maintaining water quality in lakes and streams, preserving wildlife and sensitive plant communities and providing flood control. The secondary purpose includes uses such as passive recreational activities such as nature walks and educational activities.

12. Park Zone (P) is designed to provide areas suitable for the development and promotion of parks and recreational facilities.

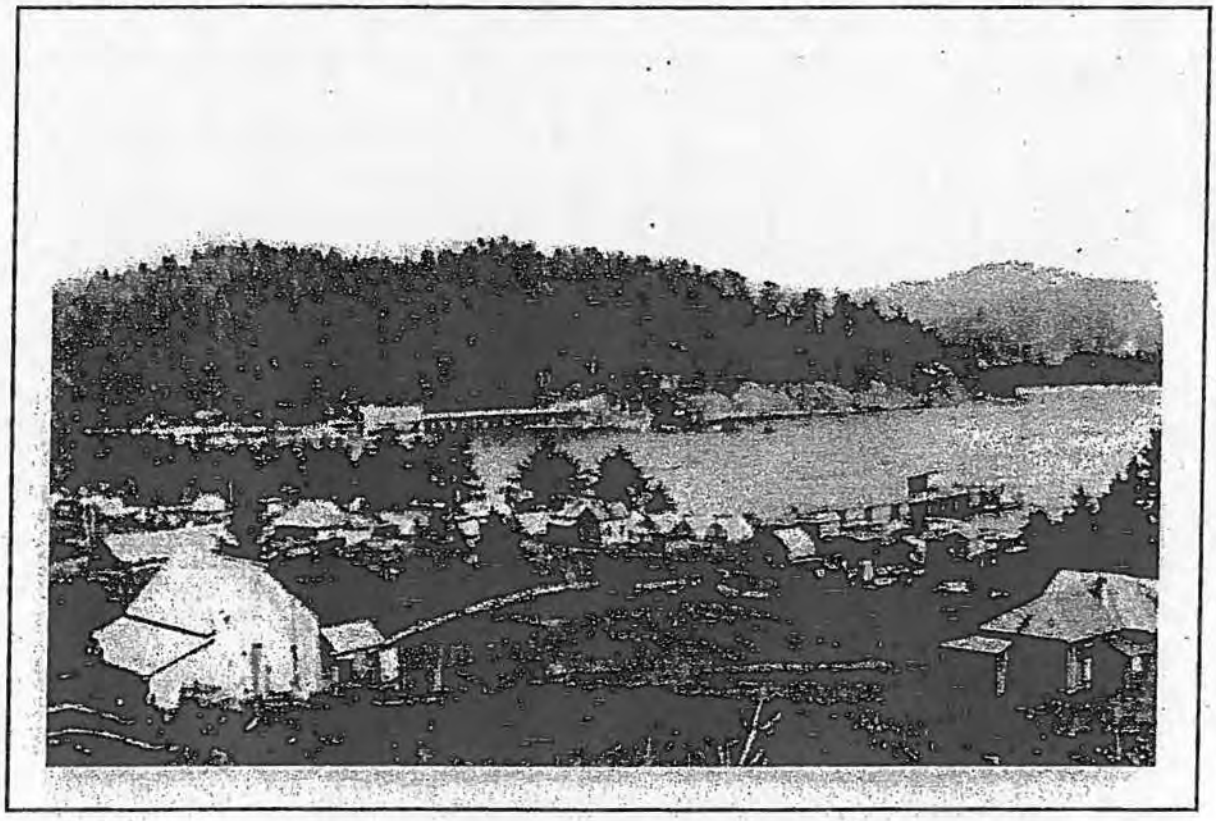
13. Taft Village Core District (TVC), is designed to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single and multi-family residences and combinations of the above in mixed use developments within a core area of the

village of Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of development that is different from the patterns found between Lincoln City's village nodes.

14. Oceanlake Plan District is provided for the integration of residential, commercial and recreational uses in a well-planned, mixed-use environment in the Oceanlake area. The district is intended to provide maximum flexibility in land use that combines predictability and efficiency in the land use approval process while striving for excellence in design.

15. Nelscott Plan District is provided for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed-use environment in the Nelscott area. The district is intended to provide maximum flexibility in land use that combines predictability and efficiency in the land use approval process while protecting the unique character of Nelscott.

Lincoln City
Estuary Management Plan



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ESTUARY MANAGEMENT PLAN

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[Note: For clarification purposes, staff has added headings and notes to the text of the *Estuary Management Plan*. These additions, which according to available records, were not part of the City Council's adoption of the *Estuary Management Plan* by Ordinance No. 84-01, are shown in [brackets].]

INTRODUCTION

The City recognizes that the Siletz Bay Estuary is primar[il]y located in Lincoln County. The control of activities within the estuary is vested predominantly with the County Planning Department. However, since adverse estuary activities can affect the City's planning efforts, the City does desire to share in the management responsibilities of the estuary. However, the City lacks technical personnel to monitor estuary activities. Therefore, in cooperation with Lincoln County, the City has adopted as a part of their Comprehensive Plan, "The Lincoln County Estuary Management Plan," 1982. The City has adopted those elements and section of the Plan which refer to or have control over activities in the Siletz Bay Estuary where the City exercises land use control.

Conclusion:

1. The Siletz Bay Estuary is located primarily in Lincoln County.

2. The City does wish to monitor land use activities in the estuary.

3. The City can best protect the estuary resources by adopting the County's plan and in particular, sections pertaining to Siletz Bay Estuary.

Goal:

To conserve to protect and to enhance the Siletz Bay Estuary.

Four major estuaries and two minor estuaries are within the jurisdiction of Lincoln County. Of the major estuaries, Salmon River, Siletz Bay and Alsea Bay are of primary importance as recreation areas, while Yaquina Bay is one of three major estuaries on the Oregon Coast with an authorized deep water navigation channel and major port. In many ways, the County's estuaries serve as a focal point for the local economy.

Each year an increasing number of demands are placed on the estuaries by and expanding economic base and growing population. The ability of the estuary to accommodate these demands remains constant or diminishes. The result is often conflict between the various groups that want to use the resources of the estuary and the agencies responsible for managing those resources.

The responsibility for making decisions about the use of the land and water resources of estuarine areas falls to a wide variety of local, state and federal agencies. Each agency that has some authority uses a plan or written guidelines to make management decisions. The cities and county have comprehensive plans; the Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency, Oregon Department of Fish and Wildlife, Oregon Division of State Lands and other state and federal agencies each have their own regulations. The result is that the process for making decisions and obtaining permits is confusing, uncertain and often frustrating for the individuals involved.

The development of the Estuary Management Plan has been brought about through the combined efforts of local government, concerned citizens, industry and state and federal agencies working within the framework of the Oregon Coastal Zone Management Program. The emphasis of this program is to resolve conflicts over use and development of coastal resources through the development of coordinated comprehensive plans. As an element of these coordinated comprehensive plans, the Estuary Management Plan represents an overall management scheme for the resources of the estuaries which reflects not only local interests, but also incorporates the concerns of affected state and federal agencies. The product of this coordinated process is that the plan has a certain "predictability". An individual, a local city or county legislative body, a state or federal agency will be able to use this plan with the assurance that the management scheme within the plan will have the concurrence of all agencies involved in finalizing a decision.

The final decisions contained in this plan often reflect considerable compromise made by all parties involved. While it was not possible to completely satisfy all participating interests, the concerns and viewpoints of all interests were thoroughly considered. A sincere effort was made to balance the sometimes conflicting needs to preserve dwindling natural resources and provide needed opportunities for economic growth and stability.

Content and Use of the Document

The Estuary Management Plan provides an overall, integrated management scheme for estuarine aquatic areas in Lincoln County. Lincoln County retains overall responsibility for development and coordination of the Estuary Management Plan for estuaries in the county except for Depoe Bay, which is wholly within the jurisdiction of the City of Depoe Bay. City comprehensive plans incorporate relevant portions of the Estuary Plan. Amendments to any element of the plan will be coordinated by Lincoln County with the affected cities, ports, State and Federal agencies.

The plan contains comprehensive provisions for guiding estuarine development and conservation activities, from broad overall policies to site specific implementing measures.

The planning and decision making framework of the estuary management plan is contained within a concept of descending levels of policies. The concept recognizes that one set of policies applied to the entire estuary cannot provide the kind of guidance to individual property owners nor government in making decisions on permitting uses and activities on specific sites. Yet to develop policies only at the site specific level fails to recognize the implications of those policies to the total estuary. Policies, therefore, must begin with the total estuary and end with site specific guidelines. Each level of policy and the size of the area to which those provisions apply is more specific than the preceding level.

In the Estuary Management Plan, three levels of policy are established:

Overall Management Policies

Overall estuary management policies are established for the entire county. These policies are very broad and general in nature and are designed to say, in essence, that "...this is how we expect to use the estuary..." and "...this is what we expect to achieve in using the estuary..."

Management Units

The third level of policy in the estuary management plan is the management unit. This is the most specific policy level and is designed to provide specific implementing provisions for individual project proposals. Each unit is given a management classification (defined in Part IV) of Natural, Conservation or Development. These classifications are based on the resource characteristics of the units as determined through an analysis of resource inventory information. The classification carries with it a general description of intent and a Management Objective. Each management unit objective is implemented by a Permitted Use Matrix which specifies which uses and activities are either permitted, conditional or not allowed in the unit. Many management units also contain a set of Special Policies that relate specifically to that individual unit.

In addition to the three basic policy levels, the estuary management plan also contains a number of other sections, each with a specialized role in guiding overall estuary management.

Estuarine Use Standards

This part of the plan has detailed development standards for 14 categories of uses and activities (structures, dredging, log handling, etc.). These standards will be applied to all new uses and activities within the estuaries as a part of the plan implementation process.

Restoration and Mitigation

This section includes a general description of restoration, its relation to mitigation as required by Oregon Law, and an overall policy concerning restoration. It also contains locations and brief descriptions of potential restoration sites and projects in the estuaries. Also included in this section is a general assessment of estuarine mitigation needs and an identification of sites to be protected in fulfilling the mitigation planning requirements of Goal 16.

Plan Implementation

This section of the plan provides the administrative procedures for implementing the plan's substantive requirements. It describes the procedures for review of individual development proposals and the application of plan standards to such proposals. Also included is a procedure describing how the local review procedures for estuarine development proposals will be integrated with existing state and federal permit processes.

Dredge Material Disposal Plan

The Lincoln County Dredged Material Disposal Plan is a companion document to the Estuary Management Plan. It describes the location and procedures for use of dredged material disposal sites. Dredging needs over the next 20 years were estimated and sites were located to handle the disposal of the material.

Resource Inventories

As part of Lincoln County's overall comprehensive plan, detailed resource inventories of the County's estuarine areas have been adopted. The information contained in the plan's management unit descriptions and resource capability assessments is based on factual base material drawn from these comprehensive resource inventories. The rationale for permitted use decisions and management classifications is contained in these brief factual base summaries; for detailed resource information and a bibliography of documents included in the inventory, the Lincoln County Comprehensive Plan Inventory should be consulted.

Overall Management Policies

1.Siletz Bay Estuary represents an economic resource of regional importance. The overall management of each estuary shall ensure adequate provision for development, consistent with the Overall Oregon Estuary Classification and according to the following general priorities (from highest to lowest):

a) Uses which maintain the integrity of the estuarine ecosystem.

b) Water dependent uses requiring an estuarine location.

c) Water related uses which do not degrade or reduce natural estuarine resources and values.

d) Non-dependent, non-related uses which do not alter, degrade or reduce estuarine resources or values and are compatible with existing and committed uses.

2.Siletz Bay Estuary supports a variety of vitally important natural resource values. The overall management of each estuary shall include adequate provision for both conservation and preservation of natural resources.

3.Lincoln County's estuaries represent a recreational resource of both local and statewide importance. Management of each estuary shall protect recreational values and ensure adequate public access to the estuary.

4.Dredge, fill or other reduction or degradation of natural values by man shall be allowed only:

a) If required for navigation or other water dependent uses that require an estuarine location; and

b) If a public need is demonstrated; and

c) If no alternative upland locations exist; and

d) If adverse impacts are minimized as much as possible.

5.Actions which would potentially alter the integrity of estuarine ecosystem shall be proceeded [sic] by a clear presentation of the impacts of the proposed alteration and a demonstration of the public's need and gain which warrant such modification or loss.

[MANAGEMENT CLASSIFICATIONS AND PERMITTED USE DEFINITIONS
Part IV of Lincoln County Estuary Management Plan (Excerpt)]

CLASSIFICATION SYSTEM

In order to maintain a diversity of values and resources, the estuary has been divided into management units. A management unit is a discrete geographic area defined by physical, biological and cultural characteristics within which certain management objectives and priorities are promoted or encouraged.

Each individual management unit is assigned a classification which defines a management objective and provides a general policy framework for the unit. The management unit classification system consists of three management classifications: Natural, Conservation, and Development. The classifications are defined below in terms of the general attributes and characteristics of geographic areas falling into each category. The management objective for each classification is also stated.

1. Natural Management Units. Natural management units are those areas which are needed to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological and evolutionary processes. Such areas shall include, at a minimum, all major tracts of salt marsh, tideflats, and seagrass and algae beds.

Permissible uses in natural areas shall be undeveloped low-intensity water-dependent recreation; research and educational observation, navigational aides, such as beacons and buoys; protection of habitat, nutrient, fish, wildlife and aesthetic resources, and passive restoration measures; and where consistent with the resource capabilities of the area and the purpose of this management unit, aquaculture; communication facilities; and active restoration measures.

MANAGEMENT OBJECTIVE: To preserve, protect and where appropriate enhance these areas for the resource and support values and functions they provide.

2. Conservation Management Units. Conservation management units shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary except of the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less biological importance than those in (1) above; and oyster and clam beds. Partially altered areas or estuarine areas adjacent to existing development of moderate intensity shall also be included in this classification unless otherwise needed for preservation or development consistent with the overall Oregon Estuary Classification.

While the general purpose and intent of the conservation classification is as described above, the application of this classification to specific areas may be adjusted by special policies applicable to individual management units in order to accommodate needs for natural preservation.

Permissible uses in conservation areas shall be those allowed in (1) above, active restoration measures; aquaculture; and communication facilities. Where consistent with resource capabilities of the area and the purposes of this management unit, high-intensity water-dependent recreation; maintenance dredging of exiting facilities; minor navigational improvement; mining and mineral extraction; water-dependent uses requiring occupation of water surface area by means of other than fill; and bridge crossings, shall be appropriate.

Permitted Use Definitions

In addition to the management unit classification, each management unit is more explicitly defined in terms of permitted uses and activities by means of a permitted use matrix. The matrix for each unit lists uses and activities and categorizes them as follows:

Permitted with Standards (P): Permitted as consistent with the management objective of the classification. Permitted uses must conform to the Estuarine Use Standards set forth in the plan and also to any policies specific to the individual management unit. Some permitted uses (most notably dredge and fill activities) must still be subjected to the resource capability test through the state and federal permit processes. For specific requirements see Part X, Plan Implementation.

Conditional (C): Permitted only after a case review of the proposed use and issuance of a local conditional use permit (in addition to relevant state and federal permits). A conditional use shall be permitted provided that:

a) It is compatible with the management objective and definition of the management classification.

b) It complies with the applicable Estuarine Use Standards set forth in this plan.

c) It complies with the management objectives and policies of the individual management unit.

d) It is consistent with the resource capabilities of the area.

e) The cumulative impacts of the proposed use have been considered.

Not Allowed (N): Not permitted. Activity or use can only be allowed upon adoption of a plan amendment by the governing body.

ESTUARINE USE STANDARDS
[Part V of Lincoln County Estuary Management Plan]

Estuarine Use Standards

The following standards will be applied to all new uses and activities in the Siletz Bay Estuary. All estuarine uses that involve dredging, fill, structures, shoreline stabilization (except vegetative) or other alteration waterward of Mean Higher Water or the line of non-aquatic vegetation are currently regulated either at the state level (State Removal/Fill Law, ORS 541.695), federal level (Section 10 or the Rivers and Harbors Act and Section 404 of the Clean Water Act) or both. Certain other uses such as energy facility siting, aquaculture, exploration for oil, gas, or geothermal energy are further regulated by additional state or federal permits. To minimize duplication of local, state, and federal permits, the estuarine use standards will be applied through local review of the appropriate state and/or federal permits. In addition to the standards set forth herein, all uses and activities must further comply with applicable state and federal regulations governing water quality, resource protection, and public health and safety.

Structures

Definition: Structures include all constructed, man-made facilities which extend into the estuary; fixed or floating.

Structures do not include log rafts or new land created from submerged or submersible lands (see fill). Structural types include:

Docks: A fixed or floating decked structure against which a boat may be berthed temporarily or indefinitely.

Pier: A structure extending into the water from solid land generally to afford passage for persons or goods to and from vessels, but sometimes to provide recreational access to the estuary.

Wharf: A structure built alongside a waterway for the purpose of receipt, discharge and storage of goods and merchandise from vessels.

Piling: A long, slender stake or structural element of steel, concrete or timber which is driven, jetted, or otherwise embedded into the bed of the estuary for the purpose of supporting a load.

Dolphin: A group of piles driven together and tied together so that the group is capable of withstanding lateral forces from vessels or other floating objects.

Jetty: An artificial barrier used to change littoral drift to protect inlet entrances from excessive sedimentation and to direct and confine the stream of tidal flow. Usually constructed at the mouth of a river or estuary to help deepen and stabilize a channel.

Groin: A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shoreline. Generally constructed of rock or other solid material.

Pile Dike: Flow control structures analogous to groins, but constructed from closely spaced piling connected by timbers.

Breakwater: An offshore barrier, sometimes connected to the shore at one or both ends to break the force of waves. Used to protect harbors and marinas, breakwaters may be constructed of rock, concrete, piling or may be floating structures.

1.The siting and design of all structures shall be chosen to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics and patterns of erosion and accretion.

2.Materials to be used for structures shall be clean and durable so as to allow long term stability and minimize maintenance. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.

3.The development of structures shall be evaluated to determine potential conflicts with established water uses (e.g., navigation, recreation, aquaculture, etc.). Such conflicts shall be minimized to the extent feasible.

4.Occupation of estuarine surface area by structures shall be limited to the minimum area practical to accomplish the proposed use.

5.Where feasible, breakwaters of the floating type shall be preferred over those of solid construction.

6.Floating structures shall not be permitted in area where they would regularly contact the bottom at low water (i.e. shall be located waterward of Mean Lower Low Water). Exceptions may be granted for structures of limited area which are necessary as part of an overall approved project where grounding would not have significant adverse impacts.

7.Individual single purpose docks and piers for recreational and residential uses shall be permitted only when it has been demonstrated that there are no practical alternatives (e.g., mooring, buoys, dry land storage etc.). Community facilities or other structures common to several uses are encouraged at appropriate locations.

8.Piers, docks and similar features for individual recreational or residential uses shall meet each of the following requirements:

a. No dock, pier or similar facility shall extend into any watercourse more than 25' beyond MLLW unless it can be demonstrated that additional extension is essential to accomplish the intended purpose of the structure.

b. No individual private recreational dock, pier or similar facility shall extend into any watercourse more than 5% of the width thereof (as measured perpendicular from MLLW on one side of the

watercourse to MLLW on the opposite side) unless it can be shown that additional extension is essential to accomplish the intended purpose of the structure.

9.Docks and similar facilities shall have the long dimension running parallel to the channel unless future development will result in pier construction or moorages being connected, necessitating facility design perpendicular to the channel.

Dredging

Definition: The removal of sediment or other material from the estuary usually for the purpose of deepening a channel, mooring basin or other navigation area.

1.All dredging in the estuary shall be conducted in such a manner so as to minimize:

a. Adverse short-term effects, such as pollutant release, dissolved oxygen depletion and disturbance of important biological communities.

b. Adverse long term effects such as loss of fish habitat and tidelands, loss of flushing capacity, destabilization of bottom sediments, and biologically harmful changes in circulation patterns.

c. Removal of material in wetland and productive shallow submerged lands.

2.Dredging shall be permitted only:

a. For navigation or navigational access; or

b. In conjunction with a permitted or conditionally permitted water dependent use; or

c. As part of an approved restoration project; or

d. For mining or mineral extraction as provided for in the Mining and Mineral Extraction Standards; or

e. For an approved public use, such as bridge crossings, submerged utility crossings, etc.

3.Local governments shall rely on the Division of State Lands to administer the provisions of ORS Ch. 541 requiring the mitigation of adverse impacts of dredging in intertidal and tidal marsh areas.

Shoreline Stabilization

Definition: The stabilization or protection from erosion of the banks of the estuary by vegetative or structural (rip rap or bulkheads) means.

1.Shoreline stabilization procedures shall be confined to those area where:

a. Active erosion is occurring which threatens existing uses or structures; or

b. New development or re-development of water dependent or water related uses requires protection for maintaining the integrity of upland structures or facilities.

2.The following, in order, are the preferred methods of shoreline stabilization:

a. Vegetative or other non structural

b. Vegetated rip rap

c. Unvegetated rip rap

d. Bulkheads

Structural shoreline stabilization methods shall be permitted only where a higher priority method is not feasible.

3.Materials to be used must be clean and of a non-erodable quality that will allow long term stability and minimize maintenance. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.

4.Minor modification of the bankline profile may be permitted on a case-by-case basis. These alterations shall [be for] the purpose of gaining additional upland area.

5.Shoreline stabilization structures shall be designed and located so as to minimize adverse impacts on aquatic life and habitat, circulation and flushing characteristics, and patterns of erosion and accretion.

6.The use of bulkheads shall be limited to "development" and "conservation" management units.

Fill

Definition: Placement of material in the estuary to create new shoreland area.

1.Fill shall be permitted only in conjunction with a water dependent use which requires an estuarine location and for which no feasible alternatives (e.g. construction on piling) or upland locations exist.

2.All fill projects shall be designed and place[d] so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.

3.Fill materials which could create water quality problems or which will rapidly deteriorate are not permitted.

4.When available from an authorized dredging project, dredged materials shall be preferred over upland materials for approved fill projects.

5.As an integral part of the fill process, new fills placed in the estuary shall be protected by approved methods of bank stabilization to prevent erosion.

6.Local governments shall rely on the Division of State Lands to administer the provisions of ORS Ch. 541 requiring the mitigation of adverse impacts of filling in intertidal or tidal marsh areas.

7.In the design of fill projects, provisions of public access to the estuary shall be encouraged to the extent compatible with the proposed use.

<u>Marina and Port Facilities</u>

Definitions:
Marina: A small harbor, boat basin or moorage dockage for recreational craft.

Port Facilities: Facilities which accommodate and support commercial fishery and navigation activities, including terminals and boat basins and moorage for commercial vessels, barges and oceangoing ships.

1.All structures, fills, dredging or shoreline stabilization measures undertaken in conjunction with marina or port facility development must comply with applicable standards set forth in this plan.

2.Provision must be made in the design of marina and port facilities to ensure adequate flushing for the maintenance of water quality.

3.Open moorage shall be preferred over covered or enclosed moorage except for repair or construction facilities.

4.Multi-purpose and cooperative use of moorage, parking, cargo handling and storage facilities shall be encouraged.

5.In the development of new port marina facilities, maximum feasible public access shall be encouraged, consistent with security and safety requirements.

Aquaculture

Definition: The raising, feeding, planting and harvesting of fish, shellfish or marine plants, including facilities necessary to engage in the use.

1.All structures located in conjunction with aquaculture operations shall be subject to the standards set forth in this plan for structures.

2.Water diversion structures or man-made spawning channels shall be constructed so as to maintain minimum required stream flows for aquatic life in the adjacent streams.

3.The potential impacts of introducing a new fish or shellfish species (or race within a species) shall be carefully evaluated in light of existing aquatic life and potential fish and shellfish production in the stream, estuary and ocean.

4.Aquaculture facilities shall be located far enough from any sanitary sewer outfalls to prevent any potential health hazard.

Mineral and Aggregate Extraction

Definition: The removal for economic use of minerals, petroleum resources, sand, gravel or other materials from the estuary.

1.All mineral and aggregate removal projects shall be conducted in such a manner so as to minimize:

a. Adverse short term effects such as pollutant release, dissolved oxygen depletion, excessive turbidity, and disturbance of important biological communities.

b. Adverse long term effects such as loss [of] habitat and tidelands, loss of flushing capacity, destabilization of bottom sediments and biologically harmful changes in circulation patterns.

2.Removal of aggregate materials from the estuary shall be allowed only after a clear demonstration that comparable materials are not available from local upland sources.

3.Unless part of an approved fill project, spoils and stockpiles shall be placed beyond the reach of high water and in such a manner that sediment will not enter or return to the waterway.

4.Riparian vegetation shall be retained to the optimum degree possible. Disturbed shoreline areas shall be revegetated.

Dikes

Definition: An earthen embankment or ridge constructed to restrain high waters. New diking is placement of dikes on an area which (1) has never been previously diked; or (2) has previously been diked but all or a substantial part of the area is presently subject to tidal inundation and tidal marsh has been re-established.

1.Existing functional dikes and tide gates may be maintained and repaired as necessary to fulfill their original purpose.

2.New dikes or expanded dikes in estuarine areas shall be allowed only:

a. As part of an approved fill project; subject to the standards for fill; and

b. If appropriate mitigation is undertaken in accordance with relevant state standards.

3.Dikes constructed to retain fill materials shall be considered fill and are subject to standards for fill.

4.The outside face of new dikes shall be protected by approved shoreline stabilization procedures.

Outfalls

Definition: An outlet through which materials are discharged into the estuary. Outfalls include sanitary (sewer) discharges, storm drainage facilities and industrial waste discharges.

1.As applicable, the standards for dredging, shoreline stabilization and placement of structures as set forth in this plan must be complied with in the installation of outfalls.

2.Outfalls shall not be allowed in poorly flushed areas of the estuary, unless all state and federal water quality standards can be met.

Submerged Crossings

Definition: Power, telephone, water, sewer, gas or other transmission lines which are constructed across the estuary, usually by embedding into the bottom of the estuary.

1.Trenching or other bottom disturbance undertaken in conjunction with installation of a submerged crossing shall conform to the standards for dredging as set forth in this plan.

2.Submerged crossing shall be designed and located so as to eliminate interference with present or future navigational activities.

3.Submerged crossing shall be designed and located so as to ensure sufficient burial or water depth to avoid damage to the crossing.

Restoration

Definition: Replacing or restoring original attributes or amenities such as natural biological productivity or cultural and aesthetic resources which have been diminished or lost by past alterations or activities. Active restoration involves the use of specific remedial action such as removing dikes, installing water treatment facilities, etc. Passive restoration is the use of natural processes, sequences or timing to bring about restoration after the removal or reduction of adverse stresses.

1.Restoration in areas designated for development shall be undertaken only if it is likely that the project will not conflict with or be destroyed by existing subsequent development.

2.All restoration projects shall be designed so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.

Excavation

Definition: Excavation of shorelands to create new estuarine surface area directly connected to other estuarine waters.

1.Creation of new estuarine surface area shall be allowed only for navigation, other water dependent use, or restoration.

2.All excavation projects shall be designed and located so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.

3.Excavation of as much as is practical of the new water body shall be completed before it is connected to the estuary.

4.In the design of excavation projects, provision of public access to the estuary shall be encouraged to the extent compatible with the proposed use.

Dredged Material Disposal

Definition: The deposition of dredged material in estuarine areas or shorelands.

1.Disposal of dredged materials should occur on the smallest possible land area in order to minimize the quantity of land that is disturbed. Clearing of land should occur in stages on an as needed basis.

2.Dikes surrounding disposal sites shall be well constructed and large enough to encourage proper "ponding" and to prevent the return of suspended sediments into the estuary.

3.The timing of disposal activities shall be coordinated with the Department of Environmental Quality and the Department of Fish and Wildlife to ensure adequate protection of biologically important

elements such as fish runs, spawning activity, etc. In general, disposal should occur during periods of adequate river flow to aid flushing of suspended sediments.

4.Disposal sites which will receive materials with toxic characteristics shall be designed to include secondary cells in order to achieve good quality effluent. Discharge from the sites should be monitored to ensure adequate cell structures have been constructed and are functioning properly.

5.Revegetation or other stabilization of disposal sites shall occur as soon as is practicable in order to stabilize the site and retard wind erosion.

6.Outfalls from dredged material disposal sites shall be located and designed so as to minimize adverse impacts on aquatic life habitats and water quality.

7.General priorities for dredged material disposal sites shall be (in order of preference):

a. Upland or approved fill project sites

b. Approved offshore disposal sites

c. Aquatic areas

The Lincoln County Dredge Material Disposal Plan should be consulted for information concerning specific disposal sites and further policy recommendations.

Water Handling of Logs

Definition: Water handling of logs is the combined process of log dumping, storage, transportation, millside handling and takeout as logs are placed into the water and moved to a final processing site.

1.Water handling of logs shall be conducted in such a manner to insure that violations of water quality standards do not result from such activities.

2.New free fall log dumps shall not be permitted. All new log dumps and shipside unloading shall employ easy letdown devices.

3.The inventory of logs in the estuary for any purpose shall be the lowest practical number for the shortest practical time considering log availability and market conditions.

4.The inventory of logs in areas where grounding will occur shall be the lowest practical number for the shortest practical time considering log availability, [and] market conditions.

5.Best practical bark and wood debris control, collection and disposal methods shall be employed at log dumps, shipside unloading areas, raft building areas and millside handling and takeout areas.

[MANAGEMENT UNITS
Part VI of Lincoln County Estuary Management Plan (Excerpt)]

MANAGEMENT UNIT 1 - SILETZ

Description

Management Unit 1 includes the intertidal area north of the mouth of Schooner Creek, and all of the subtidal main channel from the mouth up to the old Highway 101 bridge crossing at Kernville. This is a predominantly subtidal area (with the exception of the intertidal sand area adjacent to the shoreline at Taft). Major uses in this unit include shallow draft recreational boating and sport angling. Piers, docks and boat launching facilities are located at Taft and on the spit at Salishan. A small marina is located at Kernville.

Classification: Conservation

This is a partially altered area and is designated conservation in order to provide for water dependent uses requiring minor alterations.

Resource Capability

Management unit 1 is divided between the marine and bay subsystems as described in the ODFW report Natural Resources of Siletz Estuary. The Taft shoreline area is within the marine subsystem. Management recommendations for this area indicate that the area could sustain moderate development activities (i.e. those not involving major intertidal dredge and fill or excessive occupation of surface area). Likewise, the intertidal shore area near Kernville is described by the report as "highly altered" and capable of accommodating additional recreational development.

Management Objective

Management unit 1 shall be managed to provide for water dependent recreational opportunities and facilities, consistent with the conservation of natural resources.

Special Policies

1. Bridge crossing construction will be permitted only for expansion or replacement of the existing crossings at Schooner Creek and Kernville.

MANAGEMENT UNIT 2 - SILETZ

Description

Management unit 2 includes Schooner Creek from the Highway 101 crossing up to the head of tide. This is a small tidal creek with some small tracts of high marsh and intertidal sand area in the lower portion. Uses in this unit include sport angling and some minor recreational boating activity. The City of Lincoln

City sewage treatment plant and outfall are located within this unit. Some minor alterations are present in the form of a bridge crossing and shoreline rip-rap.

Classification: Conservation

This is an area of less biological importance than units 3 and 5, and is designated conservation to allow for minor alterations in conjunction with recreational or public uses.

Resource Capability

The unit is identified as the Schooner Creek riverine subsystem in the ODFW natural resource report. The lower portions of the unit exhibit characteristics of a marine influenced environment, with some minor algal beds near the mouth, and sand shore and low sedge marshes above. The upper portions of the unit above the sewage treatment plant are typically riverine in character. The low marshes and aquatic beds near the mouth are sensitive areas and should be protected from major disturbances. According to the ODFW's management recommendations "a boat ramp or a few public docks" would be consistent with resource capabilities in this area.

Management Objective

Management unit 2 shall be managed for low-intensity uses which require only minor alterations.

Special Policies

1. Bridge crossing construction will be permitted only for replacement or expansion of the existing crossings.

MANAGEMENT UNIT 3 - SILETZ
Description

Management unit 3 consists of all of the intertidal and tidal marsh area along the east shore of the estuary from the mouth of Schooner Creek south to the upland area at Kernville. This management unit contains a number of resource characteristics of major significance, including major tracts of tide flats, salt marsh and seagrass and algal beds. The area between Cutler City and Kernville known as Snag Alley, is an important waterfowl habitat. Uses in this unit are limited to some shallow draft recreational boating and other recreational uses such as hunting and angling. Alterations in the unit area limited to one small fill at Cutler City and several areas of rip-rapped shorelines.

Classification: Natural

This unit includes major tracts to tideflats and tidal marsh and is classified natural to protect important resource values.

Resource Capability

This unit is a portion of the bay subsystem of the Siletz estuary. This area contains the greatest diversity of habitats, including a large portion of the estuary's marsh and intertidal flat habitats. Due to the importance of this are to productivity of the estuarine system, alterations should be minimized. Those alterations proposed should be reviewed for consistency with the resource capabilities of this area, particularly the area's values for primary productivity.

Management Objective

Management unit 3 shall be managed to preserve and protect natural resources and values.

Special Policies

1. Bridge crossing construction will be permitted only for maintenance or replacement of the existing crossing at Drift Creek.

MITIGATION AND RESTORATION
[Part VII of Lincoln County Estuary Management Plan (Excerpt)]

Lincoln County estuaries have been substantially altered over the past century to provide for navigation, shoreline development and agriculture. Upriver watershed activities have also contributed significantly to changes in the natural functioning of the estuaries. While it is not possible or desirable to return the estuaries to their pre-nineteenth century condition, restoration of certain habitat and cultural values is an important estuary management objective.

Necessary new development projects in estuarine areas will have some adverse environmental impacts, regardless of how carefully the projects are designed and planned. The adverse effects of such development can be compensated for (or mitigated) by the creation, restoration or enhancement of other estuarine areas.

RELATIONSHIP OF RESTORATION AND MITIGATION

Restoration refers to restoring prior or original attributes of the estuary that were lost as a result of past alterations. Examples of restoration projects include removing fills; marsh creation; shoreland vegetation planting to control erosion and re-establish riparian zones, breaching dikes to restore or improve tidal flushing; and dredging and construction measures to re-establish former depths, shoreline configurations and flushing and circulation patterns.

Mitigation refers specifically to offsetting or compensating for adverse impacts of proposed dredging and filling through creation, restoration and enhancement of estuarine areas.

Restoration and mitigation are connected in that certain restoration activities can serve as mitigation for adverse impacts of development. For example, restoration of an abandoned diked marsh to full aquatic production by removing or breaching the dike would generally be acceptable mitigation for filling a tidal marsh in some other area for water dependent development.

Statewide Planning Goal 16 has explicit requirements concerning mitigation. Implementation requirement 4 states:

"Adverse impacts to estuarine resources from dredge or fill activities permitted in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of an estuarine area(s). The objective shall be to improve or maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, unique features and water quality."

The Oregon Removal-Fill Law (ORS 541.605-541.695) provides the Division of State Lands (DSL) with the authority to require mitigation for dredging or filling waters of the state. For estuarine areas, DSL must require mitigation for alteration of intertidal and tidal marsh areas as outlined in Goal 16. DSL may also require mitigation for alteration of productive sub-tidal areas. Certain activities which have negligible adverse impacts can be exempted from the mitigation requirement. DSL coordinates its permit issuance and mitigation requirements with affected local, state and federal agencies.

Overall Restoration Policy

All restoration projects should serve to revitalize, return, replace or otherwise improve estuarine ecosystem characteristics.

Examples include restoration of natural biological productivity, fish or wildlife habitat or other natural characteristics or resources which have been diminished or lost by past alterations, activities or catastrophic events. In selecting projects, priority should be given to those projects which provide substantial public benefits and which restore habitat types, resources or values which are in shortest supply as compared to past abundance. Particular emphasis should be given to aquatic and riparian habitat restoration.

[RESTORATION NEEDS]

Siletz Bay

Siletz Bay has been substantially altered by landfills and diking primarily around the Kernville-Millport Slough area. Only a little more than two acres of tidelands have been filled, but substantical [sic] areas of tidal marsh have been both filled and diked. As is the case with most Lincoln County estuaries, both the major resource losses and the primary opportunities for restoration involve tidal marsh.

MITIGATION

The mitigation provisions of Goal 16 require that appropriate sites be designated to meet anticipated needs for mitigation. These sites are to be protected from uses which would pre-empt their availability for restoration or enhancement activities. Mitigation sites have been selected from among the restoration sites identified in the preceding discussion. All of these sites have been evaluated as potential mitigation sites based on the following criteria:

1.Biological Potential. Sites have been evaluated in terms of their similarity of habitat or potential to areas likely to be altered or destroyed by future development activities; or, alternatively, sites were chosen which may provide resources which are in greatest scarcity compared to their past abundance or distribution. This evaluation has been based on an analysis of each site relative to a general assessment of probable forseeable [sic] mitigation needs in each estuary, as well as past alterations or losses.

2.Engineering or Other Technical Constraints. Sites have been evaluated in terms of the type and magnitude of technical limitations which need to be overcome to accomplish restoration or enhancement. Sites with fewer constraints were considered more appropriate for use as mitigation sites.

[MITIGATION NEEDS AND SITES]

Siletz Bay

The overall management plan for Siletz Bay does not provide for major dredge or fill activities. Any intertidal dredge or fill activities would be minor in nature and would likely occur in the narrow intertidal shore areas at Taft, Kernville or at sites further upriver. Tidal marshes are in protective designations and no dredge or fill activities will take place in these area.

There are no known opportunities for restoration or enhancement of intertidal flat or shore habitats in Siletz Bay. Because of past alterations and relative scarcity of tidal marsh, mitigation actions to restore or enhance marsh areas are desirable. Given the limited extent of dredge and fill activities contemplated in Siletz Bay, it is felt that the following site provides more than adequate opportunity for mitigation of expected adverse impacts.

Site	Location	Protective Mechanism
Millport Slough Zone (restoration #3) (wetland area)	8-11-10 t.l. 802, 601, 500, 701, 602, 700, 600	C-S Overlay

[LOG STORAGE AND TRANSPORTATION
Part VIII of Lincoln County Estuary Management Plan

NOT PART OF LINCOLN CITY ESTUARY MANAGEMENT PLAN]

[FUTURE DEVELOPMENT SITES
Part IX of Lincoln County Estuary Management Plan

NOT PART OF LINCOLN CITY ESTUARY MANAGEMENT PLAN]

PLAN IMPLEMENTATION
Part X [of Lincoln County Estuary Management Plan]

The Lincoln County Estuary Management Plan will be implemented at the local level by the various units of local government with comprehensive planning and zoning responsibilities. The management plan will become an element of the applicable local comprehensive plans, and through these plans it will be incorporated into the Oregon Coastal Management Program.

For certain requirements of Statewide Planning Goal 16, no explicit implementing measures or standards are included in the management plan. Local governments will rely on certain state and federal regulatory authorities and programs to meet these requirements. (These programs and the goal requirements they fulfill are described in the following section on State and Federal Agency Coordination). However, it should be noted that the administration of this plan and all implementing measures contained herein (e.g. application of use standards, conditional use criteria, etc.) is the responsibility of the appropriate local jurisdiction.

LOCAL REVIEW PROCEDURE

Permitted Uses

For uses and/or activities which are "Permitted with Standards" (i.e. those activities or uses which are designated "P" in the appropriate permitted use matrix) no local permit is required. These uses and activities will be reviewed by the local jurisdiction for consistency with applicable Estuarine Use Standards through the Division of State Lands public notice process. The procedure will be as follows:

1. Upon receipt of the Public Notice, the Planning Department shall review the proposed use or activity for consistency with applicable Estuarine Use Standards set forth in Part V of the Lincoln County Estuary Management Plan.

2. If the Planning Department finds that the proposed use or activity is consistent with all applicable Estuarine Use Standards, the department shall notify the Division of State Lands to that effect prior to the expiration of the Public Notice. As a part of this review process the Planning Department shall impose any conditions or restrictions necessary to ensure compliance with applicable Estuarine Use Standards.

3. If the Planning Department finds that the proposed use or activity is inconsistent with any applicable Estuarine Use Standard, the department shall notify both the Division of State Lands and the applicant prior to the expiration date of the Public Notice. This notification shall cite the standard(s) which has not been met and state with particularity the reasons for the inconsistency.

4. If the information contained in the Public Notice is not sufficient for the Planning Department to reach a decision on the consistency of the proposed use or activity, the department shall notify the applicant to that effect prior to the expiration date of the Public Notice. This notification shall cite the standards(s) needing to be addressed and state with particularity the information needed to arrive at a decision.

5.Any finding of consistency made through this review process may be subject to revocation by the Planning Department if it is ascertained that the application included any false information or if it develops that and conditions of approval have not been complied with or are not being maintained.

6.Any decision made by the Planning Department through this review process may be appealed in accordance with the provisions of article 10 of the Lincoln County Zoning Ordinance #34, as amended.

Conditional Uses

Uses and/or activities which are "conditional" (i.e. those uses or activities which are designated "C" in the appropriate permitted use matrix) may be permitted upon authorization by the Planning Department or Planning Commission in accordance with the standards and procedures set forth in Section 3.120 and Article 6 or the Lincoln City Zoning Ordinance.

In addition to conformance with the procedures and standards of Section 3.120 and Article 6, conditional use authorization shall require the following findings:

1.That the use or activity is compatible with the management objection [sic] and policies of the management classification.

2.That the use or activity compiles with all applicable Estuarine Use Standards as set forth in Part V of the Lincoln County Estuary Management Plan.

3.That the use or activity compiles with all the management objective and special policies of the individual management unit.

4.That the use or activity is consistent with the resource capabilities of the management unit.

5.That the cumulative impacts of the proposed use or activity have been considered.

Application of Standards

The Estuarine Use Standards set forth in Part V of the Estuary Management Plan and the conditional use requirements set forth in Part IV of the Estuary Management Plan are to be applied to estuarine developments on a case by case basis by the appropriate local governing body (i.e. city or county), through the review processes described above.

The specific nature and circumstances of a proposal will be measured against each applicable standard or criterion. Findings of fact will be developed relative to compliance with each applicable standard or criterion, based on an analysis of the proposal. The Planning Department may require an applicant to provide such information and technical analysis as may be needed to determine compliance with any and all applicable standards, including but not limited to the following:

1.Effects on physical characteristics such as: flushing and circulation; erosion and accretion patterns; salinity, temperature and dissolved oxygen characteristics.

2.Effects on biological characteristics such as: benthic habitats and communities; anadromous fish migration routes; fish and shellfish spawning and rearing areas, primary productivity; resting; feeding and nesting areas for migrating and resident shorebirds; wading birds and other wildfowl; riparian vegetation; wildlife habitat.

3.Effects on other established uses in the area.

4.Alternative project designs and/or locations which have been considered.

5.Steps which have been taken to minimize or avoid adverse impacts.

In the process of gathering necessary factual information for the application of standards, the planning department may consult with any agency or individual able to provide relevant technical expertise.

STATE AND FEDERAL AGENCY COORDINATION

As described above, the Lincoln County Estuary Management Plan is designed to provide for the review of proposed uses and the application of performance standards in conjunction with the Division of State Lands waterway project permit review procedure (which in turn is integrated into the Corps of Engineers Section 10 and Section 404 review procedures).

Through this process, all state and federal resource agencies which participate in the review of waterway permits will be apprised of actions taken and findings made under the provisions of the management plan.

Similarly, local governments will be able to take advantage of the resource agencies' participation in this process for acquiring technical information and assessments relative to the review of waterway projects.

Reliance on State and Federal Standards. In order to streamline the permit process and avoid unnecessary duplication in the review of estuarine development proposals, the management plan will rely on the requirements of certain state and federal agency programs and requirements to provide specific implementing measures for certain Goal 16 requirements. The goal requirements and the programs being relied on to fulfill them are as follows:

(Note: The major programs and agency responsibilities affecting estuarine development are listed, and described following this section.)

Goal Requirement	Agency Program(s) Relied On*
A. Provide findings that dredge, fill or other degradation is only allowed upon demonstration of public need.	Corps of Engineers, Section 10 (33 CFR 320.4) Division of State Lands, Fill & Removal Law (ORS 541.625(2) a-e).
B. Provide findings that, where permitted, structural bank stabilization or dredging activities in conjunction with aquaculture, public facilities, and/or active restoration measures are consistent with the resource capabilities of a "Natural" management unit.*	Corps of Engineers, Section 10 (22 CFR 322.5)
C. Provide findings that, where permitted, fill, structural bank stabilization or dredging activities in conjunction with marinas, minor navigational improvements, mining and mineral extraction, bridge crossings, and water dependent uses requiring occupation of surface area by means other than fill are consistent with the resource capabilities of a "Conservation" management unit.*	Corps of Engineers, Section 10 (22 CFR 322.5)
D. Provide findings that, where allowed, fill, bank stabilization or dredging activities in conjunction with mining extraction, public facilities, bridge crossings, research and education observations or protection of habitat and other natural values are consistent with resource capabilities of "Development" management unit.	Corps of Engineers, Section 10 (22 CFR 322.5)
E. Clearly present the impacts of a proposed alteration to the estuary with a demonstration of the public's need and gain which warrant the modification or loss.	Corps of Engineers, Section 10 (33 CFR 320.4)
F. Provide findings that the proliferation of single purpose docks and piers is being restricted by encouraging community facilities and considering other alternatives.	Corps of Engineers, Section 10 (33 CFR 320.4)
G. Require mitigation for dredge or fill in tidal marsh or intertidal areas.	Division of State Lands Fill & Removal Law (ORS 541.626)
H. Maintain water quality and minimize man-induced sedimentation.	Department of Forestry, Oregon Forest Practices Act and Administrative Rules, (ORS 527.610-527.730) Various programs of the Soil and Water Conservation Commission, the local Soil & Water Conservation District and the Soil Conservation Service Department of Environmental Quality, Section 208 of the

Clean Water Act as amended in 1972 (PL 92-500)

Division of State Lands, Fill and Removal Law (ORS 541.605-541.665)

*In the event that these State or Federal regulations change so as to no longer satisfy these goal requirements, equivalent implementary [sic] measures will be required. Plan policies moderate compliance with Goal 16 implementation provisions; appropriate implementing standards must be referenced and/or developed as part of the plan to maintain conformance with plan policies.

Federal and State Agency Programs and Responsibilities

The following lists the major state and federal agency programs which relate to estuarine development activities. The specific program provisions which will be relied upon to meet Goal 16 requirements are cited and the relevant standards from each are briefly described. Also included in the listing are those agency programs which, while not specifically relied upon to meet goal requirements, may generate technical information useful to local government in evaluating estuarine development proposals.

1. CORPS (40 CFR 230.4-1) Disposal of Dredged or Fill Material

a. Testing water column effects;

b. Testing effects on benthos;

c. Evaluation exemption;

1) If naturally occurring sediment larger than silt;

2) Beach nourishment;

3) Discharge is substantially same as disposal site substrate.

2. CORPS (40 CFR 230.4-2) Disposal of Dredged or Fill Material

a. Corps prohibits discharge when it would cause a violation of such appropriate standards at the perimeter of the disposal site after consideration of the mixing zone.

3. CORPS (40 CFR 230.5) Disposal of Dredged or Fill Material

a. The permitting authority should use the following, in sequence, for evaluating whether a particular discharge should be allowed:

1) Minimize adverse impacts through evaluation in 230.10 and 230.11 below;

2) Use general permit if applicable and all conditions are met;

3) Examine practicable alternatives;

4) Delineate candidate disposal sites consistent with the criteria and evaluation in 230.11 below;

5) Evaluate the various physical and chemical components;

6) Identify and evaluate any special or critical characteristics of a candidate disposal site and surrounding areas which might be affected by use of such site, related to their living communities or human uses;

7) Evaluate chemical contamination or physical incompatibility of discharged material;

8) Conduct appropriate chemical tests if appropriate;

9) Identify appropriate and practicable changes to the project plan to minimize environmental impact of discharge.

4. CORPS (40 CFR 230.10) Disposal of Dredged or Fill Material

a. Restrictions of Discharge

1) No discharge of dredged of fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

2) No discharge of dredged or fill material shall be permitted if it:

a. Causes or contributes to violations of any applicable state water quality standard;

b. Violates any applicable toxic effluent standards;

c. Conflicts with the Endangered Species Act;

d. Violates requirements in the Marine Protection Research and Sanctuaries.

3) No discharge of dredged or fill material will be permitted that causes or contributes to significant degradation of waters of the U.S. Effects contributing to significant degradation include:

a. Adverse effects on human health or welfare;

b. Adverse effects on life stages of aquatic life and wildlife;

c. Adverse effects on aquatic ecosystem diversity, productivity and stability;

d. Adverse effects on recreational, aesthetic and economic values.

4) No discharge of dredged or fill material will be permitted unless appropriate steps have been taken to minimize adverse impacts of the discharge on the aquatic ecosystem.

5. CORPS (40 CFR 230.11) Disposal of Dredged or Fill Material

Permitting authority must document the potential short term and long term effects of a proposed discharged on the environment. The determination must include findings on:

a. Physical substrate;

b. Water circulation, fluctuation and salinity;

c. Suspended particulate/turbidity;

d. Contaminants;

e. Aquatic ecosystem and organisms;

f. Proposed disposal site;

g. Cumulative impacts; and

h. Secondary impacts.

6. EPA (40 CFR 231.(A) Disposal of Dredged or Fill Material

Prohibit or otherwise restrict a site whenever the discharge of dredged or fill material is having or will have an "unacceptable adverse effect" on municipal water supplies, shellfish beds and fishery areas, wildlife or recreational beds. And there is a showing that all the activity associated with the fill in necessary.

7. CORPS (33 CFR 320.4) Permits for Activities Affecting Navigational Waters

Required consideration for all Corps reviews of dams and dikes; structures; working, alteration or modification of navigable waters; construction of fixed structures on Outer Continental Shelf; discharges into waters of the United States; and ocean dumping.

1) Public interest review;

a) Extent of public and private need.

b) Alternative location and methods.

c) Public and private beneficial and detrimental effects.

d) Cumulative effects.

2) Wetlands;

a) Cumulative impacts;

b) No permit issued unless District Engineer concludes the benefits outweigh damage to wetland;

3) Applicant is urged to modify the proposal to eliminate or mitigate damage to resources;

4) Water quality

5) Historic, scenic and recreational values;

6) Effects on limits of the territorial sea;

7) Interference with adjacent properties or water resource projects.

8) Activities in marine sanctuaries

- No permit issued until applicant certifies that the activity is consistent with the purposes of Title III of the MPRSA.

9) Floodplains

8. CORPS (22 CFR 322.5) Permits for Activities Affecting Navigational Waters

a. Permits for structures or work in or affecting navigable waters of the United States as required under Section 10 of the Rivers and Harbors Act include:

1) Non-Federal Dredging for Navigation

Permittee must meet same conditions as federal dredging projects with respect to turbidity, water quality, containment of material, nature and location of approved spoil disposal areas, extent and period of dredging, and "other factors relating to protection of environmental and ecological values."

2) Structures for Small Boats

In the absence of overriding public interest, favorable consideration will generally be given to applicants from riparian owners for permits for piers, boat docks, moorings, platforms, and similar structures for small boats. Particular attention is given to prevent possible obstructions to navigation.

Cooperative or group facilities are encouraged.

3) Aids to Navigation

Must conform to U.S. Coast Guard requirements for marking, lighting, etc.

4) Canals and other Artificial Waterways Connected to Navigable Waters of U.S.

Canals or similar artificial waterways are subject to same regulations as other natural waterways of the U.S.

5) Power Transmission Lines

Section 10 permits are required for power transmission lines crossing navigable waters. Regulations prescribe minimum clearance.

9)CORPS (33 CFR [sic] 323.4) Permits for Activities Affecting Navigational Waters

a. Management practices that should be followed to the "maximum extent practicable" in the discharge of permitted dredged or fill materials.

1) Discharges of dredged or fill material should be avoided or minimized through the use of practical alternatives;

2) Discharges in spawning areas during spawning season should be avoided;

3) Discharges should not restrict or impede the movement of aquatic species;

4) Should minimize impacts from impoundments;

5) Wetland discharges should be avoided;

6) Heavy equipment in wetlands should be placed on mats;

7) Discharges into breeding and nesting areas for migratory waterfowl should be avoided; and

8) All temporary fills should be removed in their entirety.

10.CORPS (22 CFR 323.4-2) Permits for Activities Affecting Navigational Waters

a. Provided conditions in "B" below are met, permitted discharges include:

1) Non-tidal rivers, streams and their impoundments including adjacent wetlands that are located above the headwater;

2) Natural lakes, including their adjacent wetlands, that are less than 10 acres in surface area and that are fed or drained by a river or stream above the headwaters. In the absence of adjacent wetlands, the surface areas of a lake shall be determined at the ordinary high water mark;

3) Natural lakes, including their adjacent wetlands, that are less than 10 acres in surface area and not a part of a surface river or stream. In the absence of adjacent wetland, the surface area of a lake shall be determined at the ordinary high water mark; and

4) Other than non-tidal waters of the United States other than isolated lakes larger than 10 acres (see 3) above) that are not part of a surface tributary system to interstate waters or navigable waters of the United States (see Sub-section 323.2(a)(5)).

b. For purposes of Section 404, the following conditions must be satisfied for any discharge of dredged or fill material in waters described above:

1) That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species;

2) That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;

3) That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and

4) That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System.

11. CORPS (33 CFR 325.9) Permits for Activities Affecting Navigational Waters

District Engineers will assure that authorized activities are conducted and executed in conformance with approved plans and other conditions of the permits.

12. CORPS OF ENGINEERS (33 CFR 320.4 (C)) Permits for Activities Affecting Navigable Waters

"The applicant will be urged to modify his proposal to eliminate or mitigate any damage to (wildlife) resources and, in appropriate cases, the permit may be conditioned to accomplish this purpose."

13. U.S. FISH AND WILDLIFE SERVICE/NMFS (40FR 231 5.2.A. (4)) Fish and Wildlife Coordination Act

"Non-water dependent structures, facilities, or activities generally will be considered by the Service to be unacceptable uses of the public waters unless it has been demonstrated that the

proposed use is required in the public interest…and no alternative site mutually acceptable to the Service and the applicant is available. Although in many cases a restaurant, motel, trailer park, golf course, or other service facility may be more attractive to its customers if it has water frontage, this attraction does not necessarily require encroachment into navigable waters and wetlands. A set-back location that preserve public access to the water usually can provide as good or better water view, assure greater safety from storm hazards, and otherwise accord more fully with both the private and public interest."

14. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231.4.1.B(2))

"…wetlands and shallow water habitats have such high ecological and social values as to admit their destruction or degradation only when there is no question that the public interest demands it."

15. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 2.2.B(1)(b)) Fish and Wildlife Coordination Act

"The Service, through taking of every appropriate, useful action, has the following long-range objective…Ensuring that all authorized works, structures, and activities are (1) judged to be the least ecologically damaging alternative or combination of alternatives (e.g., all appropriate means have been adopted to minimize environmental losses and degradation…" (40 FR 231 2.1 C.). For water-dependent works "The service usually recommends that the site occupied involves the least loss of area on the least valuable of the alternative sites…"

16. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 3.1 (B(2)) Fish and Wildlife Coordination Act

"It is the Service position that it is proper to assess the total impact of the total development, including any part to be located on uplands and any secondary effects."

"The totality of existing and projected cumulative impact of all developments affecting a waterway or group of related waterways and the dependent resources thereof also must be considered."

17. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 5.2A(6)) Fish and Wildlife Coordination Act

"The Service will object to or request denial or Federal permit for any proposed project not properly designed or located to avoid preventable significant damages to fish, wildlife, and/or other environmental values."

18. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 5.31(1)) Fish and Wildlife Coordination Act

Regarding excavation and filling, "any permits issued …will be recommended to be conditioned to prohibit activities in fish and wildlife nursery areas and during periods of migration, spawning, and nesting activity."

19. U.S. FISH AND WILDLIFE SERVICE (46 FR 15) Mitigation Rules

In January, 1981 the USFWS promulgated regulations for mitigating the adverse impacts of land and water developments on fish, wildlife, their habitats and uses thereof.

USFWS recommends mitigation programs consistent with fish and wildlife resource values, Resource Category 1, who's [sic] goal is "no loss of existing habitat value" is consistent with mitigation language in Goal 16.

20. DSL (ORS 541.625) Fill and Removal Law

a. The Director shall issue a permit if he determines the removal will not be inconsistent with the protection, conservation and best use of the water resource.

b. The Director shall issue a permit if it would not interfere with state policy to reserve waters for navigation, fishing and public recreation.

21. DSL (ORS 541.625(2)(a-e)) Fill and Removal Law

a. Director shall consider

1) Public need

2) Conservation, public health and safety

3) Conforms with existing public uses

4) Consistency with land use

5) Whether for stream bank protection

22. DSL (ORS 541.626) Fill and Removal Law

The Director shall require mitigation as a condition of any permit for filling or removal of intertidal marsh.

23. ODFW (ORS 496.012) Wildlife Policy

Manage wildlife to provide the optimum recreational and aesthetic benefits by:

a. Maintaining all species of wildlife;

b. Developing and managing lands and waters in a way that will enhance production and public enjoyment of wildlife;

c. Permit orderly and equitable utilization of available wildlife;

d. Develop and maintain public access;

e. Regulate wildlife populations compatible with primary uses and public use.

24. ODFW (ORS 506.036) Jurisdiction of Fish and Wildlife Commission

The Commission has exclusive jurisdiction over all fish, shellfish and all other animals living intertidally on the bottom, within the waters of this state.

The Commission also has the duty of protection, preservation, propagation, cultivation, development and promotion of all fish under its jurisdiction in state waters.

25. ODFW (ORS 506.109) Food Fish Management Policy

Manage food fish for optimum economic, commercial, recreational and aesthetic benefits by:

a. Maintaining them at optimum levels;

b. Developing and managing lands and waters for optimum use;

c. Permitting optimum and equitable use;

d. Developing and maintaining access;

e. Regulating populations;

f. Preserving fishing industry with sound management policies.

26. ODFW (ORS 509.505) Placing Inwater Matter Injurious to Shellfish

It is illegal for any person, municipal corporation, political subdivision or governmental agency to deposit or allow to escape into, or cause or permit to be deposited or escape into any public waters of this state, any substance of any kind which will or shall in any manner injuriously affect the life, growth or flavor of shellfish in or under such waters.

SILETZ BAY

Dredging Needs

Dredging activities in Siletz Bay have occurred in several locations in the past, including the Taft area and the Siletz Keys-Kernville area. Dredge spoils have been disposed of in several locations, including wetland areas at Siletz Keys. No dredging activities have been accomplished in the bay during the last eight years. One permit for maintenance dredging has been authorized for the Siletz Keys channels which involves removal of shoal areas in the man-made channels. This project involved the one-time removal of approximately 4,000 cubic yards of silt material. To date, this work has not been accomplished.

Operators in the Kernville area indicate that natural scouring has maintained adequate water depths for the current recreational moorages, and no maintenance dredging activities are anticipated in the forseeable future.

No new projects have been proposed or are anticipated in Siletz Bay which would require significant amounts of dredging. There are no federally authorized projects in the Siletz, and the possibility that any such projects will be considered during the planning period appears remote.

Disposal Sites

Sites 1 and 2 - Siletz Keys

Location: These sites are located on previously filled wetland areas adjacent to the Siletz Keys subdivision. The sites are located on property identified as tax lot 101 (site 1) and tax lot 100 (site 2) on Assessor's Map 8-11-30.

Size: Site 1 is 300' x 200'; Site 2 is approximately 100' x 200'.

Capacity: Approximately 15,000 cubic yards at 5 feet, uncompacted.

Physical and Biological Characteristics: These sites are vacant portions of lands created by the Siletz Keys landfill in the late 1960's. The land is generally level at site 1; site 2 is a low area surrounded by earthen dikes. Vegetation consists of scotch broom, lupine and other grasses and shrubs. Small birds and small mammals likely use the areas, and some waterfowl may use areas of site 2 during the winter months.

Zoning: R-1 (single-family residential)

Plan Designation: Suburban residential.

Ownership: Louise Calkins and Herbert Palmberg

Method of Dredging and Filling: Clamshell dredge and truck hauling.

Design Criteria: Site 1 is a relatively flat site, and dikes would need to be constructed with on site material to contain the spoils. Site 2 is a low area with existing dikes which are adequate to contain dredged material.

Environmental Constraints: These sites are both located on previously filled wetland areas. Some habitat for small mammals and birds will be lost if these areas are filled with dredged material, though if the sites are re-vegetated, this habitat could be re-established. These sites are adjacent to estuarine tidal marsh areas, so care must be taken to adequately contain spoils and properly site outfalls to avoid any adverse impacts on these wetlands.

APPENDIX A: DEFINITIONS

ACTIVE RESTORATION: The use of specific remedial action such as removing fills, breaching dikes, removing tidegates etc. to restore or replace original estuarine attributes. (see RESTORATION)

AQUACULTURE: The raising, feeding, planting and harvesting of fish, shellfish, or marine plants, including facilities necessary to engage in the use.

BENTHIC: Living on or within the bottom sediments in water bodies.

BOAT LAUNCHING: A facility designed for the launch, take out and/or tie up of recreational or smaller commercial craft. Such use may include commercial, public or individual private facilities. Boat launching does not include large scale marine railway facilities designed for marine industrial boat building and repair facilities.

BREAKWATER: A barrier, sometimes connected to the shore at one or both ends to break the force of waves. Used to protect harbors and marinas, breakwaters may be constructed of rock piling, concrete or may be floating structures.

BRIDGE CROSSING: A structure spanning a waterway designed to carry automobile, railroad and/or pedestrian traffic across the waterway. Maintenance or replacement of bridge crossings means repair, restoration, or in-kind replacement of a bridge such that the number of travel lanes is not increased.

CONDITIONAL: Refers to a use which may be permitted only after a case-by-case review and local conditional use approval has been granted. (See PART IV)

CONSERVE: To manage in a manner which avoids wasteful or destructive use and provides for future availability.

DIKE: An earthen embankment or ridge constructed to restrain high waters.

DOCK: A fixed or floating decked structure against which a boat may be berthed.

DOLPHIN: A group of piles driven together and tied together so that the group is capable of withstanding lateral forces from vessels or other objects.

DREDGED MATERIAL DISPOSAL: The deposition of dredged material in shorelands or estuarine areas.

DREDGING: The removal of sediment or other material from a water body, usually for the purpose of deepening a channel, mooring basin or other navigation area.

ESTUARY: A semi-enclosed body of water connected with the ocean and within which fresh and salt water mix. The estuary includes (a) estuarine water; (b) intertidal lands; (c) sub-tidal lands; and (d) tidal marshes. Estuaries extend upstream to the head of tide; their landward extent is Mean Higher High Water or the line of non-aquatic vegetation.

EXCAVATION: Excavation of shoreland to create new estuarine surface area directly connected to other estuarine waters.

FILL: The placement of material in estuarine areas to create new shoreland area or raise the elevation of land.

GROIN: A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shoreline. Generally constructed of rock or other solid material.

INTERTIDAL: The area between mean lower low water and mean higher high water.

JETTY: An artificial barrier used to change littoral drift to protect inlet entrances from sedimentation and to direct and confine the stream of tidal flow. Usually constructed at the mouth of a river or estuary to help deepen and stabilize a channel.

MANAGEMENT UNIT: A discrete geographic area, defined by biophysical characteristics and features, within which certain uses and activities are promoted, encouraged and protected and others are discouraged, restricted or prohibited.

MARINA: A small harbor, boat basin or moorage facility providing dockage for recreational craft.

MEAN HIGHER HIGH WATER: The average of the higher high waters over a 19 year period.

MEAN LOWER LOW WATER: The average of the lower low waters a 19 year period.

MINERAL AND AGGREGATE EXTRACTION: The removal for economic use of minerals, petroleum resources, sand, gravel or other materials from the estuary.

MITIGATION: The creation, enhancement, or restoration of an estuarine area to maintain the functional characteristics of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality. (See PART VIII)

NOT ALLOWED: Refers to a use or activity which is not permitted. Can only be permitted upon adoption of a plan amendment.

OUTFALLS: An outlet through which materials are discharged into the estuary. Outfalls include sanitary (sewer) discharges, storm drainage facilities, and other industrial waste discharges.

PASSIVE RESTORATION: The use of natural processes, sequences or timing to bring about restoration after removal or reduction of adverse stresses. (See Restoration)

PERMITTED WITH STANDARDS: Refers to a use which is permitted as consistent with the purpose and management objective of the management unit. Permitted uses must conform to the Estuarine Use Standards set forth in the plan.

PIER: A structure extending into the water from solid land generally to afford passage for persons or goods to or from vessels, but sometimes to provide recreational access to the estuary.

PILING: A long, slender stake or structural element of steel, concrete or timber which is drive, jetted or otherwise embedded into the bed of the estuary for the purpose of supporting a load.

PORT FACILITIES: Facilities which accommodate and support commercial fishery and navigation activities, including terminals and boat basins and moorage for commercial vessels, barges and oceangoing ships.

PRESERVE: To save from change or loss and reserve for a special purpose.

PROTECT: Save or shield from loss and reserve for a special purpose.

RESOURCE CAPABILITY: The ability of a natural resource site to be physically, chemically or biologically altered, or otherwise assimilate an external use, and still fulfill its estuarine resource role as stated in management objective of the individual management unit and the definition of the management classification in which it is located.

RESTORATION: Revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, which have been diminished or lost by past alterations, activities or catastrophic events.

RIPARIAN: Of, pertaining to or situated on the bank of a river or other body of water.

SHORELANDS: The area adjacent to the estuary and its wetlands. The lower boundary of the shorelands is Mean Higher High Water or the line of non-aquatic vegetation; the upperboundary is the shorelands boundary, which is established on the basis of a number of inventory characteristics. Shorelands extend upstream to the head of tide. (See PART VII)

SHORELINE STABILIZATION: The stabilization or protection from erosion of the banks of a waterway by vegetative or structural means.

SUBMERGED CROSSINGS: Power, telephone, water, sewer, gas or other transmission lines which are constructed beneath estuarine waters, usually by embedding into the bottom of the estuary.

SUB-TIDAL: Below the level of mean lower low water.

TIDAL MARSH: Estuarine wetlands from the line of non-aquatic vegetation down to the end of vegetated flats, which is approximately the lower high water level.

WATER DEPENDENT: A use or activity that can only be carried out on, or in adjacent to the water because the use physically or economically requires access to the water body for water borne transportation, recreation, energy production or source of water. Non-water dependent accessory uses may be permitted in conjunction with a primary water dependent use. In general, such non-water dependent uses should not exceed 10% of the total area of the use. Variations to this standard may be permitted if it is found that additional area is required for non-water dependent uses essential to the functioning of the primary water dependent use(s).

Examples of water dependent uses include, but are not necessarily limited to:

Marinas
Aquaculture
Marine ways
Seafood processing plants
Marine shopping terminals
Charter boat operations
Marine fuel sales

WATER RELATED: A water related use is:

a. a use which derives a cost savings advantage (not associated with land costs or rent) from a location on or near the water; or

b. a use whose location on or near the water is essential to the functioning of adjacent water dependent uses

Examples of water related uses include, but are not necessarily limited to:

Marine supply sales
Bait and tackle shop
Commercial fishing gear storage
Seafood markets

WATER HANDLING OF LOGS: The combined process of log dumping, storage transportation, millside handling and takeout as logs are placed into the water and moved to a final processing site.

WHARF: A structure built alongside a waterway for the purpose of receipt, discharge and storage of goods and merchandise from vessels.

Lincoln City
Comprehensive Plan Inventory Material

Adopted by City Council Ordinance No. 84-01

January 23, 1984

Department of Planning and Community Development
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LINCOLN CITY

COMPREHENSIVE PLAN

BACKGROUND

DOCUMENTS

DRAFT

LINCOLN CITY COMPREHENSIVE PLAN

INVENTORY DOCUMENT

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GOAL 4 FOREST LANDS INVENTORY

Forest uses are defined in the State Wide Goal on Forest Lands as (1) the production of trees and processing of forest products; (2) open space, buffers from noise, and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

A. Urban Forest Uses

Urban Forest lands are defined in the goal as lands which provide urban buffers, windbreaks, wildlife and fisheries habitat, livestock habitat; scenic corridors, and recreational use.

The Inventory of Lincoln City's Urban Forest areas began by using aerial photographs and visual surveys to identify forested areas. These areas were then mapped by Douglas Fir site class as well as cubic-foot site class as shown on figure 1, "Lincoln City Area Forest Lands & Site Class". The identifications of productivity classes indicates that the most productive cubic-foot site class forest land lies generally a mile to a quarter-mile east of East Devils Lake Road and about the same distance inland from Siletz Bay. West, adjacent to the above lands, are lands which are relatively less productive of cubic-foot site class 3 which extends to Highway 101 south of East Devils Lake Road, follow the east side of Devils Lake and lay between Highway 101 and a half-mile from the ocean north of the city. All lands adjacent the ocean are even less productive, being class 4 cubic-foot site class. Land within the built-up areas are not commercial forest lands according to the Department of Revenue.

The need for urban growth has been established using the factors required in the State Wide Urbanization Goal in the Lincoln City Urbanization Inventory. The resulting Urban Growth boundary has been placed on less productive forest lands generally excluding site class 2 lands, except those occurring as pockets and remaining on the relatively less productive lands of class 3 and class 4.

The growth area takes in the cubic-foot site class 3 land north of the city to the Cascade Head scenic research area. It follows the centerline of township 6S, Range 11W, Section 36 to 200' east of East Devils Lake Road, and follows at this distance south to the marsh south of Devils Lake Road which is excluded by following the road and the city limits south to Thorpe road where a twenty-acre existing industrial activity is included. The boundary then continues along the city limits to Schooner Creek Road where an existing subdivision is included, then follows the city limits south to end at Drift Creek.

Once the Urban Growth Boundary is decided, Urban Forest uses must be inventoried and protected. Using the previous mapping and another aerial photo study as well as visual survey, fifteen areas have been identified as urban forest areas for which protection of each area's specific functions may be desirable.

B. Urban Forest Area Management

A description of the fifteen areas and the proposed management necessary to preserve the urban forest function follows below. These would be considered in review of development proposals concerning each area.

AREA #1 LOGAN CREEK AREA

Purpose: Forest vegetation provides soil stabilization as well as habitat.

Description: This common coastal creek forms at Morgan Springs north of the city then flows through portions of the Timbershores Planned Development, follows the base of a ridge east of Roads End until rounding that same ridge at Sal-La-Sea Drive crossing Logan Road at the State Wayside and ends on the beach. The east side of the ridge has slopes of 20% and greater and has Douglas Fir, Sitka Spruce, Hemlock and Western Red Cedar with an understory of Rhododendron, Salal and Swordfern.

Management: Habitat area should be maintained or restored to the level of vegetation cover present prior to any development.

Steep-slope development should retain trees and vegetative cover for soil stabilization. Development should follow Uniform Building Code design requirements for weak foundation soil areas.

AREAS #2, 3, 4, 5, 6, 7, 7. DEVILS LAKE MARSHES & RIPARIAN VEGETATION.

Purpose: This land provides riparian vegetation, scenic vistas, recreational opportunities and fish and wildlife habitat for waterfowl and other species of birds.

Description: Riparian vegetation (Area #2) occurs in places all around the lake. Near the lake outlet there is a low shrub-dominated swamp (Area #3) on the north side and small Sphagnum bog on the south side (Area #4).

Further along the south side is a large tract of wetland (Area #5) dominated by forest shrubs and emergent marsh vegetation, mostly within the State Park. This is followed (eastward) by a tract of swamp around an inlet.

On the west side of the lake there is a swamp (Area #6) connected to Devils Lake by a culvert under the road.

Another tract of swamp and emergent vegetation occurs at the north end of the lake (Area #7). There is also a small lake (Area #8) at Spring Creek with riparian vegetation on the west side of Devils Lake.

Management: Areas should be maintained or restored to the level of vegetative cover prior to development. If restoration would not be possible, development should not be permitted.

AREA #9 WEST DEVILS LAKE ROAD

Purpose: Trees and vegetation along West Devils Lake Road provide a scenic corridor.

Description: An area 20 ft. from both sides of West Devils Lake Road where trees and vegetation occur.

Management: Trees should be maintained or replaced by landscaping in any development. Adequate site distance at driveways and street corners should be allowed as well as street widening and improvement.

AREA #10 EAST DEVILS LAKE ROAD

Purpose: Trees and vegetation along East Devils Lake Road provide a scenic corridor.

Description: An area 20 ft. from both sides of East Devils Lake Road where trees and vegetation occur.

Management: Trees should be maintained or replaced by landscaping in any major land partitions or subdivision proposals.

AREA #11 ROCK CREEK STEEP-SLOPES AREA

Purpose: Soil stabilization and urban buffer for marsh habitats and agricultural lands.

Description: The hillside area east of the city limits (1982) at East Devils Lake Road, is make up of Fendal soil with slopes up to 25% with severe restrictions for development.

Management: Steep-slope development should retain trees and vegetation for soil stabilization. Development should follow Uniform Building Code design requirements for weak foundation soil areas. Revegetation after development should be required.

AREA #12 BALDY CREEK (THORPE ROAD) AREA

Purpose: Forest vegetation provides soil stabilization as well as habitat and buffer for residential uses.

Description: Baldy Creek flows from forest lands east of the city through an area of existing industrial expansion, past several existing residences before it is culverted near the Oceanlake sand and gravel pit into ditches which carry it through Nelscott and to the ocean. The area north of Thorpe Road consists of slopes of 25 - 50% with Douglas Fir, Sitka Spruce, Hemlock, and Western Red Cedar and an understory of Rhododendron, Salal, and Swordfern.

Management: Vegetation should be maintained and new construction should retain buffer areas. Development should not damage ocean front vegetation. Beach access should be via the existing city beach accesses.

AREA #14 SCHOONER CREEK AREA

Purpose: Forest vegetation provides habitat as well as soil stabilization.

Description: Two areas, both wetlands, significant due to their close association with the estuary. North of the creek is a strip of forested wetland and riparian vegetation alongside a tidal marsh. A shrub/forest dominated wetland occurs adjacent to the city sewer lagoons. The steep slopes of 25 - 50% south and east of the creek include that portion along Highway 101 covered in places with Hemlock, Spruce, and Western Red Cedar and other coastal vegetation.

Management: Vegetation should be maintained. Development may occur if revegetation is provided that will equal vegetation prior to development. New construction in the steep-slope area should retain all trees.

AREA #15 CUTLER CITY AREA URBAN BUFFER

Purpose: Forest land provides a buffer between the developed portion of Cutler City and the adjacent agricultural land.

Description: A 25' buffer of forest and open-swamp land has been retained

running from S 63rd Street south near the city limits to Drift Creek.

Management: Natural vegetation should be maintained as a visual and physical barrier.

GOAL 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES INVENTORY

A. Open Space

The ocean beaches, the river and lake sides and the State and local parks provide a great variety and quantity of open space opportunities. In addition, large tracts of forested lands surrounding and within the City provide for open space and aesthetic values. Two additional factors affect quality and quantity of open space opportunity in the Lincoln City area. One is the fact that Lincoln City is a resort area attracting tourist and seasonal resident populations that far exceed the City's population. A second factor is the long and narrow geographic nature of Lincoln City. The latter makes the application of park and playground standards difficult to apply because of walking distances. While both of these factors lobby for the need for more park space, the open space and recreational opportunities of the ocean beaches and Devils Lake help offset those needs.

Table V-1 provides an inventory of public open spaces.

TABLE ___

Public Open Space

Playgrounds - existing		Wecoma Park Oceanlake School Kirtsis Park - Community Center Taft Elementary School Rose Lodge School
Developable Playground Sites		Holmes Road Park Regalta Grounds Park Canyon Drive Park Kirtsis Park - behind IGA 19-acre Park - E. Devil's Lake Road
Neighborhood Parks		Holmes Road Park 1.75 acres Wecoma Park .42 acres Canyon Drive Park 2.5 acres Josphine Young Park 2.5 acres Sandpoint Park .5 acres Kirtsis park - IGA 1.25 acres (undeveloped)
Community Parks		Regatta Grounds Park 6.5 acres Kirtsis Park - Community Center and Ball Park 12.25 acres Taft Waterfront Park 2.39 acres East Devils Lake Road 19 acres (undeveloped)
Public School Sites		Taft High School Taft Jr. High & Elementary Schools Oceanlake Elementary Delake Elementary Rose Lodge Elementary
State Parks	109.34 ac. 47.0 ac. 4.00 ac.	Devil's Lake State Park E. Devil's Lake State Park Roads End Wayside D. River Wayside

Source: Lincoln City Park and Open Space Plan, 1984; ODOT.

B. Mineral and Aggregate Resources

There are no known mineral deposits within the Lincoln City Urban Growth Area. Two major aggregate sites are located in Lincoln County outside the Urban Growth Boundary. These sites support rock crushing operations located within the City's U.G.B. A very small, secondary source of aggregate is located at the Road's End area and is owned by The Oregon Department of Transportation.

TABLE V-2

Construction Aggregate

Operator	Quality	Quantity	Use
Devil's Lake Crushing	Variable	Unknown	Large Commercial supply, future supplies unknown
Oceanlake Sand & Gravel	Good	Large	Major commercial supply
O.D.O.T.	Poor/Fair	Limited	Secondary State Supply

Source: Environmental Geology of Lincoln County Bulletin 81, ODG & MI, 1973, ODOT

C. Energy Sources

The only known potential energy sources in the Lincoln City area are solar and wind. Incoming solar radiation is a function of solar insolation rates (lengths of day light, angle of sun), cloudiness, and moisture and pollution in the air. While not necessarily the optimum location for solar energy, the use of passive solar energy adoptions could be of benefit. The capture of wind related energy and technology does not appear to offer significant benefits for the area at this time.

D. Fish and Wildlife Resources

The Pacific Ocean, Siletz River and Bay, Devils Lake and the various creeks within the Urban Growth Boundary are natural fish and wildlife habitat. The Siletz River and Estuary are the responsibility of Lincoln County. A county estuary management plan for the estuary is incorporated into the Lincoln City Plan. Siletz Bay is known for great Blue Heron rookeries.

Devil's Lake is managed through the Lincoln County Devil's Lake Improvement District. The Restoration Program for Devil's Lake incorporates a bald eagle and waterfowl monitoring program. Some 23 species of birds were surveyed on monthly surveys from November through March 1981-86 by Western Oregon Refugees, Newport, Oregon. The two most abundant waterfowl species are the Mexican coot and America Widgeon.

An active bald eagle nest is located to the east of Devil's Lake. Observation have indicated that a pair of eagles have fledged offspring and utilized Devil's Lake as a feeding site. The lake is one of the most heavily used waterfowl resting areas on the west coast of the United States. Since the restoration program began, recreation use of the lake has increased without detrimental effect on waterfowl[2].

E. Natural Areas

1. Definition

Natural areas are naturally occurring physical or biological units important as ecosystems or habitats that include according to L.C.D.C. definition "land and water that have substantially retained its natural character and land and water that, although altered in character, is important as habitat for plant, animal or marine life for the study of its natural historical, scientific or paleontological features, or for the appreciation of its natural features."

1 Devil's Lake Restoration Program Revised 1988-1991
Cleanlakes Program, April, 1988

2 IBID 1986-1990

2. Value

The ways in which life forms interrelate are intricate and poorly understood. Man is both deliberately and inadvertently altering the work around him and in the process stands to lose some valuable information about living systems that have evolved naturally over time. The establishment of research areas preserves tiny pieces typical of larger ecologic systems. Through study of these we may come to better understand the larger system. With the pieces preserved there is less danger of permanently damaging our environment. Natural areas also have a value as educational resources and as recreation resources for amateur naturalists.

3. Inventory

There are no natural areas designated in the Lincoln City Urban Growth areas. Cascade Head just north of the Urban Growth Boundary is an established natural area.

F. Scenic Resources

Much of the attractiveness of the Lincoln City area is derived from its association with the Pacific Ocean. From Cascade Head on the north to Salishan Spit and Siletz Bay on the south are numerous views and vistas. Devils Lake and the D River add to the scenic quality of the area.

The timbered hills, wildlife, shorebirds and migrating waterfowl add further visual interest to this beautiful coastal environment.

G. Water Areas, Wetlands, Watersheds, and Ground Water Resources

1. Water Areas

The two main water areas are the Siletz Bay Estuary and Devil's Lake. The Siletz Bay Estuary is addressed in the Goal 16 Estuarine Resources section of this plan.

Devil's Lake as indicated earlier is managed under the auspices of the Lincoln County Devil's Lake Improvement District. Water quality had been continually declining until the District was formed July 11, 1984. The District was formed for the purpose of restoring and maintaining Devils Lake. The District developed a ten component restoration program for the years 1986 -1990. That program was revised with a new work plan for 1988-1991. The main focus of the work plan is the introduction and evaluation of the White Amur (Chinese Grass Carp) for the long term reduction and control of aquatic macrophytes. The District not only aims at restoration but provides the implementary program for long term integrated management of Devil's Lake and its watershed.

2. **Wetlands**

a. **Existing State and Federal Programs**

Section 404 of the Federal Clean Water Act authorizes the Army Corps of Engineers to regulate dredging and filling into the "waters of the United States". The term "waters of the United States" has been defined broadly to include virtually all surface waters, regardless of their size. In Oregon, the State Removal/Fill Law gives the Division of State Lands (DSL) similar authority. To fill or dredge a wetland area in Oregon, permits are required from both the Army Corps of Engineers and DSL.

It is important that the Lincoln City Comprehensive Plan identify wetland areas subject to review by the Corps and DSL to avoid potential development delays and misunderstandings about what property is developable and how it may develop. If land that appears developable on the comprehensive plan map contains wetlands, the nature and extent of development could be severely affected through the permit process. Without an inventory of wetland areas, the City may issue development permits for a project only to discover later that wetlands exist on the property. Although the developer has received City approvals, permits from the Army Corps of Engineers and DSL would be needed. The delays and revisions resulting from this process may add costs that could terminate the project. For this reason, it is important that the City establish an inventory of

wetland areas and potential wetlands that would be subject to review by DSL and the Army Corps of Engineers.

In addition to the Army Corps and DSL programs, the statewide planning process requires that attention be given to wetland areas. Statewide Planning Goal Five requires that natural resources be inventoried and protected. Wetlands and water areas are listed as resources subject to the goal requirements.

b. Inventory of Wetlands

The primary source of wetland information for the Lincoln City area is the Draft National Wetlands Inventory prepared by the Fish and Wildlife Service of the U. S. Department of the Interior. The National Wetlands Inventory map is at a scale of 1"=2000'. The inventory covers only the area from the Lighthouse Square Shopping Center south through Gleneden Beach. In the Lincoln City area this inventory includes areas from one half mile inland on the north to one and one-half miles inland on the south. For that reason the inventory includes only the very southern portion of the Devil's Lake area.

These inventories identify the following wetland areas.

Wetlands Inventory

Resource Inventory	Name
1	Pacific Coast Line - Marine Intertidal Wetlands
2	The Siletz River and Estuary
3	Schooner Creek
4	Devil's Lake and the 'D' River

c. **Watersheds**

Watersheds are areas which drain into a particular river, stream, or body of water. Watershed management affects the amount and nature of stream flow, the quality of water and the amount of water stored underground.

The characteristics of a watershed depend on several factors, including soils, topography, plant cover and amount of development in the watershed. Local upland soils vary in their ability to hold and transmit water. Most have a high moisture holding capacity but a fairly low permeability. Runoff from such soils is naturally high. The steep topography of the upland watersheds also contributes to rapid runoff, which limits the amount of water that reaches the water table. Vegetation and the organic debris that accumulates beneath it increases the water storage capacity and rate of formation of soils and, in addition, physically slow the velocity of runoff water. The longer the water contacts the soils, the greater the chance of absorption. Plant cover further protects the soil from erosion by absorbing the impact of the rain. Besides decreasing plant cover, development decreases the area of soil exposed to precipitation. Consequently, less water reaches the water table from which homes, farms and almost all of the summer stream flows are supplied. Peak stream flows following storms are higher and summer flows which depend on groundwater are greater in forested watersheds.

The major watershed and tributaries affecting the Lincoln City Urban Growth area include D River-Devil's Lake-Rock Creek-Thompson Creek Drainage, The Siletz River-Schooner Creek-Drift Creek Drainage and to a lesser extent the Salmon River-Rowdy Creek Drainage.

d. **Groundwater Sources**

Technically, all water present in pores of rocks and soils is termed groundwater. Of interest here, however, is only that groundwater which can be tapped for domestic, agricultural and industrial uses; that is groundwater in the zone of saturation, the top of which is called the water table. The layer of soil, sand, rock or alluvium in which the saturated zone occurs is termed the aquifer if it can transit that water to a significant degree.

Two factors that largely control the productivity of an aquifer are porosity and permeability. Porosity, which is simply the percentage of empty space in the dry rock or soil sample, determines the amount of water an aquifer can hold. Permeability is the ability to transmit water. Often poor permeability serves as a barrier to the downward movement of water and can be termed a aquiclude. Clean sands provide the best aquifers.

Aquifers are usually regional in extent rather than local and have a water table that conforms in a general way to the surface of the land. Exceptions are aquifers in fracture zones in bedrock and perched water tables, which are aquifers resting on impermeable material above the level of the regional water table.

Well yields are measured in gallons per minute (gpm). Production of 6 gpm is considered adequate for domestic use.

Map V-1 depicts the ground water aquifers inventoried by the Oregon Department of Environmental Quality. Base Data for the DEQ inventory was provided by Wells in 1961 and Walker in 1977. Data indicates the majority of the Lincoln City area is classified as groundwater aquifer.

MAP V-4 1

SENSITIVE AQUIFER MAP

LEGEND

- State capital
- County seat
- City, town, or village
- Scheduled service airport
- Built-up area shown for towns over 10,000 population
- Ground-water aquifers, base from Wells, 1961 and Walker 1977.

POPULATION KEY

PORTLAND	more than 100,000
SALEM	25,000 to 100,000
Astoria	5,000 to 25,000
Tillamook	1,000 to 5,000
Canyon City	less than 1,000

Population indicated by size of letters

Scale 1:500,000

1 inch equals approximately 8 miles

10 0 10 20 30 50 Miles

10 0 10 20 30 40 50 Kilometers

Lambert conformal conic projection

Standard parallels 33° and 45°

Cape Lookout
Neskowin
Cascade Head
Lincoln City
Newport
Yaquina Head
Agate Beach
Yaquina Bay
Toledo
Waldport
Seal Rock
Yachats
Cape Perpetua
Cape Foulweather
Otter Rock
Depoe Bay
Government Pt.
Lincoln Beach
Gleneden Beach
Siletz Bay
Oceanlake
Wecoma
Pacific City
Woods
Hebo
Beaver
Nestucca
Sand Lake
Tierra Del Mar
Sandpiper
Hemlock
Edwards Butte
Buzzard Butte
Bell Mtn
Mt Hebo
Blaine
Trask Mtn
Fairdale
Wapato
Laurelwood
Dundee
McMinnville
Lafayette
Dallas
Falls City
Monmouth
Independence
Kings Valley
Corvallis
Philomath
Albany
Sublimity
Scio
Mill City
Detroit
Lyons
Stayton
Aumsville
Turner
Salem
Willamina
Grand Ronde
Sheridan
Dayton
Yamhill
Carlton
Newberg
Dundee
Chehalem
Parrett Mtn
Bald Peak
Marys Pk
Rock Creek
Table Mtn
Grass Mtn
Flat Mtn
Fall Creek
Tidewater
Alsea
Glenbrook
Dawson
Prairie Mtn
Fisher
Lobster
Rivers
Cummins Ridge
Cummins Cr
Yachats
Yaquina
Southbeach
Elk City
Eddyville
Chitwood
Nashville
Burnt Woods
Blodgett
Summit
Hoskins
Kings Valley
Pedee
Luckiamute
Black Rock
Valsetz
Euchre Mtn
Logsden
Siletz
Drift Creek
Schooner Creek
Butler Creek
Cedar Creek
Euchre Creek
Green Mtn
Stott Mtn
Sugarloaf Mtn
Dorn Peak
Rose Lodge
Salmon
Neskowin
Nestucca R
Siletz R
Yaquina R
Willamina Creek
Deer Creek
Baker Creek
Coast Creek
Agency Creek
Turnbull Creek
Mary's River
Willamette River
Yamhill R
South Fork
Little Luckiamute
Pedee Creek
Price Cr
Shotpouch Cr
Beaver Cr
Fall Cr
Rivers Cr
Fisher Cr
Prairie Lake
Klickitat Mtn
LINCOLN
BENTON
POLK
YAMHILL
MARION
STAYTON

e. **Environmental, Social, Economic and Energy (ESEE) Analysis**

ESEE Goal 5 worksheets have been prepared for each of the inventoried sites. The worksheets are included at the end of this Inventory Section. In general, the ESEE analysis of the sites provide the following conclusions:

- Conflicting uses in intertidal wetland areas do not exist because they are protected by Goal 16, 17, and 18 policies and implementing measures. No development has occurred or is able to occur in these areas that is not allowed by the Statewide Coastal Planning Goals. Intertidal wetlands are susceptible to damage by pollution. The most serious threat is from spills from ships and other vessels. The City of Lincoln city has no ability to limit the risk of damage from these sources.

- Conflicting uses do exist at the other inventoried sites because the adjacent lands are planned or zoned for urban development with uncontrolled development of the inventoried sites, the wetlands and associated wildlife could be lost.

- **Economic:** The continued health of the marine, estuarine, and riverine wetlands provides a direct economic benefit to the Lincoln City area. Fishing is a draw for outside visitors as is the scenic value afforded by these resources.

  Prevention of development in all wetlands within the City may result in increased development costs on some parcels. Limiting development through setback areas and the construction and maintenance of storm drainage facilities may also increase development costs.

- **Social:** Developing high-value marine wetlands, filling fresh-water wetlands, cutting riparian vegetation, and channelizing streams will result in the loss of natural settings and wildlife habitat. These areas currently serve a social purpose by providing opportunities for nature study and major aesthetic value within the City.

- **Environmental:** The loss of wetland areas by filling and channelization reduces the efficiency of ground-water recharge areas and increases the potential for flooding. Fillings, channelization, and the cutting of riparian habitat result in the loss of wildlife habitat and environmental diversity. The preservation of water quality within the Salmon Creek is important because it provides the City with their main source of drinking water.

- **Energy:** There are no measurable energy impact associated with preserving wetlands in the Lincoln City area.

- **Conclusion:** Uncontrolled development of wetlands will result in significant damage to the environment. Further, the loss of wetlands and riparian habitat will impact the nature and quality of the environment of the City.

Based on these conclusions, wetlands should be protected by limiting the nature and degree of development permitted, and by enforcing strict development standards related to erosion and discharge of storm and waste waters. These standards should be regularly reviewed and upgraded as development activity escalates and/or treatment methods improve.

To protect wetland areas, development that would alter wetlands should be reviewed through site plan review procedures. Marine shorelines, streams and Siletz River and Estuary and Devils Lake should be designated as wetland impact areas with development and alteration subject to City review. Through the site plan review process and implementation of the Siletz Bay Estuary Plan significant wetlands can be protected and impacts mitigated. The City's Environmental Quality Zone should be extended to all areas indicated by the wetland inventory.

G. Wilderness Area

There are no wilderness areas within the City limits or Urban Growth Boundary.

H. Historic Areas and Structures

The State Historic Preservation Office lists the Dorchester House on the National Register of Historic Places. Other properties which were surveyed in 1976 include the Jason Lee Campsite and the "Lincoln on the Prairie" Statute. The Jason Lee Campsite was located along the ocean beach some where south of the Salmon River and north of the D River. The exact site is unknown. The Lincoln Statue is located in Kirtsis Park. Information sheets from the State Historic Preservation Office are included in this inventory.

Information on cultural resources in Lincoln City is sketchy at best. When the State Historic Preservation Office has the opportunity to comment on Lincoln City's Goal 5 compliance, they will recommend a professional survey be completed.

ESEE Goal 5 worksheets have been prepared for the above sites and are included at the end of this inventory section.

The Lincoln City Zoning Ordinance Section 3.110 4.d. establishes standards for historic structures identified in the Comprehensive Plan Inventory.

I. Cultural Areas

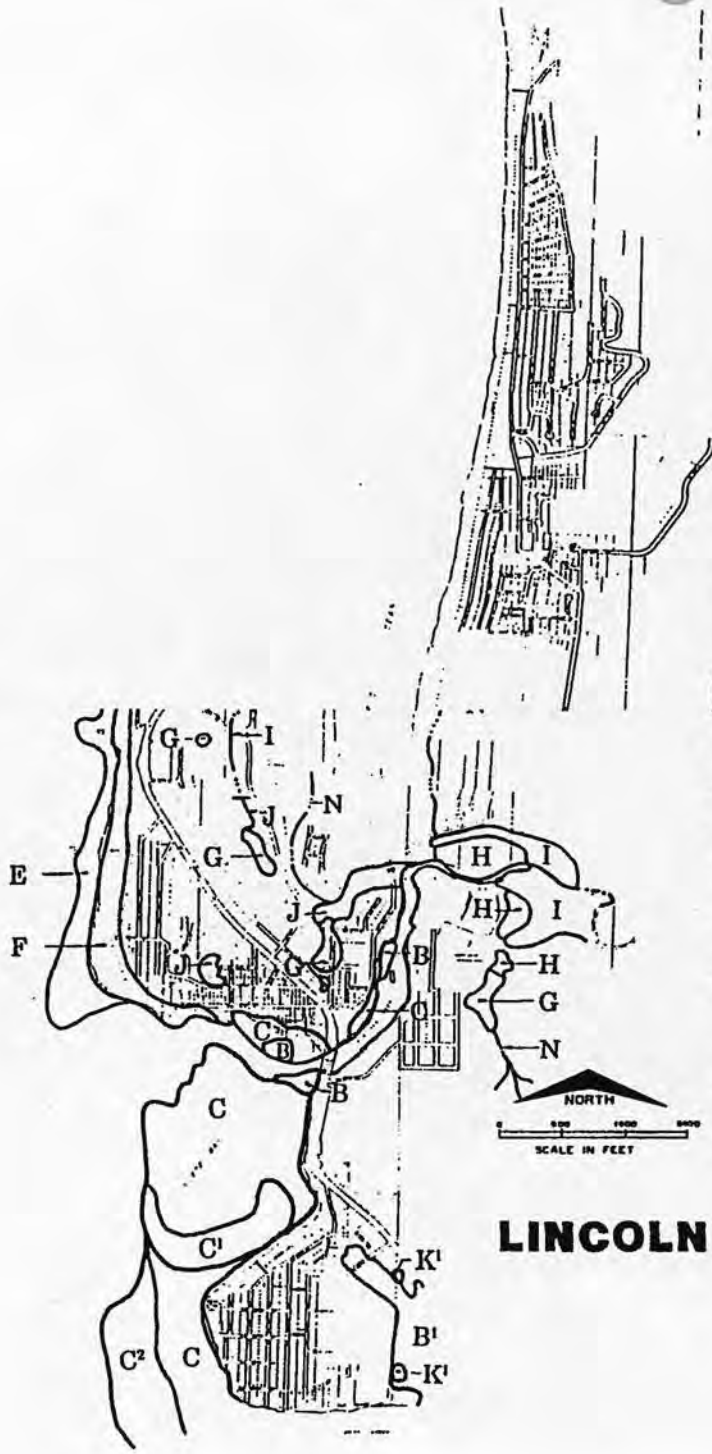
Within the City Urban Growth Boundary, there are no cultural areas as defined under Goal 5 as being areas characterized by evidence of an ethnic, religious or social group with distinctive traits, belief and social forms.

J. Potential and Approved Oregon Recreational Trails

The Oregon Coast Trail is a trail system that extends the length of the coast. Designed for hikes only, the trail follows Highway 101 through the City. Highway 101 through Lincoln City is also designated as part of the Oregon Coast Bicycle Route.

M. Potential and Approved Federal Wild and Scenic Waterways and State Scenic Waterways

Within the City and Urban Growth Boundary area, there are no Federal or State designated wild or scenic waterways.



B Estuarine Intertidal Emergent Regularly Flooded.
B' Estuarine Intertidal Emergent Irregularly Flooded.
C Estuarine Intertidal Unconsolidated Shore Reg. Flooded.
C' Estuarine Intertidal Unconsolidated Shore Irr. Flooded.
C² Estuarine Intertidal Unconsolidated Shore Irr. Exposed.
D Lacustrine Limnetic Unconsolidated Bottom Perm. Flooded.
E Marine Intertidal Unconsolidated Shore Reg. Flooded.
F Marine Intertidal Unconsolidated Shore Irr. Flooded.
G Palustrine Emergent Seasonally Flooded.
H Palustrine Emergent Seasonal-Tidal.
I Palustrine Forested Seasonally Flooded.
J Palustrine Scrub-Shrub Seasonally Flooded.
K Palustrine Unconsolidated Shore Seasonally Flooded.
K' Palustrine Unconsolidated Bottom Semi-perm. Flooded.
L Riverine Unconsolidated Bottom Perm. Flooded.
M Riverine Lower Perennial Unconsolidated Bottom Perm. Flooded.
N Riverine Intermittent Streambed Seasonally Flooded.

(Source: U.S. Dept. of the Interior, Fish and Wildlife Service, National Wetlands Inventory-Draft)

LINCOLN CITY, OREGON

GOAL 5 WORKSHEET

Type of Resource: Marine Wetland

Description: The City of Lincoln City abuts the Pacific Ocean. The condition of the coast shore is a combination rock and eroding dune formation. The ocean frontage is classified as an Marine Intertidal Wetland by the U.S. Fish and Wildlife Service (M2USN), (M2USP).

1. Inventory Requirement

1-A: Available information indicates resource site not important: **NO.**

If NO, proceed.

1-B: Available information is insufficient to determine importance of resource site: **NO**

If NO, proceed.

1-C: Available information is adequate to indicate that the resource site is significant. **YES**

If YES, designate site 1-C; action required: Inventory

Location: Within the tidal zone of the Pacific Ocean

Quality: These wetlands are primarily undeveloped. Some previous construction appears to have encroached on ocean beach. These wetlands remain for the most part in a natural state.

Quantity: The Lincoln City area contains approximately 7 miles of coastline.

Proceed to 2

2. Conflicting Use Determination and Analysis

2-A: There are existing or potential conflicting uses at the site: **NO.**

If NO, designate site 2-A; action required: adopt a policy to preserve resource site.

Note: Conflicting uses do not exist in the marine wetlands because the only uses allowed are those authorized by the Coastal Goals and are also controlled by the limitation of the City's shoreland goals and Environmental Quality Overlay Zone.

GOAL 5 WORKSHEET (Harris Creek)

Type of Resource: Palustrine Wetland and Estuarine

Description: Areas adjacent to Schooner Creek are designated as palustrine and estuarine wetland (PENR, PFOC, EZUSN, EZEMN, PSSC)

1. **Inventory Requirement:**

1-A: Available information indicates resource site not important: **NO**

If NO, proceed.

1-B: Available information is insufficient to determine importance of resource site: **NO**

If NO, proceed.

1-C: Available information is adequate to indicate that the resource site is significant: YES

If YES, designate site 1-C; action required: Inventory

Location: Schooner Creek flows east to west along the eastern and southern boundary of the Taft area of Lincoln City.

Quality: Fair. The stream is intermittently impacted by adjacent development.

Quantity: Within the Urban Growth Boundary the stream is a little more than one mile in length.

Proceed to 2

2. **Conflicting Use Determination and Analysis**

2-A: There are exiting or potential conflicting uses at the site: YES

If YES, proceed.

2-B: Describe the existing or potential conflicting uses at the site.

The area is zoned for Urban Development.
Complete ESEE Analysis of Conflicting Uses:

Economic: Increase development upstream could increase storm water runoff rates. Damage from erosion could increase. Increased development would be subject to flood hazards.

Social: Water quality degradation caused by erosion, sedimentation and removal of riparian vegetation will impact the liveability of the community.

Environmental: Schooner Creek provides for wetland vegetation and habitat in adjacent land ares of the City. Development within teh riparian zone will damage or destroy these resources and will risk potential damage by flooding.

Energy: No energy resources are affected by Schooner Creek.

Conclusion of ESEE Analysis: Schooner Creek is an important stream corridor which functions as a storm water drainage way and riparian habitat. It should be buffered from urban development in order to protect it from pollution and erosion impacts.

Proceed to 3

3. Program for Resource Protection

3-A: Based on the ESEE Analysis, the benefits from preserving the site outweigh those from allowing full conflicts: **NO**

If NO, proceed.

3-B: Based on the ESEE Analysis, the benefits from allowing full conflicts outweigh those from preserving the site: **NO**

If NO, proceed.

3-C: Based on the ESEE analysis, the benefits from allowing limited conflicts and protecting the site to some degree are comparable: YES

If YES, designate 3-C; action required: Adopt a policy to protect this and other significant wetland areas listed in the National Wetland Inventory. Placing them under the protection of the City's Environmental Quality zone. This zone presently includes this wetland area.

GOAL 5 WORKSHEET (Siletz)

Type of Resource: Estuarine and Wetlands

Description: The Siletz River flows into the Pacific ocean at Lincoln City. The river contains estuarine wetlands in the Siletz Bay. The U. S. Fish and Wildlife Service classifications are E2USN, E1UBL, E2USM, and E2USP.

1. **Inventory Requirement**

   1-A: Available information indicates resource site not important: **NO**

   If NO, proceed.

   1-B: Available information is insufficient to determine importance of resource site: **NO**

   If NO, proceed.

   1-C: Available information is adequate to indicate that the resource site is significant: **YES**

   If YES, designate site 1-C; action required: Inventory

   Location: The Siletz Bay River Estuary

   Quality: The Bay includes high quality wetlands. The wetlands are adjacent to land planned for urban development.

   Quantity: The total area of the river within the Brookings Urban Growth Boundary is approximately 350 acres.

Proceed to 2

2. **Conflicting Use Determination and Analysis**

   2-A: There are existing or potential conflicting uses at this site: **YES**

   If YES, proceed.

2-B: Describe the existing or potential conflicting uses at the site.

Adjacent lands are planned and zoned for urban development.

Complete ESEE Analysis of Conflicting Uses:

Economic: The economic benefits of the Siletz River include sport angling and recreational boating. Salmon runs occur during high water. The Bay front provides a scenic draw for tourists and residents as well as creating aesthetic values important to local businesses.

Social: The Siletz River is an amenity which provides views to nearby residents and tourists with recreation opportunities. The present Comprehensive Plan designations for river frontage include residential, park, Recreation Commercial and General Commercial.

Environmental: The natural conditions of the river has been maintained by a minimum of encroachment by the Bay by urban development. The Bay contains a great diversity of habitats including a large portion of estuary marsh or intertidal habitats. As such is serves as important habitat and feeding areas for fish, waterfowl and wildlife.

Energy: The Siletz River provides no energy resources at its mouth.

Conclusion of ESEE Analysis: The Siletz River is an important economic and social aesthetic amenity to the Lincoln City area. Urban development encroached on adjacent shores but has not significantly impacted the resource that is protected under Goal 16 and the Siletz Bay Estuary Management Plan.

Proceed to 3

3. **Program for Resource Protection**

3-A: Based on the ESEE Analysis, the benefits from preserving the site outweigh those from allowing full conflicts: **NO**

If NO, proceed.

3-B: Based on the ESEE Analysis, the benefits from allowing full conflicts outweigh those from preserving the site: **NO**

3-C: Based on the ESEE Analysis, the benefits from allowing limited conflicts and protecting the site to some degree are comparable: **YES**

If YES, designate site 3-C; action required: adopt policy and objective implementing measures to protect site by limiting conflicts. See Goal 16 materials.

GOAL 5 WORKSHEET (D. Lake, D. River)

Type of Resource: Lacutuarine Wetland

Description: Devil's Lake and D River and adjacent land include a series of wetland designations including L1UBHh, PSSC, PF0C, PEMC and E1UBL. The wetland includes the lake and adjacent emergent, forested and scrub shrub wetlands.

1. **Inventory Requirement:**

   1-A: Available information indicates resources site is not important: **NO**

   If NO, proceed

   1-B: Available information is insufficient to determine importance of resource site: **NO**

   If NO, proceed

   1-C: Available information is adequate to indicate that the resource site is significant. YES

   If YES, designate site 1-C: action required: Inventory

Location: Devil's Lake lies east of Lincoln City and outlets by D River into the Pacific Ocean.

Quality: Adjacent Development (septic systems and urban uses) have impacted the quality of the water resource and are now under management of the Devil's Lake Improvement District.

Quantity: Devil's Lake is a long shallow lake covering 678 acres with a length of three miles, an average width of 0.4 miles, and an average depth of 12 feet.

Proceed to 2

2. **Conflicting Use Determination and Analysis**

2-A: There are existing or potential conflicting uses at the site: YES

If YES, proceed.

2-B: Describe the existing potential uses at the site. Land adjacent is planned and zoned for urban development.

Complete ESEE Analysis of Conflicting Uses

Economics: Increased Development adjacent to the lake could increase storm water runoff and septic drainage into the lake. Building sites near the lake provide attractive high value construction locations. Uncontrolled development could damage the recreational quality of the lake. Protection measures may increase building costs.

Social: The lake provides an extremely important recreational, social and aesthetic functions for residents, visitors and tourists. Uncontrolled development could adversely affect social and aesthetic values.

Environmental: Devil's Lake serves important wildlife bird and waterfowl rearing and breeding habitat. With adjacent residential development and agricultural land uses in the watershed, water quality has been degraded. Management through the Devil's Lake Improvement District is attempting to lessen effect of excess nutrients, fecal coloform bacteria, algae blooms and macrophytes. Uncontrolled development could adversely affect lake quality.

Energy: No energy resources are affected by Devil's Park.

Conclusion of ESEE Analysis: Devil's Lake is a very important wildlife and waterfowl habitat as well as offering recreational, aesthetic and residential amenities. Urban development must be managed and controlled to protect the Lake from pollution and erosion impacts.

Proceed to 3

3. **Program for Resource Protection**

3-A: Based on the ESEE Analysis, the benefits from preserving the site outweigh those from allowing full conflicts: **NO**

If NO, proceed.

3-B: Based on the ESEE Analysis, the benefits from allowing full conflicts outweigh those from preserving the site: **NO**

If NO, proceed.

3-C: Based on the ESEE Analysis, the benefits from allowing limited conflicts and protecting the site to some degree are comparable: YES

If YES, designate site 3-C; action required: adopt policy and clear and objective implementing measures to protect the site by limiting conflicts.

(Protection of Devil's Lake will be through the continued application of Coastal Shoreland goals, the Devil's Lake Improvement District Management Plan and the City Environmental Quality zone.)

GOAL 5 WORKSHEET

Type of Resource: Historic Structure-Dorchester House

Description: The Dorchester House is a three-story rectangular "Colonial Style" structure built between 1929 and 1935. It is listed on the National Register of Historic Places and has been used for hotel, residential, and business purposes.

1. Inventory Requirement

1-A: Available information indicates resource site not important: **NO**

If NO, proceed

1-B: Available information is insufficient to determine importance of resource site: **NO**

If NO, proceed

1-C: Available information is adequate to indicate that the resource site is significant: YES

If YES, designate site 1-C; action required: Inventory

Location: 2701 NW Highway 101, Lincoln City, T1S, R11W, Section 10, Lots 11, 12, 13, Block 15, Braemer Addition

Quality: The site is listed on the National Register of Historic Places. A description of the site and significance from the State Historic Preservation office is attached.

Quantity: The building stands alone and occupies the north half of the above property. Remaining area of lots 14, 15 and 16 are used for parking. The building is 40-feet wide by 145-feet long. The original building was increased approximately 50 feet to the north of the main entry.

Proceed to 2

2. Conflicting Use Determination and Analysis

2-A: There are existing or potential uses at the site: YES

If YES, proceed

2-B: Describe the existing or potential conflicting uses at the site.

The site is zoned General Commercial (GC) which allows a wide range of retail and service commercial uses. Complete ESEE Analysis of Conflicting Uses:

Economic: The Dorchester House has been utilized for automobile service station purposes and as a restaurant in addition to hotel and its present residential uses. The types of uses allowed could encourage major alteration of the structure if owners were not sensitive to the Historic Appearance. On the other many uses could be easily provided for without altering the historical appearance. The uses allowed do not have to be incompatible with the structure.

Social: The building is a major identifiable landmark to local residents as well as those who visit Lincoln City. Loss of the structure or major alteration would cause a loss of one of the few historical values in the area.

Environmental: No significant environmental factors exist.

Energy: No energy sources or resources are or will be significantly affected by uses of the Dorchester House.

Proceed to 3

3. Program for Resource Protection

3-A: Based on the ESEE Analysis the benefits from preserving the site outweigh those from allowing full conflicts: **NO**

If NO, proceed.

3-B: Based on the ESEE Analysis, the benefits from allowing full conflicts outweigh those from preserving the site: **NO**

If NO, proceed.

3-C: Based on the ESEE Analysis, the benefits from allowing limiting conflicts and protecting the site to some degree are comparable: **YES.**

If YES, designate Site 3-C; action required: Amend the zoning map to designate the site of the Dorchester house as specifically protected under the provisions of the Environmental Quality Overlay Zone (Section 3.110 and Subsection Historic 4. d. and Archeological sites.)

GOAL 5 WORKSHEET

Type of Resource: Historic Site - Jason Lee Campsite

Description: Jason Lee and his bride Anna Maria along with Cyrus and Susan Downing journeyed to the Oregon coast for a honeymoon of approximately one week after their wedding on July 17, 1837. The exact site is unknown. It was said to be located along the beach somewhere south of the Salmon River and north of D River.

1. Inventory Requirement

1-A: . Available information indicates resource site not important: **NO**

If NO, proceed

1-B: Available information is insufficient to identify the resource site: YES

If YES, designate site 1-B; action required: The City of Lincoln City will adopt a policy to include the Jason Lee Campsite at a Special Category to be considered for a full Goal 5 analysis should any way be determined to identify the site.

GOAL 5 WORKSHEET

Type of Resource: Art Structure - "Lincoln on the Prairie" Statue

Description: This is a bronze casting statue by Anna Hyatt Huntington of Abraham Lincoln in an equestrian pose, his figure mounted atop a horse.

1. **Inventory Requirement**

1-A: Available information indicates resource sites not important: **NO**

If NO, proceed.

1-B: Available information is insufficient to determine importance of resource site: **NO**

If NO, proceed.

1-C: Available information is adequate to indicate that the resource site is significant: YES

If YES, designate site 1-C; action required: Inventory

Location: Kirtsis City Park N. E. 22nd Street, Lincoln City

Quality: The statue is one of the largest on the Oregon Coast and was cast in bronze in 1965. It was a gift of the artist and the Margaret Brent Fellowship Foundation.

Quantity: The statue is the only such work on display in Lincoln County. The statue is one of three castings.

Proceed to 2

2. **Conflicting Use Determination and Analysis**

2-A: There are existing or potential conflicting uses at the site, **NO**

If NO, designate site 2-A; action required: adopt a policy to preserve resource sites.

The following comprehensive policy under the Environmental section will be adopted: The City of Lincoln City will continuously preserve the site and artwork of the "Lincoln on the Prairie" statue at Kirtsis Park. The site will be further designated on the zoning map as specifically protected under the provisions of the Environmental Quality Overlay Zone Section 3.110 and Subsection 4.d. Historic and Archaeological Sites.

United States Department of the Interior
Heritage Conservation and Recreation Service

National Register of Historic Places Inventory—Nomination Form

For HCRS use only
received
date entered

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic The Dorchester House

and/or common The Dorchester

2. Location

street & number 2701 NW Highway 101 ___ not for publication

city, town Lincoln City ___ vicinity of congressional district First

state Oregon code 041 county Lincoln code 041

3. Classification

Category	Ownership	Status	Present Use	
___ district	___ public	___ occupied	___ agriculture	___ museum
_XX_ building(s)	_XX_ private	___ unoccupied	_XX_ commercial	___ park
___ structure	___ both	_XX_ work in progress	___ educational	___ private residence
___ site	**Public Acquisition**	**Accessible**	___ entertainment	___ religious
___ object	___ in process	___ yes: restricted	___ government	___ scientific
	___ being considered	_XX_ yes: unrestricted	___ industrial	___ transportation
		___ no	___ military	___ other:

4. Owner of Property

name Rick R. Bowler

street & number 3800 SW Cedar Hill Blvd., #101

city, town Beaverton ___ vicinity of state Oregon 97005

5. Location of Legal Description

courthouse, registry of deeds, etc. Lincoln County Courthouse

street & number 4907 NW Highway 101

city, town Lincoln City state Oregon 97367

6. Representation in Existing Surveys

title Statewide Inventory of Historic Properties has this property been determined elegible? ___ yes _X_ n

date 1979 ___ federal _XX_ state ___ county ___ loc

depository for survey records State Historic Preservation Office

city, town Salem state Oregon 97310

7. Description

Condition		Check one	Check one
___ excellent	___ deteriorated	___ unaltered	___ original site
___ good	___ ruins	___ altered	___ moved date _____
___ fair	___ unexposed		

Describe the present and original (if known) physical appearance

The "Colonial-style" Dorchester House, situated in Lincoln City, Oregon, was constructed for use as a hotel and business building, housing visitors and providing space on the first floor for an automobile service station and restaurant. The second story was used for hotel rooms which overlook the Pacific Ocean.

During the ealy years of the building's existence, and for many years thereafter, the Dorchester house was the only hotel on the coast in the Lincoln City area. Construction on the Dorchester House was begun in 1929, but, due to the Depression, the building did not open for business until July 4, 1935. The architect was Rowe Kennedy, a traditionalist who sought to create an English-style country inn for owner/contractor Charles Walker. The building has seen many owners, but is in good condition and in active use.

Located in Township 7 South, Range 11 West, Section 10, Lincoln County, The Dorchester House stands on Lots 11, 12, 13, Block 15, Braemar Addition. The building stands alone and occupies the north half of the property. The remaining Lots, 14, 15, and 16 are used for parking and are adjacent and contiguous to the south of the Dorchester House. The Dorchester faces East on Highway 101, the coastal thoroughfare carrying 95 percent of the traffic through Lincoln City. Since its construction, the Dorchester has been a landmark for motorists traveling the Coast Highway.

The immediate neighborhood includes stores, banks, and civic buildings. There is a mixture of architectural styles and periods in the surrounding blocks. Many older structures remain, but there are as many modern commercial buildings. The flower gardens to the rear were abandoned in the 1950s in order to meet the needs for additional parking. This ground, not included in the nomination, will continue to be used for parking, and will be appropriately landscaped.

The Dorchester is basically a three-story rectangular structure approximately 40 feet wide by 145 feet long. The original building was increased by approximately 50 feet lying to the north of the main entry.

The steel and reinforced concrete foundation was one of the first to be built in the area. This foundation supports the balloon-frame wood construction of the upper stories. The hipped roof is covered in composition shingle and is punctuated by numerous dormers. Lap siding sheathes al the elevations. Most of the fenestration is multipaned double-hung sash, set in simple frames.

As originally constructed, the front elevation was dominated by a single gabled bay. A large picture window, framed by side and transom lights and decorated with a scroll pediment is centered below double and bulls-eye windows in the upper stories. The recessed entry to the right of the gable originally terminated the east elevation. the porch is framed by pairs of square columns which support an unadorned frieze. Windows similar to those in the gable surround the single doorway.

Originally, fuel pumps were located under a porte-cochere near the south end of the front elevation. This was later converted into a coffee shop and shares similar decorative motif with the main building.

Soon after the opeining in 1935, due to the popularity of the establishment and increased motor traffic, the Walkers decided to enlarge the building with an extension on the north and by adding more motel rooms on the upper level, and a gift shop, lobby, and office space on the main level. The resulting facade is essentially symmetrical, and the entrance is now centered between the old and new gables.

The rear of the Dorchester House is characterized by a two-story porch of undecorated posts which support a third-story balcony. Access to the upper porch is gained through doors from individual rooms. Large windows on the lower floors overlooking the Pacific are original and are identical with those on the front

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

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NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

The Dorchester House

elevation. In the addition, smaller windows were used on the lower elevation and the dormers were more closely spaced. The only other addition is to the south end and contains expanded kitchen facilities.

The interior space of the Dorchester is typically constructed of 2 x 4 studs with wood lath and plaster. The fireplace in the main lobby is original and intact. The mason hand-selected each of the rocks, and his theory was to build one foot of the fireplace per day and to allow that foot of mortar and stone to dry for three to five days until completion. The resulting fireplace is a focal point of the interior. The exposed ceiling beams were hand-adzed for effect, and they will be restored to original finish.

The guest rooms on the upper levels are typical room sizes with several of the rooms sharing bathroom facilities. The restoration plan for these upper floors is to remove all the functionally obsolete fixtures and replace with updated equipment. The original wall materials were primarily cement lath and plaster with wood molding around the interior doors. Upstairs, the windows and doors are all in poor condition and will be replaced as closely as possible with like materials. The heating system is an old boiler which will be removed and replaced with more energy efficient equipment.

The Dorchester House initially was advertised by a free-standing sign close to the highway, complete with boar's head in the tradition of the English inns which inspired the project. Restoration plans include re-creation of the original sign and removal of the existing one. Overall restoration plans call for maintaining the exterior without further alteration and carrying out required code work.

8. Significance

Period	Areas of Significance—Check and justify below				
___ prehistoric	___ archeology-prehistoric	___ community planning	___ landscape architecture	___ religion	
___ 1400–1499	___ archeology-historic	___ conservation	___ law	___ science	
___ 1500–1599	___ agriculture	___ economics	___ literature	___ sculpture	
___ 1600–1699	X architecture	___ education	___ military	___ social/ humanitarian	
___ 1700–1799	___ art	___ engineering	___ music	___ theater	
X 1800–1899	X commerce	___ exploration/settlement	___ philosophy	X transportation	
___ 1900–	___ communications	___ industry	___ politics/government	___ other (specify) Recreation	
		___ invention			

Specific dates 1929-1935 **Builder/Architect** Rowe Kennedy, Architect
Charles F. Walker, Builder

Statement of Significance (in one paragraph)

The Dorchester House is significant to Lincoln City and Lincoln County as one of t important auto accommodations erected on the Roosevelt Coast Highway in anticipation of several celebrated bridge construction projects which for the first time made possib uninterrupted motor vehicle travel across rivers and bays along the Oregon coast. In c cept and design, if not in execution, the hostelry is fifty years old and, in any event meets the criteria of the National Register. Construction commenced in 1929, lapsed as consequence of the stock market crash, and was completed five years later. The brainch of Dorchester, Ontario native Charles F. Walker, The Dorchester was intended to recrea the tradition of hospitality for which English inns were famous. The design was produc by Oregon architect Rowe Kennedy, who amalgamated pictorial qualities of the English Ar and Crafts movement with a "Colonial" theme borrowed, in part, from Mt. Vernon, the Vir plantation house of the first president of the New Republic. The Dorchester is one of oldest and best-known institutions in the area now incorporated as Lincoln City, and it the hub around which development at Ocean Lake grew in the 1930s and 1940s.

In order to secure the necessary water supply for his hotel, the entrepreneur Walke started at a local water source and, with the aid of a mule, plowed a ditch to the consi tion site and slightly beyond to accommodate other Ocean Lake residents. The effect of efforts was the formation of the Braemar Water District, and, in compensation, Charles W was not charged for water in the first ten years of the history of the utility.

Charles F. Walker, businessman and poet, was born in Dorchester, Ontario, Canada, t son of a carpenter. During his early years, he learned carpentry from his father. He t a career as an educator upon graduating from Toronto Normal School. In 1921 he moved to Portland, where he organized the Northwestern School of Commerce. He served as the scho first president through 1952. A friend of Dale Carnegie, Walker introduced the Dale Car Institute to Portland. He was president of the downtown Kiwanis Club and served at one as governor of the Northwest District of Kiwanis. He was active in the Portland Chamber Commerce, the Royal Rosarians, and was awarded honorary degrees from Armstrong College a California College of Commerce.

Walker envisioned The Dorchester as a gracious retreat in an as yet undeveloped str of the Oregon coast which was one of the closest ocean viewpoints directly accessible by automobile from the major population centers of the Willamette Valley. Walker is said t have been a compulsive builder. Two houses which he built are still standing in Lincoln He had constructed programs for the schools in which he taught. Having started as a 17- old teacher in Nylestown, Ontario, he conceived the programs and wrote the texts. He use approach also in The Dorchester House project, selecting the site and directing every as of design and construction. His family having migrated to Canada before he was born, Wa returned to the home country in Dorsetshire, in southwest England. It was during these visits that he is said to have been inspired by the architecture and hospitality of the which served travelers on their way to the coastal spas. Walker's choice of a name for project may have been influenced in some part by London's fashionable hotel known as The Dorchester. The latter, situated in Park Lane near Buckingham Palace and overlooking Hy Park, was opened in 1931.

(continued)

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The Dorchester House

Throughout the years, even under different ownership and management, The Dorchester continued its tradition of fine hospitality. It became widely known in recent years as the site of annual conventions of the state Republican party. Currently being revived after a dormant period of several years, The Dorchester will continue to serve its original purpose.

The architect, Rowe Kennedy, was known for his traditional Period designs for school buildings, fraternity houses and residences. He is said to have thought the International Style lacking in eye appeal. Some of Kennedy's better-known works are Alameda School, Portland, Alpha Chi Omega House, Corvallis, Ballard Residence, 147 NW 31st Street, Corvalli and the Dr. Nicholas Tartar House, 154 North 30th Street, Corvallis.

9. Major Bibliographical References

Vaughan, Thomas and Virginia Ferriday, eds. Space, Style and Structure: Building in Nort west America (Portland: Oregon Historical Society, 1974), Vol. 2, pp 524-525. "Auto Accommodations," Elisabeth Walton.

Oregonian, Aug. 25, 1927, Oct. 11, 1929, Jan. 23, 1938, May 6, 1964, Apr. 10, 1965, Mar. 1 1967, July 27, 1976 (obituary).

10. Geographical Data

Acreage of nominated property less than one (0.5 acre)(77x300')

Quadrangle name Cape Foulweather, Oregon Quadrangle scale 1:62500

UMT References

	Zone	Easting	Northing
A	10	421 0 71 5 0	4 19 8 1 1 7 1 5 5
B			
C			
D			
E			
F			
G			
H			

Verbal boundary description and justification The property nominated is a rectangular lot approx. 77x300' bounded on the east by Hwy. 101 and on the north by the Pub Restaurant. It is described as Lots 11-16, Block 15, Braemar Addition, Lincoln County, Oregon. The site is loca in NE¼ Sec. 10, T7S, R11W, W.M.

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
ate	code	county	code

11. Form Prepared By

name/title	Rick Bowler		
organization		date	September 30, 1979
street & number	3800 SW Cedar Hills Blvd. #101	telephone	503/644-9145
city or town	Beaverton	state	Oregon 97005

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

___ national ___ state XX local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the Heritage Conservation and Recreation Service.

State Historic Preservation Officer signature

title SHPO Designee date December 1979

For HCRS use only

I hereby certify that this property is included in the National Register

date

Keeper of the National Register

Attest: date

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RECEIVED
DATE ENTERED

ATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

The Dorchester House

Oregon Journal, Aug. 1927.
Lincoln City Deeds and Records: No. 74-541, 74-542, 70-233, 85-130, 100-203, 77-336.
Interviews:

Erma Walker, September 20, 1979, Portland, Oregon. Widow of Charles F. Walker. General data on C.F. Walker.

Richard Walker, September 22, 1979, Fort Wayne, Indiana. Brother of Charles F. Walker. General data.

Bessie Kennedy, September 19, 1979, Portland, Oregon. Widow of Rowe Kennedy, Archite

Arthur Spencer, September 18, 1979, Portland, Oregon (Oregon Historical Society). Reference materials.

Miller Arveson, September 15, 1979, Portland, Oregon. Former hostess and employee of The Dorchester House for 18 years. General information.

Lyle Hasselbrink, September 9, 1979, Lincoln City, Oregon. Contractor supplying sand and gravel for original construction.

Herb Sinnard, September 20, 1979, Corvallis, Oregon. Retired employee, professor at Oregon State University. Rowe Kennedy.

Mrs. Albert M. Jaroff, September 21, 1979, Portland, Oregon. Widow of a former owner. Modern operations and evolution of the hotel.

Alene Cach, September 21, 1979, Portland, Oregon. Daughter of Charles F. Walker.

Harriett Moore, September 26, 1979, Corvallis, Oregon. Retired archivist and OSU. Kennedy's other designs in Corvallis.

Robert B. Walker, September 26, 1979, D Lake, Oregon. Local contractor at the time. Discussed building dates and techniques.

Alfred Staehli, September 27, 1979, American Institute of Architects, Portland, Oregon

Dr. Underdahl, September 21, 1979, Lincoln City, Oregon. Elder acquaintance with deceased builder.

Willetta Middlesworth, September 25, 1979. Sister-in-law of first chef of Dorchester.

Don Walbauer, September 18, 1979, Portland, Oregon. Northwest School of Commerce. Charles F. Walker.

Dean Collins, September 25, 1979, Lincoln City, Oregon. Had bread route in Lincoln City during 1930s.

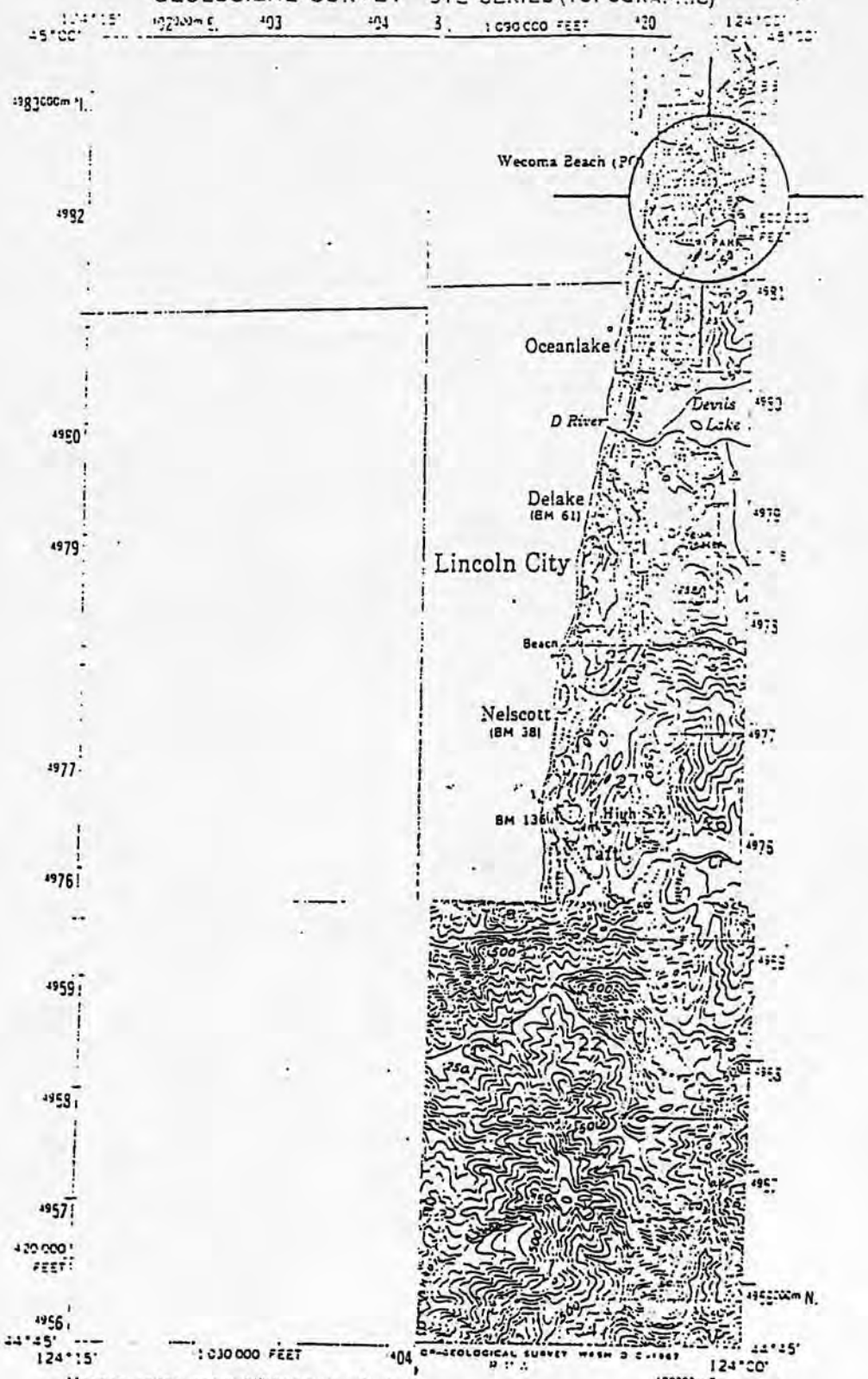
Jack Lablanc, September 26, 1979, Lincoln City, Oregon. Former city recorder of Ocean Lake.

Correspondence:

Mimi Wayforth, September 25, 1979, Washington, DC. Senator Packwood's secretary.

UNITED STATES
DEPARTMENT OF THE INTER
GEOLOGICAL SURVEY

JLWEATHER QUADRANGLE
REGON—LINCOLN CO.
ITE SERIES (TOPOGRAPHIC)



Mapped, edited, and published by the Geologi

Control by USGS, USC&GS, and State of Oregon

Topography by planetable surveys 1939

Culture and drainage revised from aerial photography taken 1952. Field check 1957

Polyconic projection. 1927 North American datu
10,000-foot grid based on Oregon coordinate syst
1000-meter Universal Transverse Mercator grid ti
zone 10, shown in blue

ROAD CLASSIFICATION

Light-duty

Unimproved dirt

U. S. Route State Route

RCHESTER HOUSE

CAPE FOULWEATHER, OREG.

N4445—W12400/15

1957

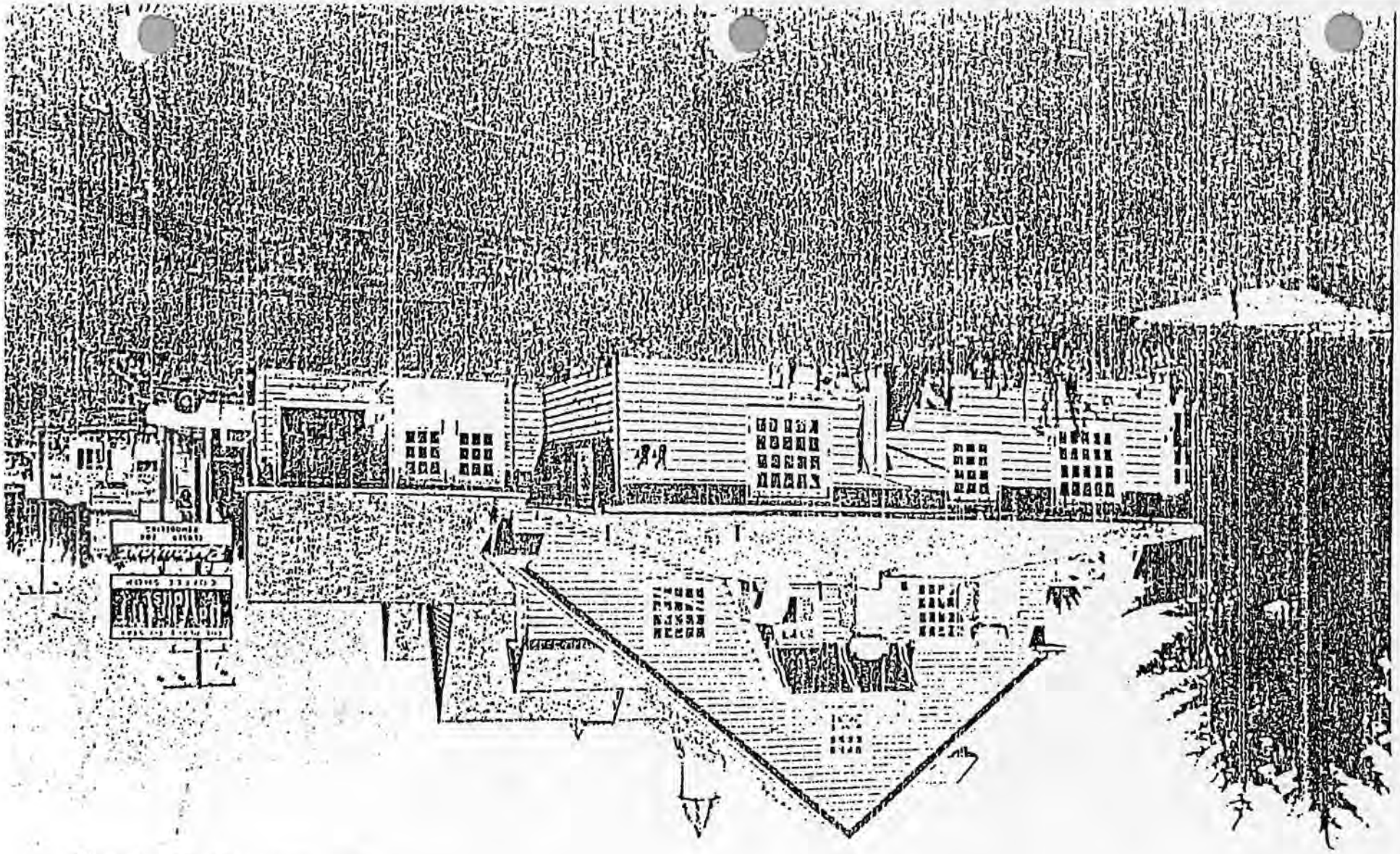
AMS 1173 I—SERIES V792

COFFEE SHOP
Coffee Shop

Dorchester House
2701 Northwest Highway 101
Lincoln City, Lincoln County, Oregon

Burton St. John Photo, 1979
3800 SW Cedar Hills Blvd. #101
Beaverton, Oregon 97005

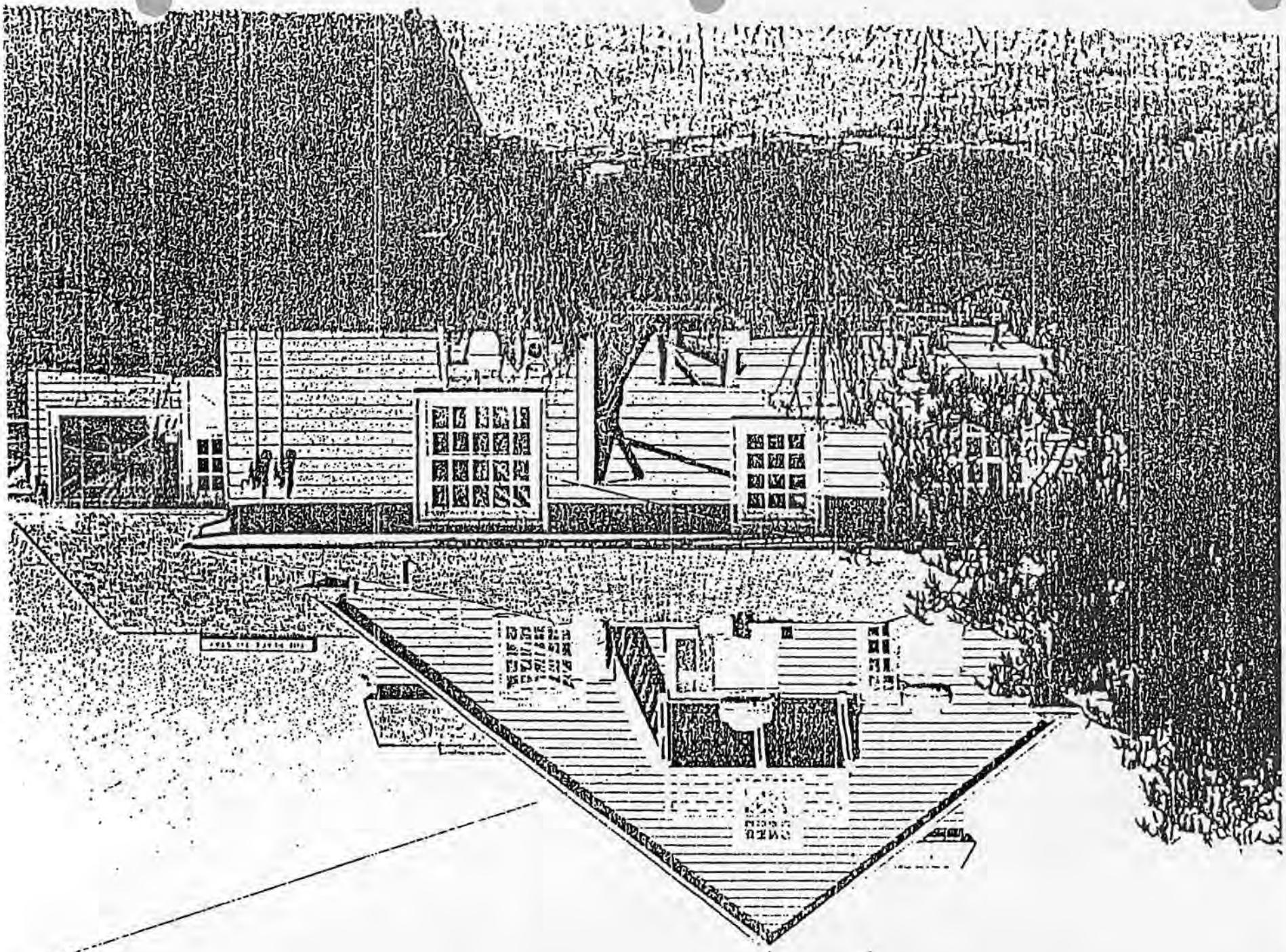
1 of 6
East (Front) Elevation



Dorchester House
2701 Northwest Highway 101
Lincoln City, Lincoln County, Oregon

Burton St. John Photo, 1979
3800 SW Cedar Hills Blvd. #101
Beaverton, Oregon 97005

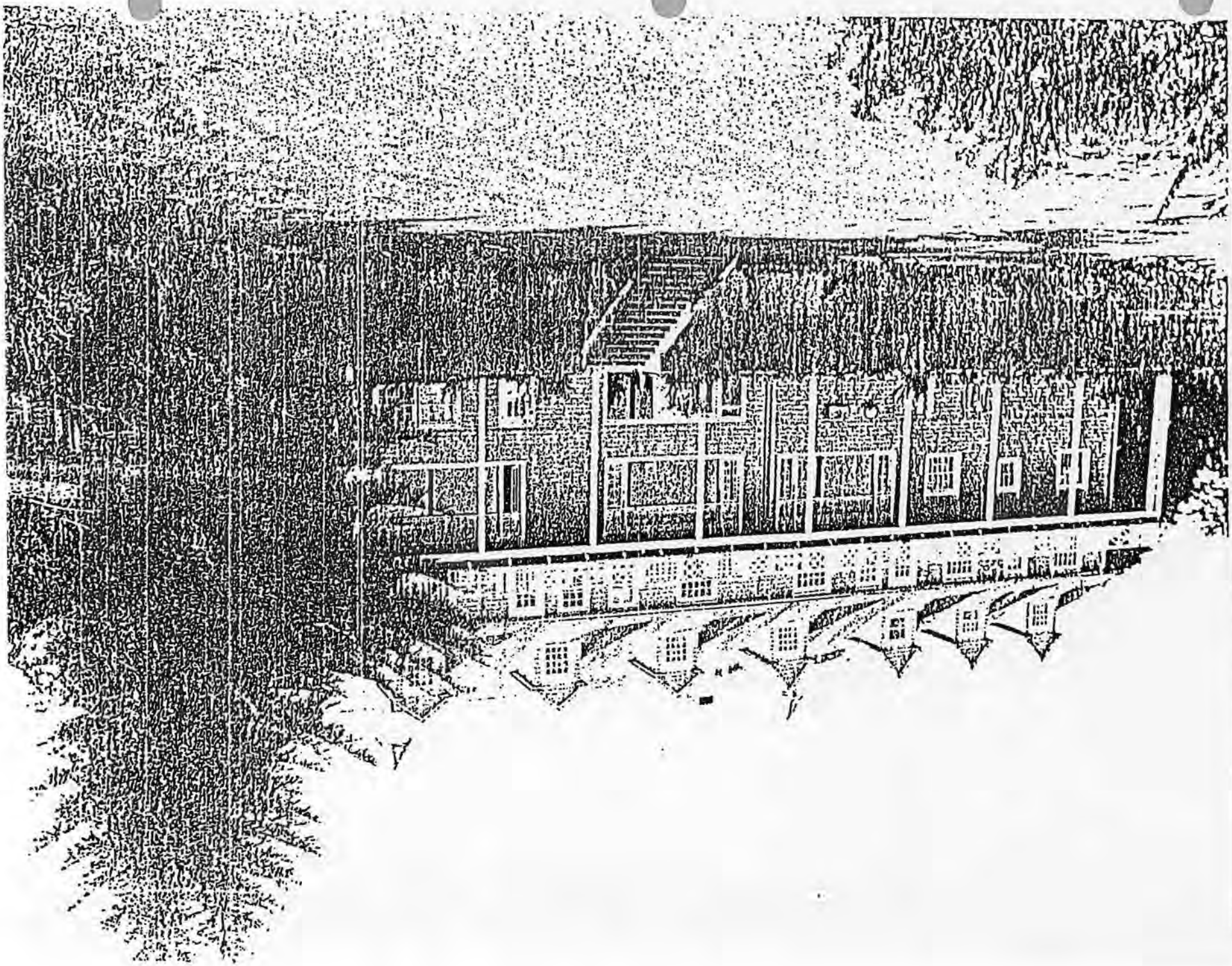
2 of 6
South Elevation



Dorchester House
2701 Northwest Highway 101
Lincoln City, Lincoln County, Oregon

Burton St. John Photo, 1979
3800 SW Cedar Hills Blvd. #101
Beaverton, Oregon 97005

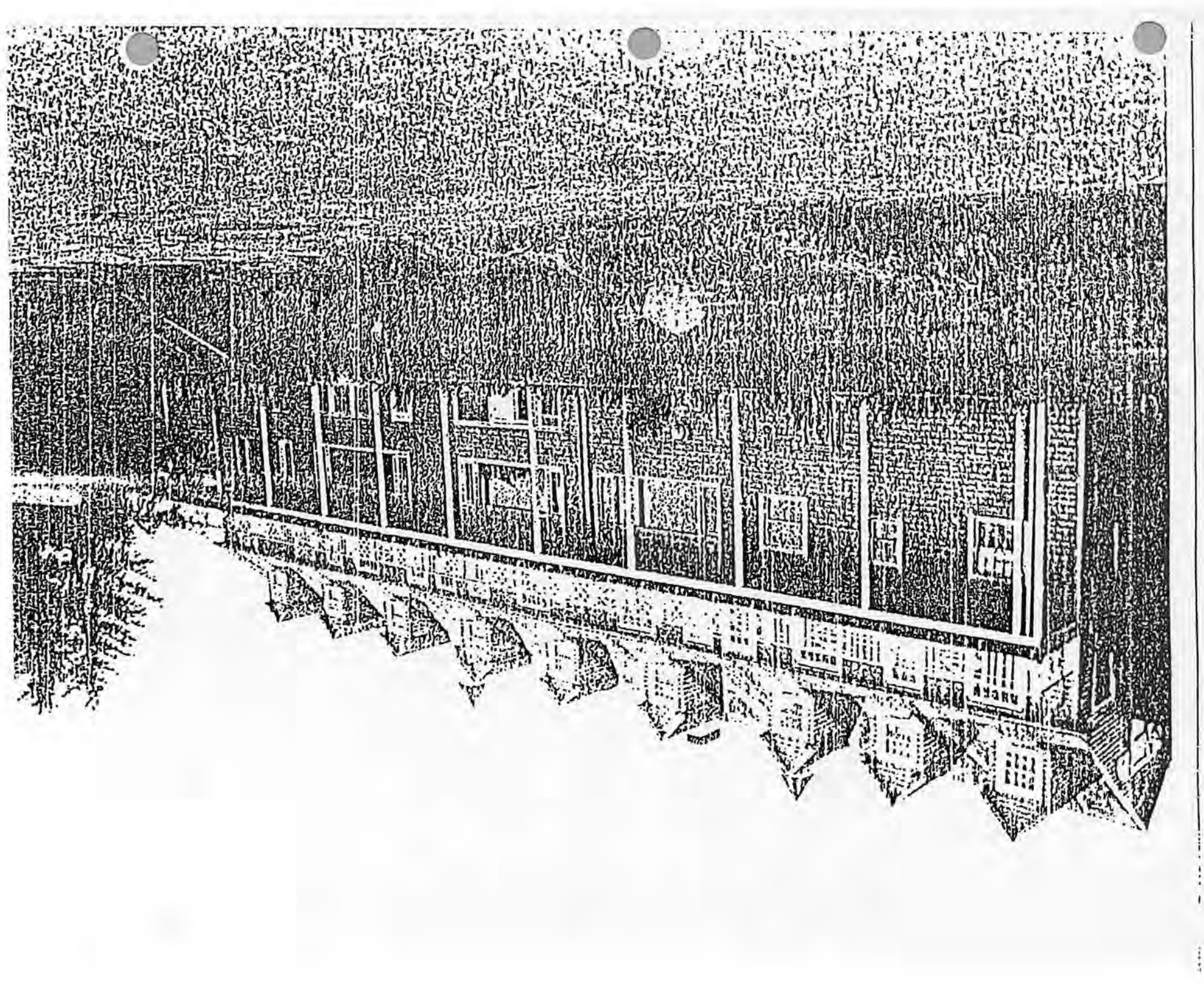
3 of 6
South Elevation



Dorchester House
2701 Northwest Highway 101
Lincoln City, Lincoln County, Oregon

Burton St. John Photo, 1979
3800 SW Cedar Hills Blvd. #101
Beaverton, Oregon 97005

4 of 6
West Elevation



Dorchester House
2701 Northwest Highway 101
Lincoln City, Lincoln County, Oregon

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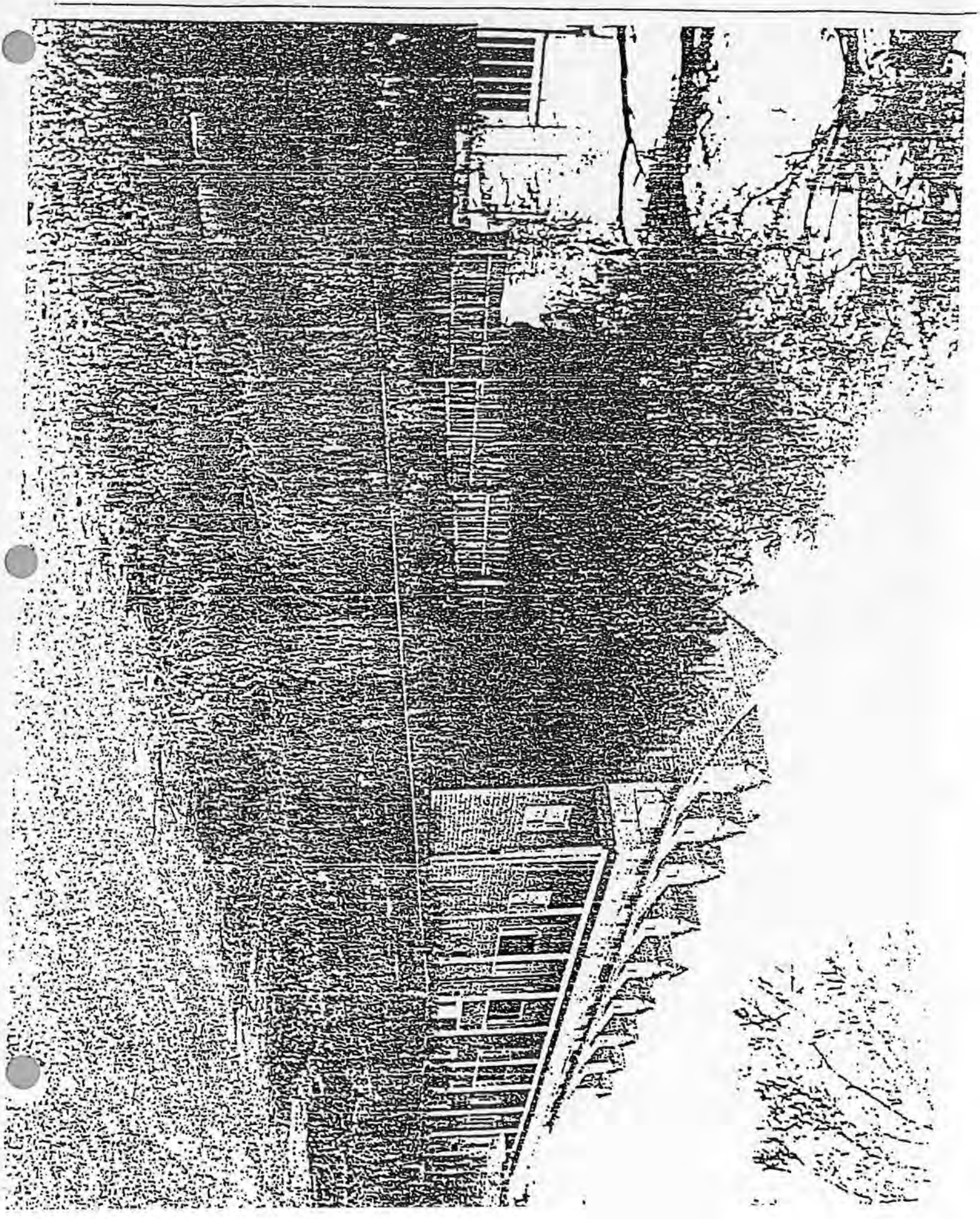
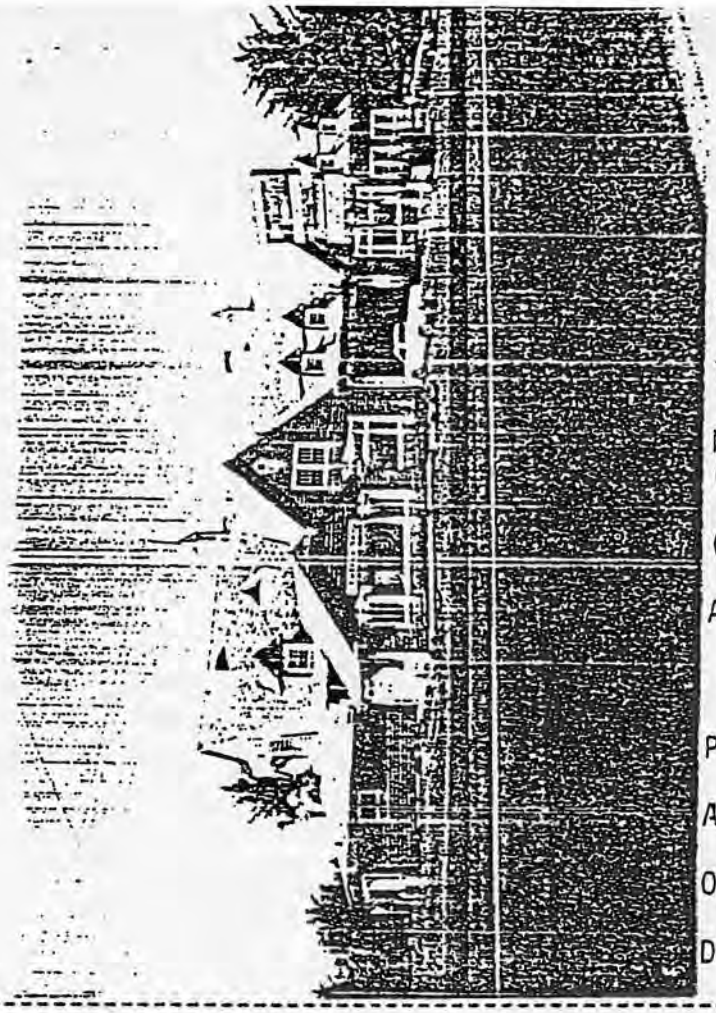
5 of 6
West Elevation



Dorchester House
2701 Northwest Highway 101
Lincoln City, Lincoln County, Oregon

Burton St. John Photo, 1979
3800 SW Cedar Hills Blvd. #101
Beaverton, Oregon 97005

6 of 6
View From Northwest



STATE OF OREGON INVENTORY
OF HISTORIC PROPERTIES
State Historic Preservation Offi
Oregon State Parks, Salem, OR 97

County Lincoln

Theme "20 MIRACLE MILES"

Name
(Common) The Dorchester House

(Historic) The Dorchester House

Address 2701 NW Highway 101

Lincoln City, Oregon 97367

Present Owner Rick R. Bowler

Address 3800 S. W. Cedar Hills Blvd.#10
Beaverton, Oregon

Original Use Motel and Service Station

Date of Construction June 1929 (Started)

---

ysical description of property and statement of historical significance:

Construction of the Dorchester House was started in 1929, it is significant for its Historic association which was copied from the Dorchester Inns in London, England. The Dorchester House is a rare example of English arts&cra Architecture and displays an elegance of craftsmanship and detailing.

By 1935, the Dorchester House was fully operational and had become very well known throughout the State as one of the major Hotels & Restaurants on the Oregon Coast.

The first Republican State Convention was held in the Dorchester House on February 1965. This Converntion was noted as The Dorchester House Conferenc The Rupublican Convention is still called The Dorchester Conference to this day.

Situated in Lincoln City, Oregon, the Dorchester House is a three story, rectangular building of wood frame construction. Forty feet wide by one hundred forty five feet long and incorporates a coffee shop, restaurant/ lounge, gift shop, conference rooms, and twenty seven motel rooms. The coffee shop, entry and gift shop are facing Highway 101 with large spans

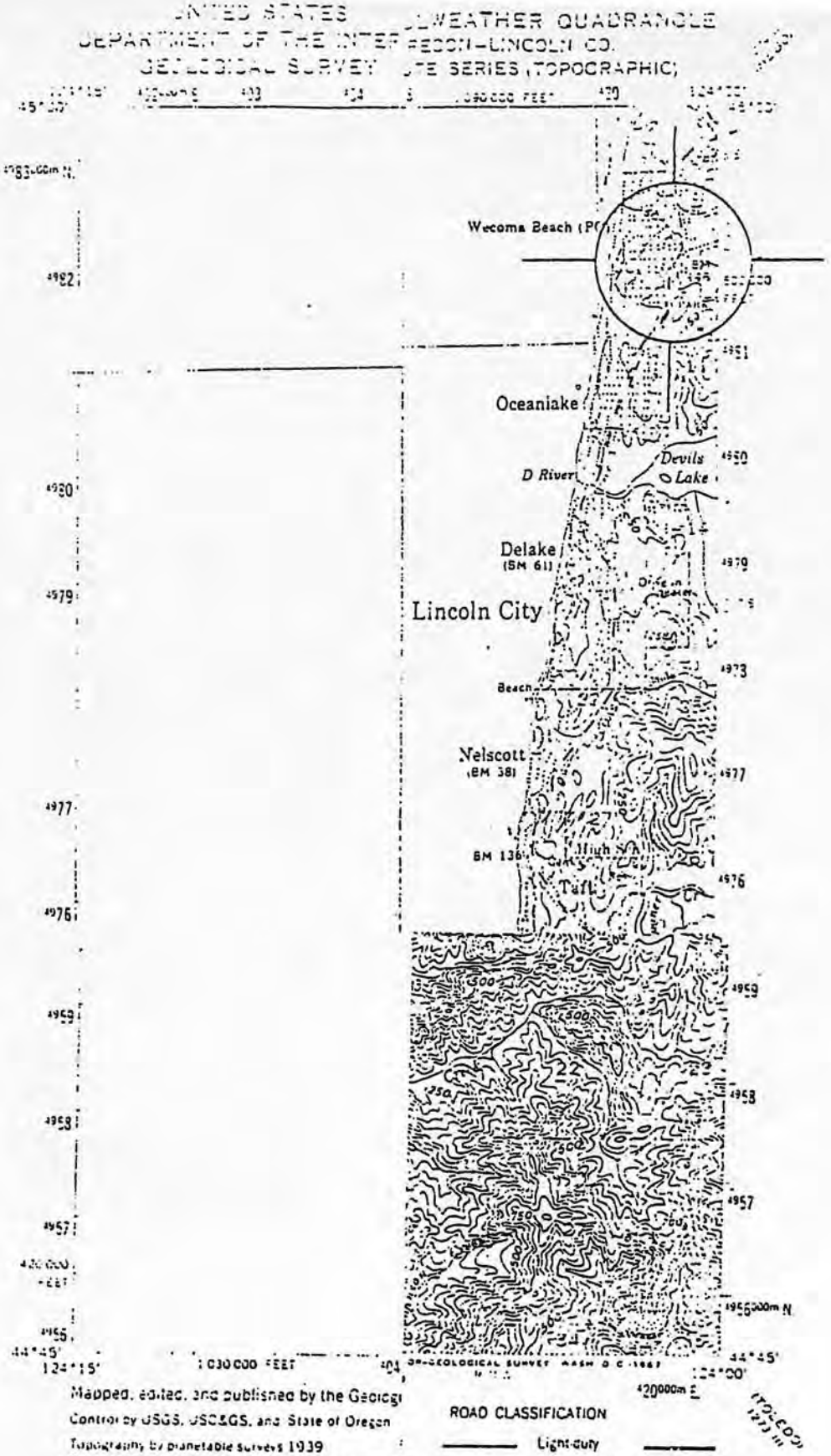
continue on back if necessary

Recorded by Burton L. St.John Date September 30, 1979

ources consulted (continue on back if necessary):

Please enclose map. Township T 7S N S R11W E W Section 10

of glass and high pitched roofs. The dining room and conference rooms are exposed to the west with a view of the Pacific Ocean. The motel rooms have balconies and dormers with a view of the Pacific Ocean.



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

FOULWEATHER QUADRANGLE
OREGON-LINCOLN CO.
7½ MINUTE SERIES (TOPOGRAPHIC)

Mapped, edited, and published by the Geologi

Control by USGS, USC&GS, and State of Oregon

Topography by planetable surveys 1939
Culture and drainage revised from aerial photography taken 1952 Field check 1957

Polyconic projection. 1927 North American datu
10 000 foot grid based on Oregon coordinate syste
1000 meter Universal Transverse Mercator grid ta
zone 10, 500m in blue

RCHESTER HOUSE

CAPE FOULWEATHER, OREG.

N4445—W12400/15

1957

AMS 1173 I-SERIES V792

'420750/4981755

53

HISTORIC SITES AND BUILDINGS
Oregon State Highway Department, Salem 97310

Town Lincoln City, Oregon

Site/Structure is historically significant to: Town (County) (State) Nation

Site/Structure has historical associations with the following themes:

Aboriginal man	Transportation/Communication
Maritime exploration	Military/Indian Affairs
Overland exploration	Government
Fur trade	Arts and Sciences
(Missionary frontier)	Religion/Philosophy
Oregon Trail migration	Social/Humanitarian movements
Mining frontier	Ethnic immigration
Cattlemen's empire	(Travel/Recreation)
Agriculture	Conservation
Commerce/Industry	
Development town/city	

Other _____

Name
(Common) Jason Lee Campsite
(Historic) (Same)

Original Use Camp site

Present Use Ocean Beach: Resident Area

Present Owner Unknown

Date July 1837 Style _____

Source of Date Brosnan, see Referen

Architect _____

Builder _____

3. CONDITION: Good Fair Poor Re-sited ___ Altered ___ Restored ___
(Site) Open Overgrown (Developed) Obliterated by _____

NEIGHBORING LAND USE: Commercial/Industrial (Residential) Blighted Undeveloped

SITE ENDANGERED BY _____ ACCESSIBLE TO PUBLIC: (Yes) No

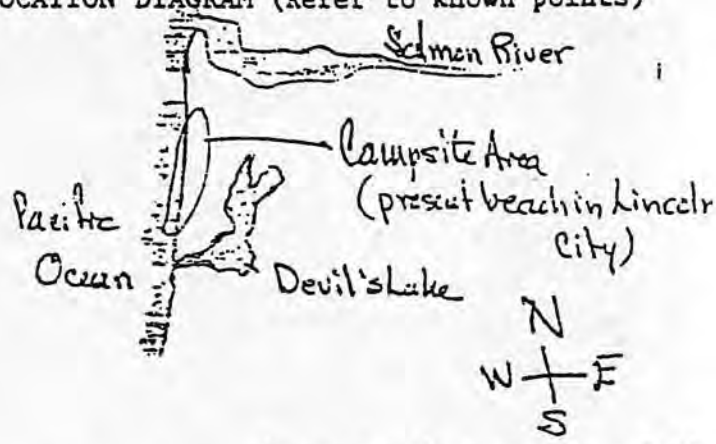
On what basis Free Access

4. DESCRIPTION

Frame: Wood Iron Steel
Wall cover: Rough-hewn timber
Lap/Tongue-in-groove siding
Brick/Stone masonry Concrete Glass
Stories: Basement 1 2 3___ Attic
Roof: Gable Gambrel Hipped Mansard
Dormers___ Cupola Tower Spire Dome
Other _____
Chimneys: 1 2 3 4___ Stone Brick
Interior trim:
Paneling: Milled Carved
Wainscot Baseboard Chair-rail
Interior Walls: Boards Brick Plaster
Ornament: Molded plaster Wood-carved
Decorative painting _____
Original: Fixtures Hardware Furniture
Stairs: Central stair-hall Straight flight
Geometric Dog-legged Double-return
Enclosed Wood Iron
Openings: Regular Irregular
Attachments: Simple Porch Double Piazza
One/Two-story portico Veranda(s)
Side/Center ell Wing(s) Shed
Outbuildings: Wood shed Bath/Cook house
Smoke house Carriage house Barn
Other _____
Landscaping: Formal Forecourt Informal

5. LOCATION DIAGRAM (Refer to known points)

Indicate North



Ocean Beach area west of Hi
Road or Highway 101 in Lincoln City

Street and No. Logan Road (?)

Township 7 (S) N Range 11 (W) E Section 10

Recorded by Stephen Dow Beckham

For OCCDC and State Parks Division

Date 1 August 1974

(Attached)
Photo: Available _____

PHYSICAL DESCRIPTION (Comment on original condition, alterations, and notable features)

The Jason Lee Campsite was along the ocean beach in present Lincoln City. The exact site is unknown. It was, however, somewhere near the shore south of the mouth of the Salmon River and north of the D River.

HISTORICAL SIGNIFICANCE (Elaborate on the historical theme circled on front of form)

Upon their double marriage ceremony on July 17, 1837, Jason and Anna Maria (Pittman) Lee and Cyrus and Susan (Downing) Shepard journeyed to the Oregon coast for their honeymoon. Their guide was the mountain man Joseph Gervais. The women had journeye to Oregon by sea as the prospective brides of the director and the school master of the Methodist Mission at Wheatland or Mission Bottom in the Willamette Valley. The women arrived at Fort Vancouver on May 28, 1837. The wedding party took four days each way in its trek down the Old Elk Trail that is today the Salmon River Highway. They spent approximately one week on the Oregon coast.

The site of their encampment near Lincoln City is unknown. Their visit was, however, commemorated in August, 1937.

SOURCES CONSULTED (Existing surveys, publications, records)

"Jason Lee," pp. 424-25, vol. 2 of History of the Pacific Northwest (Portland: North Pacific History Co., c. 1889).

"Jason Lee's Honeymoon Trail," Oregon Journal (22 Aug. 1937).

"When Jason Lee Went Honeymooning," Oregonian (27 Aug. 1937).

"Meeting Honors Pioneer Couples," Oregonian (30 Aug. 1937).

Brosnan, Cornelius J. Jason Lee: Prophet of the New Oregon (New York: The Macmillan Co., 1932).

District-Site Boundaries _____

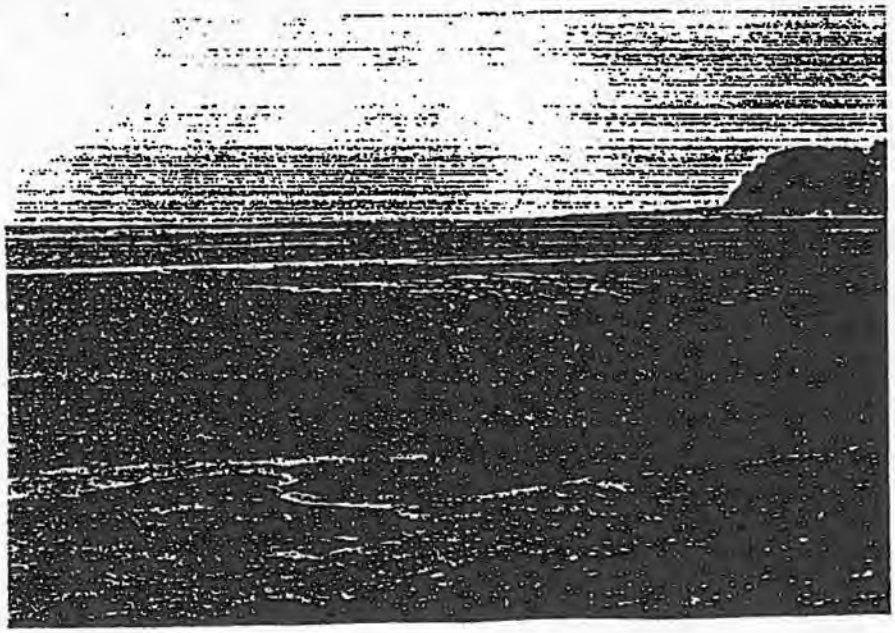
Approximate acreage of site _____

Location of current property title(s) _____

_____ County Assessor's Map No. _____ attached.

CAPE FOULWEATHER QUADRANGLE
OREGON—LINCOLN CO.
15 MINUTE SERIES (TOPOGRAPHIC)

Vicinity of Lee Camp



HISTORIC SITES AND BUILDINGS
Oregon State Highway Department, Salem 97310

Site/Structure is historically significant to: Town County State Nation

Site/Structure has historical associations with the following themes:

Aboriginal man	Transportation/Communication
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Missionary frontier	Religion/Philosophy
Oregon Trail migration	Social/Humanitarian movements
Mining frontier	Ethnic immigration
Cattlemen's empire	Travel/Recreation
Agriculture	Conservation
Commerce/Industry	
Development town/city	

Other _____

Town Lincoln City, Ore.

Name
(Common) Lincoln Statue
(Historic) (Same) "Lincoln on the Prairie"

Original Use Statue in Park

Present Use (Same)

Present Owner Lincoln City, Oregon

Date c. 1965 Style Cast Statue

Source of Date Inscription on Statue

Architect Artist: Anne Hyatt Huntington

Builder _____

CONDITION: Good Fair Poor Re-sited ___ Altered ___ Restored ___
(Site) Open Overgrown Developed Obliterated by _____

NEIGHBORING LAND USE: Commercial/Industrial Residential Blighted Undeveloped

SITE ENDANGERED BY _____ ACCESSIBLE TO PUBLIC: Yes No

On what basis Free Access

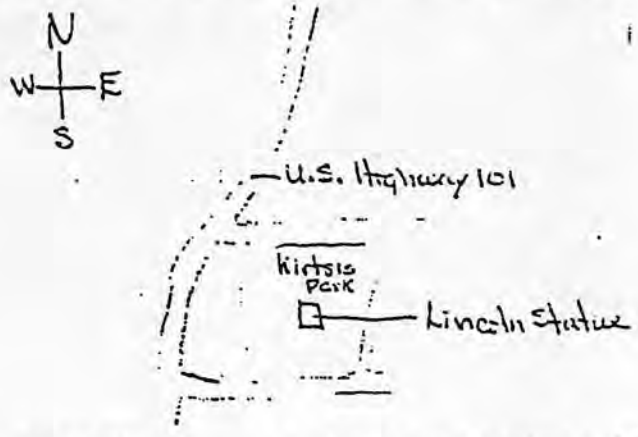
---

4. DESCRIPTION

Frame: Wood Iron Steel
Wall cover: Rough-hewn timber
Lap/Tongue-in-groove siding
Brick/Stone masonry Concrete Glass
Stories: Basement 1 2 3___ Attic
Roof: Gable Gambrel Hipped Mansard
Dormers___ Cupola Tower Spire Dome
Other_____
Chimneys: 1 2 3 4___ Stone Brick
Interior trim:
Paneling: Milled Carved
Wainscot Baseboard Chair-rail
Interior Walls: Boards Brick Plaster
Ornament: Molded plaster Wood-carved
Decorative painting_____
Original: Fixtures Hardware Furniture
Stairs: Central stair-hall Straight flight
Geometric Dog-legged Double-return
Enclosed Wood Iron
Openings: Regular Irregular
Attachments: Simple Porch Double Piazza
One/Two-story portico Veranda(s)
Side/Center ell Wing(s) Shed
Outbuildings: Wood shed Bath/Cook house
Smoke house Carriage house Barn
Other_____
Landscaping: Formal Forecourt Informal

5. LOCATION DIAGRAM (Refer to known points)

Indicate North



Road or Highway Adjacent to Highway 101 in Kirtsis Park, Lincoln
Street and No. City, Oregon

Township 7 N S. Range ___ E W Section 11

Recorded by Stephen Dow Beckham

For OCCDD and State Parks Division

Date 1 August 1974

Photo: Attached Available _____

PHYSICAL DESCRIPTION (Comment on original condition, alterations, and notable features)

The Abraham Lincoln Statue is an equestrian pose of Lincoln, his figure mounted atop a horse. He holds a book in his right hand. The work is a fourteen feet high bronze casting, mounted on a rock base. The base is surrounded by a flagstone terrace on which are mounted several benches. The statue is the focal point of Kirtsas Park, a square block of lawn and pine trees immediately wast of Highway 101 in Lincoln City, Oregon.

HISTORICAL SIGNIFICANCE (Elaborate on the historical theme circled on front of form)

The statueeis one of the largest on the coast of Oregon and in 1974 is the only such work on public display in Lincoln County. It is the work of Anna Hyatt Huntington and was the gift to Lincoln City of the artist and the Margaret Brent Fellowship Foundation. The statue, "Lincoln on the Prairie," is one of three castings. In 1849 Lincoln was offered the post of territorial governor of Oregon. He declined and the position was then offered to Joseph Lane of Indiana who accepted.

SOURCES CONSULTED (Existing surveys, publications, records)

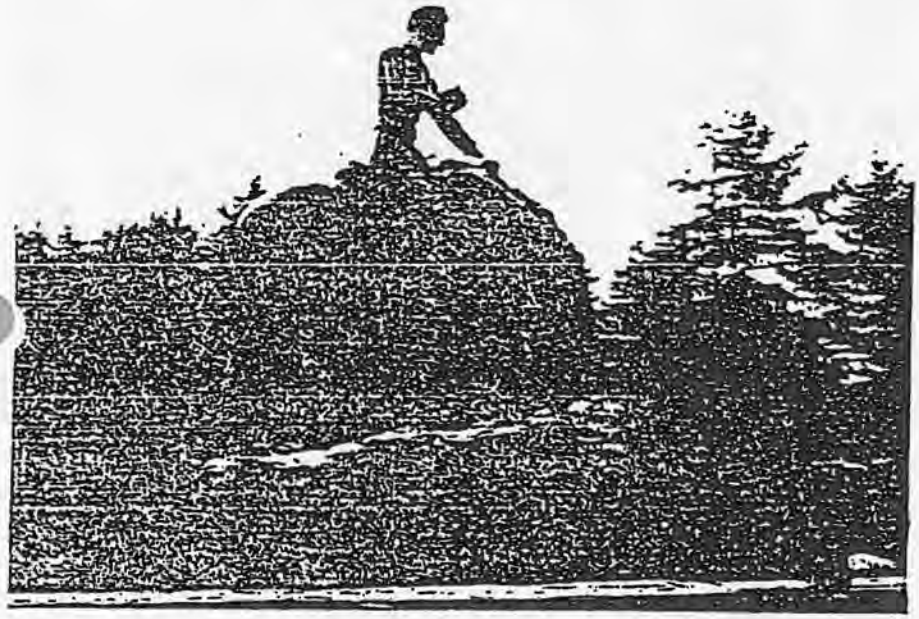
Beckham, Stephen Dow. Examination of inscriptions on statue, June, 1974, Lincoln City, Oregon.

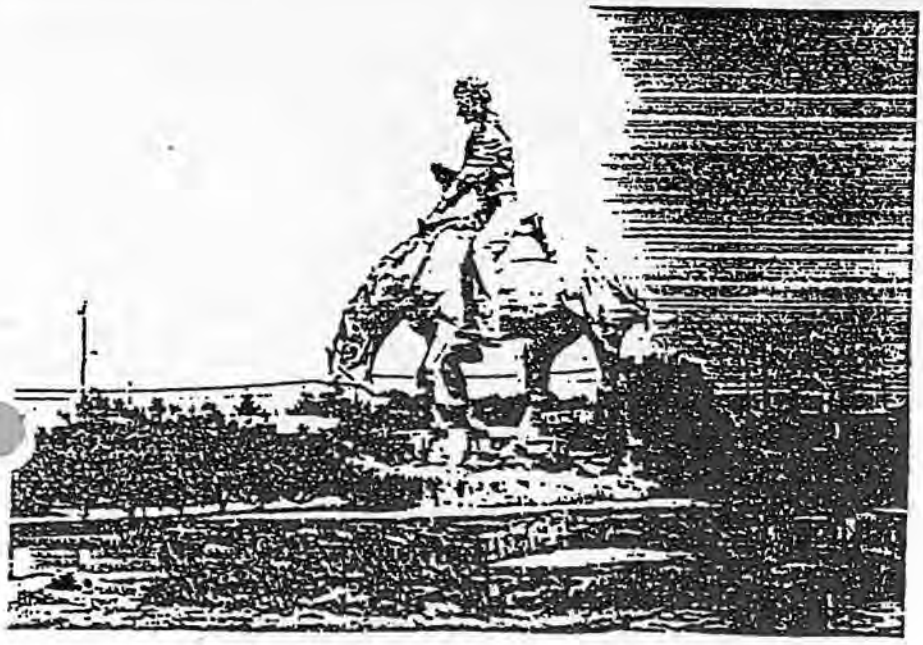
District-Site Boundaries_____

Approximate acreage of site_____

Location of current property title(s)_____

_____County Assessor's Map No._____attached.





"Lincoln on the Prairie"

GOAL 6 AIR, WATER AND LAND RESOURCE QUALITY - INVENTORY

A. Air Quality

No inventory data specific to the city of Lincoln City has been developed by the Department of Environmental Quality. The area enjoys a low level of the most common types of air pollution because of its coastal location. Air flow is mainly from the west. As a result, Lincoln City receives clean air from offshore most of the year. Frontal systems keep the air moving, while the coast range tends to direct surface winds parallel to the coast. As a result, air quality is good and no air shed problems are anticipated.

Noise problems in Lincoln City are limited. A primary source is associated with traffic on Highway 101. According to the 1984 Comprehensive Plan, the DEQ establishes standards which indicate potential noise pollution when traffic exceeds 10,000 daily trips at a given location. The 1984 plan listed the following locations as potential areas of concern due to traffic volume:

1. West Devils Lake Road and Highway 101
2. North 21st and Highway 101
3. South 51st and Highway 101

Also listed were the following one day, 24 hour volume locations presenting occasional noise concern:

1. South of city limits to Schooner Creek Bridge
2. Schooner Creek Bridge to Spanish Head
3. North 23rd drive to North 21st
4. North 21st to North 25th
5. North 25th to West Devils Lake Road

All properties abutting these locations are zoned for commercial or industrial use to buffer noise problems.

B. Water Quality

1. Water Sources

Most of Lincoln City's water comes from Schooner Creek, although Rock Creek serves portions of the northern area. The Rock Creek facilities include a small storage reservoir which is somewhat effective as a settling basin, but there is essentially no treatment provided to the raw water except for chlorination. Generally, the water is of high quality except that high tubidities are evident during periods of significant rainfall and subsequent high runoff. The watersheds are closed to the public, however, there is some concern that certain logging practices such as clear cutting and the application of chemical sprays could have an adverse effect on water quality.

Water is transported to customers throughout the city via transmission mains located in Highway 101. Generally, these lines are inadequately sized to provide the fire flows necessary to accommodate the types of commercial development existing in the city. Distribution storage reservoirs are located in the northern half of the system and the amount of storage was more than doubled by the construction of a new 2.0 million gallon steel reservoir in roads end during 1978. Even with this new reservoir, the amount of system storage is deficient...particularly south of the "D" River.

Lincoln City has the following water rights:

Existing Water Rights and Permits

Source	Permit (P) or Certificate (C) No.	Amount of Water - cfs	Priority Date	Priority Number*
Schooner Creek				

Basin				
North Fork	(P) 18293	3.50	10/14/47	6
South Fork	(P) 18293	3.50	10/14/47	6
South Fork	(P) 37605	3.50	01/29/73	10
Erickson Creek	(P) 11661	.89	09/28/34	1
		11.39		
Rock Creek	(C) 14366	.20	03/28/33	1
	(C) 21779	.75	07/18/49	5
	(C) 37438	.73	09/08/65	6
		1.68		

*Priority number based on prior rights.

Presently, Lincoln City has permits for 11.30 cfs (7.36 mgd) within the Schooner Creek drainage basin but only 10.5 cfs (6.79 mgd) on the North and South Forks of Schooner Creek itself.

2. Stream and Lake Water Quality

The Clean Lakes Program funded by EPA includes Devils Lake. It funds a two phase restoration projects that as administered through the Devils Lake Improvement District. Monitoring is to continue through 1991. The lake is listed under a Class A-1 Ranking as part of the Oregon Clean Water Strategy. Schooner Creek, where the City of Lincoln City operates

a municipal sewage treatment facility is listed for Geo-monitoring.

C. Other

DEQ has provided a map at the scale of 1:500,000 illustrating regional "sensitive aquifers." The map indicates virtually all of Lincoln City is a ground water table aquifer. This map was made part of the Goal 5 inventory.

There are no hazardous waste disposal sites listed within the Lincoln City Urban Growth Boundary.

Lincoln City is serviced by a single franchised solid waste hauler who is responsible for collection and disposal of solid waste generated in the city. In 1976, Lincoln County formed and funded a Special Service District to implement a solid waste management plan for the entire county.

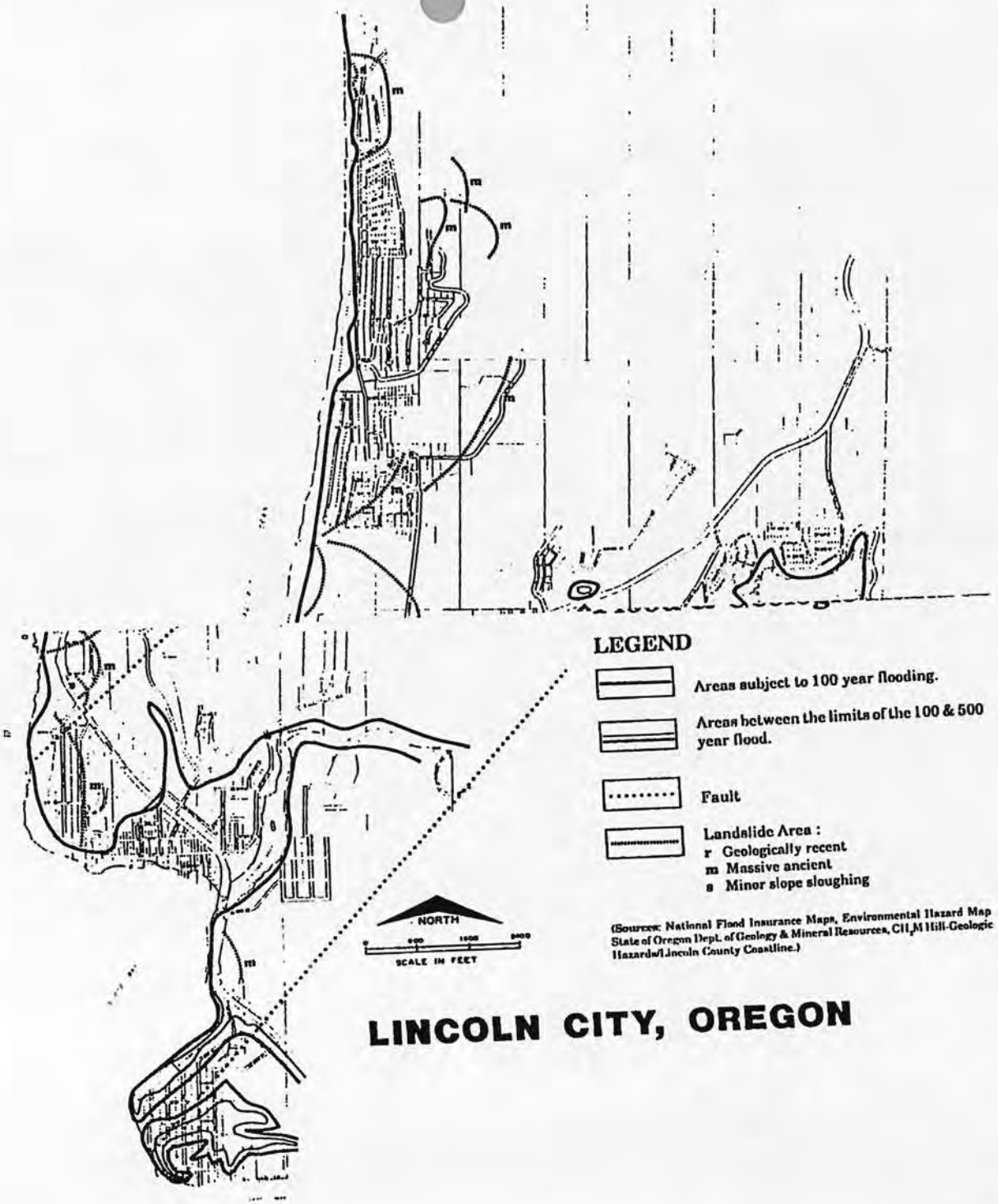
GOAL 7:AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS-INVENTORY

Hazard conditions on the Oregon Coast have been well studied over the years. Specific hazard areas have been identified by RNKR, Associates, Corvallis, Oregon in their report Environmental Hazards, Coastal Lincoln County, Oregon 1979. The complete study and maps are available at the Lincoln City Planning Department for reference. This work includes mapping on aerial photos by CH2M/Hill of a number of environmental and hazard features. Included are:

- Marine Hazards
    - o Coastal Recession
    - o Ocean Flooding
    - o Flotsam Accumulation
    - o Sand Accretion
    - o Erosional Scarps
- Sand Areas
    - o Deflation Plain
    - o Conditionally Stable
    - o Older, Stabilized Dune
    - o Foredune
    - o Active Dune
- Landslide Areas
    - o Geologically Recent Slides
    - o Massive Ancient Slides
    - o Minor Slope Sloughing
- Hydrologic Hazards
    - o Flooding (100 year return interval)
    - o Seasonal High Ground Water
    - o Streambank Erosion
- Shoreline Protection Features
    - o Revetments
    - o Riprap
- Other
    - o Sand Area Aquifers
    - o Near Surface Bedrock
    - o Marine Terrace with Sporadic Ferruginous Aquacludes

Other sources of information include the National Flood Insurance Maps and the work of the Oregon Department of Geology and Mineral Industries (ODG&MI) in the report Environmental Geology of Lincoln County, 1973. The Flood and Geologic Hazard Map at the end of this section summarizes the flood and geologic hazard information for the National Flood Insurance Maps, the work of CH2M/Hill and the ODG&MI report.

Additionally, a Generalized Soil Type Map and a Slope Map of general areas with slopes greater than 20 percent are provided at the end of this inventory section. The information on these maps can be used as a beginning point for more detailed research as to the limitations of specific soil types or potential slope conditions in combination with soils information. Because of the scale of these maps, they serve only to "flag" general conditions that would require more in depth analysis for a specific site.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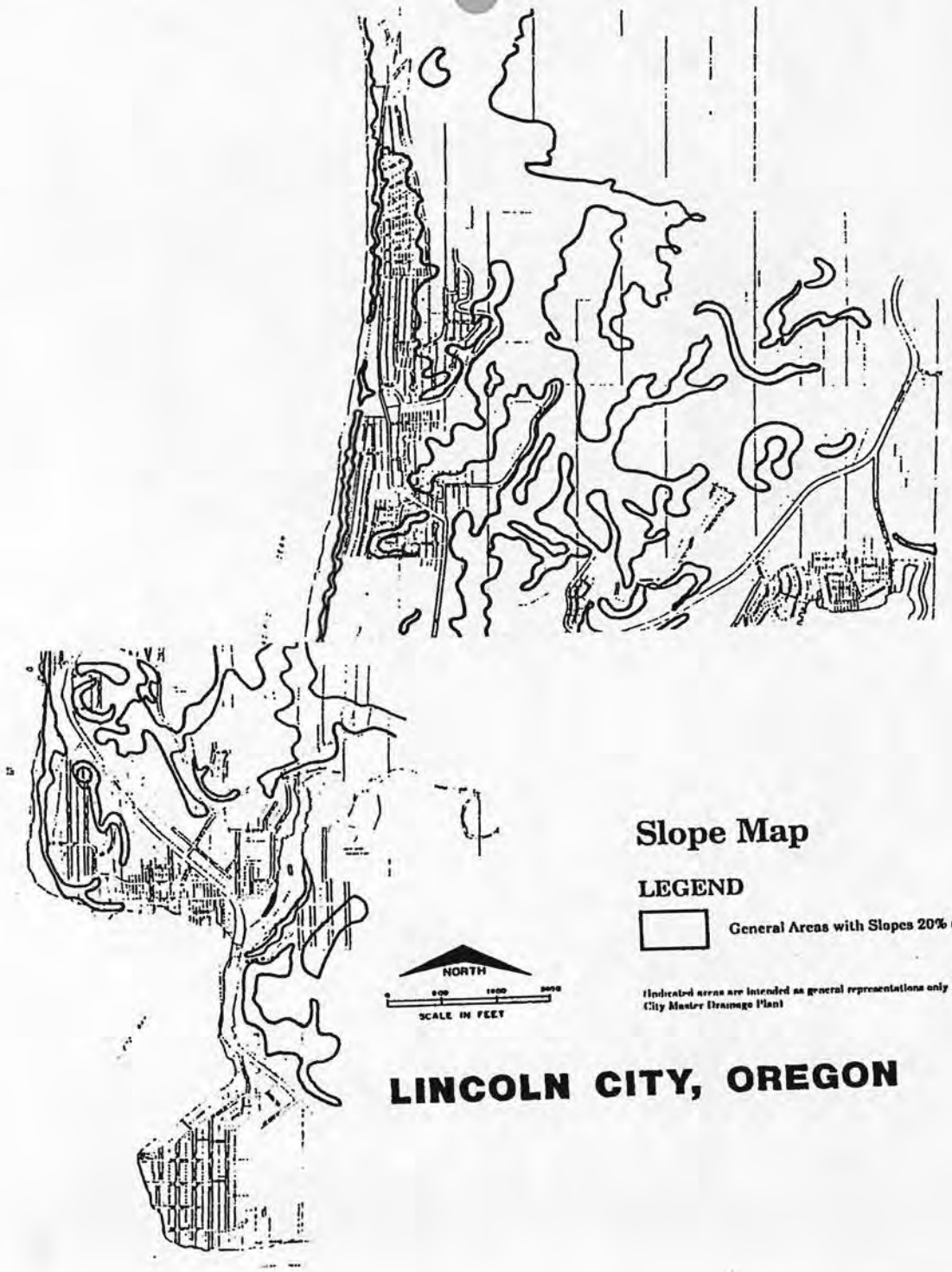


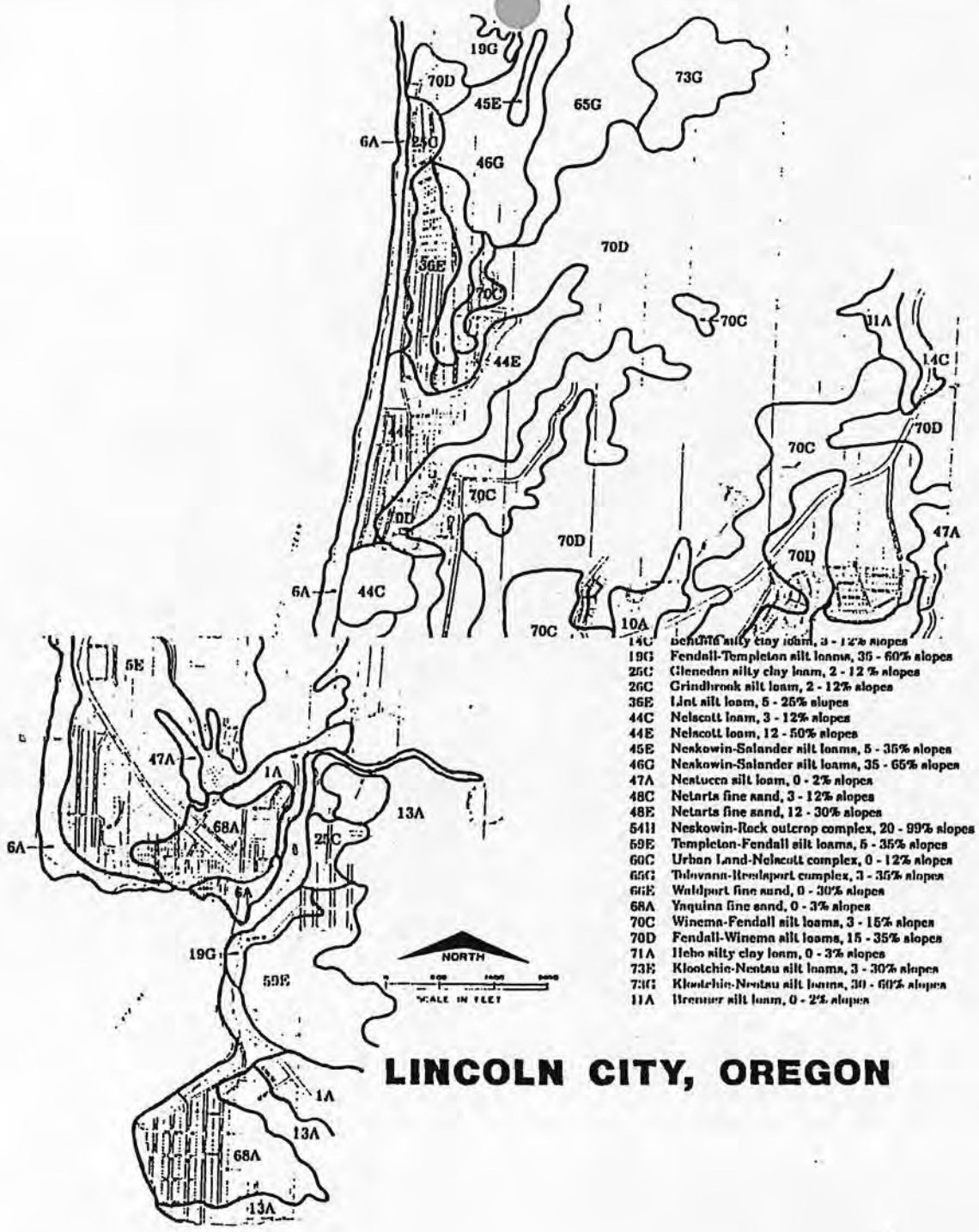
Slope Map

LEGEND

General Areas with Slopes 20% or Greater

Indicated areas are intended as general representations only Source: Lincoln City Master Drainage Plan

LINCOLN CITY, OREGON



14C Bellpine silty clay loam, 3 - 12% slopes
19G Fendall-Templeton silt loams, 35 - 60% slopes
25C Glenedan silty clay loam, 2 - 12 % slopes
26C Grindbrook silt loam, 2 - 12% slopes
36E Lint silt loam, 5 - 25% slopes
44C Nelscott loam, 3 - 12% slopes
44E Nelscott loam, 12 - 50% slopes
45E Neskowin-Salander silt loams, 5 - 35% slopes
46G Neskowin-Salander silt loams, 35 - 65% slopes
47A Nestucca silt loam, 0 - 2% slopes
48C Netarts fine sand, 3 - 12% slopes
48E Netarts fine sand, 12 - 30% slopes
54H Neskowin-Rock outcrop complex, 20 - 99% slopes
59E Templeton-Fendall silt loams, 5 - 35% slopes
60C Urban Land-Nelscott complex, 0 - 12% slopes
65G Tolovana-Remlaport complex, 3 - 35% slopes
66E Waldport fine sand, 0 - 30% slopes
68A Yaquina fine sand, 0 - 3% slopes
70C Winema-Fendall silt loams, 3 - 15% slopes
70D Fendall-Winema silt loams, 15 - 35% slopes
71A Hebo silty clay loam, 0 - 3% slopes
73E Klootchie-Neptau silt loams, 3 - 30% slopes
73G Klootchie-Neptau silt loams, 30 - 60% slopes
11A Brenner silt loam, 0 - 2% slopes

LINCOLN CITY, OREGON

GOAL 8 RECREATIONAL NEEDS INVENTORY

A. Setting

Lincoln City lies between six miles of sandy central Oregon coast beaches and the beautiful naturally formed, 640 acre Devils Lake. Direct highway access links it to Portland and Salem, the two largest population centers in the State. It was first settled as a vacation resort, and maintains its tourist based economy today. The same mild year-round climate that attracts tourists has also attracted a large number of retired permanent residents. The City of Lincoln City has historically provided a wide spectrum of park and recreation opportunities to meet the needs of its highly recreationally oriented residents and many visitors.

B. Acquisition and Development Policy

Over the years, the City has acquired ten parks through donations, trades, and transfers from other government agencies. It has eleven developed, and many more undeveloped, public beach accesses, mostly the dead end rights-of-way of public streets at the ocean's edge. In addition, there are a number of other city owned properties not designated as parks, but which may have potential for park use.

Until the late 1970's, the City`s parks were largely undeveloped. Several parks had groomed lawn areas and modest bathroom facilities, and a few beach accesses had steps or handrails installed by neighborhoods or communities.

The years 1978-1980 brought a flurry of activity in park improvements and recreation programs. 1978 saw the renovation of a three field baseball-softball complex at Kirtsis Ball Park with federal, state and local funds. During that year the City also added a permanent half-time Recreation Director to its staff.

State and federal grants, with local participation, enabled the City to complete two neighborhood parks, Wecoma and Josephine Young, in 1979. Improvements to the parking area, boat dock, and boat ramp at Regatta Grounds Park were

finished with similar funds in 1980. Improvements to a number of beach accesses were also completed in 1980 with approximately $300,000 of City Redevelopment Agency funds.

To cap the three year development rush, in 1980 the City completed a $1.7 million multi-purpose Community Center/Senior Center/Swimming Pool facility, totally paid for with local tax dollars. New recreation staff was added to manage the facility, and to supervise a rapidly expanding recreational activities program.

The nationwide economic problems of the 1980's led to drastic cutbacks in state and federal grant funds available for local park improvements. Local belt tightening meant very little funds for grant matching, and even less likelihood of new park developments from total local monies. Park development slowed drastically after 1980 to a virtual standstill except for small improvements donated by volunteers.

C. Planning Ahead

Although some grant monies for park development are occasionally available now, competition for those funds is fierce, and evidence that the proposed project is well thought out, needed, and supported locally is the first criterion judged by funding sources. This comprehensive park plan should enable Lincoln City to demonstrate their preparedness to well utilize grant funds, and lead to further park development in the 1990's.

The Lincoln City service area permanent and seasonal resident population is projected to double by the year 2000, to over 56,000 persons. To meet the recreational needs of that population, the City must plan for both the development of existing park properties and city lands, and plan for new areas to be acquired for recreational use. It is imperative that future park lands be designated on the land use plan now, since the cost of purchasing land for such use after it has been developed is prohibitive.

D. Analysis of Lincoln City Recreation Needs

1. Neighborhood Playgrounds

Due to the geographic nature of Lincoln City, it is difficult to directly apply any set standard for determining the number of neighborhood playgrounds needed to meet user's demands. While population figures might indicate the need for 5 or 6 playgrounds now, and possibly 10 to 12 by the year 2000 to meet local needs, the layout of the City and the distance small children can safely travel to visit a playground, may demand more playgrounds to cover the area.

Existing Playgrounds	Wecoma Park Oceanlake School Kirtsis Park - Community Center Delake School Taft Elementary School Rose Lodge School
Developable Playground Sites, City Owned	Holmes Road Park Regatta Grounds Park Canyon Drive Park Kirtsis Park - Behind IGA 19 acre park property off East Devils Lake Road
Current Need for Playground, Sites Needed	Roads End Neighborhood Nelson Neighborhood Cutler City Neighborhood
Future Need for Playground, Sites Needed	Southwest Taft Neighborhood

(See Appendix Page A 6, Need for Neighborhood Playgrounds as Indicated by Census district Population by Age Groups)

Recommendations

1. Work with Lincoln County School District and Delake School staff to develop an open public access to the playground after school and on weekends. At present the area is fenced and locked. This is the only play area in this part of town.

2. Play equipment should be installed at Regatta Grounds Park and Holmes Road Park as indicated on approved master plans for those parks.

3. Play equipment should be included in design plans for Canyon Drive Park, and Kirtsis Park - Behind IGA. Design plans for these parks should be completed right away, and implemented as funding or resources become available.

4. Playground sites should be identified in Roads End, Nelscott, Cutler City, and the Southwest Taft Neighborhoods. Possibilities include vacant lots, unimproved street rights-of-way, City properties not designated as parks, cooperative ventures with local churches, or land dedicated by owners of new developments in these areas. These sites should be designated on the City land use plan, and preserved for future acquisition and park development.

2. Neighborhood Parks

Once again the long narrow geographic layout of Lincoln City makes standards difficult to apply when planning for neighborhood park needs. Trying to provide parks within ready walking distance to every resident would necessitate eight or more neighborhood parks. However, additional factors, such as the many miles of beaches, and the location of some State Parks within the community help offset the demands for City developed facilities.

Existing Neighborhood Parks

Holmes Road Park, 1.75 acres
Wecoma Park, .42 acres
Canyon Drive Park, 2.5 acres

Josephine Young Park, 2.5 acres
Sand Point Park, .5 acres
Kirtsis Park - Behind IGA, 1.25 acres (undeveloped)

Need for Neighborhood Park Indicated

Nelscott Neighborhood
Cutler city Neighborhood
Roads End Neighborhood

Recommendations

1. Complete Holmes Road Park according to adopted master plan. Acquire parcel next to Holmes Road Park, and have public park on NE 32nd Street declared as a City Park, to allow completion of the master plan as designed.

2. Develop Canyon Drive Park with play equipment and benches, a small restroom and a sand volleyball court.

3. Replace restrooms, replace permanent picnic tables, improve parking and replace swim buoys at Sand Point Park. Acquire parcel access from Sand Point Park from Lincoln County.

4. The small park behind North Kenney's IGA donated by Kirtsis should be designed and developed, including play equipment, benches and small tables for lunching, reading, checkers, etc.

5. Nelscott neighborhood has need for at least a neighborhood playground, and the nearest neighborhood park would be Canyon Drive, not an easy walk or bike ride. In seeking a site for a playground, finding a large enough area to accommodate a future small park is recommended.

6. Cutler City has a small neighborhood park at present in Josephine Young Park. It does not have a playground or restrooms however, and is mainly a picnic site and bay access point. The isolation of this neighborhood,

and the large population of children and senior citizens indicates a need for a park with benches, some open play area, play equipment, and restrooms. Sites that would accommodate this should be identified, designated on the comprehensive plan, and acquired by the City. A design plan and development should be completed as quickly as possible.

7. Roads End Neighborhood, while not within the city limits at present, is included in the urban growth boundary. Major new developments in the area will increase the need for a neighborhood park. Sites should be identified and designated on the comprehensive plan. Requiring new developments in the area to dedicate land for the purpose, or money in lieu to purchase and or develop a site, is strongly recommended.

3. Community Parks

The City is aided in providing the services of community parks by the proximity of East Devils Lake State Park, and the privately owned Elks Club Wapiti Park on Drift Creek. Both sites have group picnic facilities and restrooms, as well as some other facilities. The City, however, inherits a much larger user group than just its own residents for community type facilities, since neither Depoe Bay nor Lincoln county provides such facilities for the surrounding population. The permanent and seasonal service area population is almost 25,000 at present, and projected to be over 56,000 by the year 2000. Lincoln City community parks will feel the demands of a great portion of this service population.

City Owned Community Parks	Regatta Grounds Park, 6.5 acres Kirtsis Park - Community Center and Ball Park, 12.25 acres Taft Waterfront Park, 2.39 acres 19 acre park on East Devils Lake Road (undeveloped)
Public School Sites - meet some needs for Community Parks	Taft High School - existing and future sites

Taft Jr. High and Elementary
Oceanlake Elementary
Delake Elementary
Rose Lodge Elementary

Recommendations

1. Regatta Grounds Park should be completed according to the approved master plan, including new restrooms, parking and roadway improvements, play equipment, two tennis courts and enclosed swim beach area.

2. Kirtsis Park - Community Center portion, is basically complete. However, the parking lot should be completed and the outside entrance area well lighted. In the future, the outdoor patio should be covered and/or enclosed and completed as a room. This room should have a wooden floor for community dances, performances, exercise classes and other uses.

   At Kirtsis Ball Park, the parking area behind the ball fields should be completed and paved. A park maintenance shop should be constructed in the area. A new lighting system for the front and middle fields should be installed to increase the user capacity of the facility.

3. Taft Waterfront Park is basically complete with the completion of streets and a parking in the area. Several additional park benches could be added, and some repair or replacement of bridge or dock sections may be needed.

4. The City should develop a community park with a large covered group picnic facility. The Elks Park has the only such facility at present and is booked most summer and fall weekends, and is rather expensive. A possible site for such a facility is the 19 acre parcel between SE 3rd Street and East Devils Lake Road where the Police Station is now located. Facilities should include the covered shelter with sinks and electrical outlets, large restrooms, horseshoe pits, play equipment, bike and walking paths, adequate parking for large groups, and the like. Other sites should

also be considered, and if appropriate, designated on the comprehensive plan and acquired by the City. One site suggested for investigation is the Pines Addition area in Cutler City.

4. Wayside Parks

With the huge number of tourists and visitors traveling through Lincoln City, wayside parks that highlight scenic views or sites of interest are a valuable recreation resource. Such sites should be developed and well maintained to show off the City's assets.

Existing Wayside Park	Taft Park (at Schooner Creek) .75 acres
Potential Wayside Parks	Highway right-of-way along Siletz Bay south of Schooner Creek
	Right-of-way and City property on Devils Lake, east of West Devils Lake Road on Hwy. 101

Recommendations

1. A design plan for Taft Park should be completed, including bank stabilization, clean up and landscaping, permanent vandal resistant picnic tables and benches, an agreement with the State to use and improve adjacent highway right-of-way for parking, and appropriate signs. Other suggestions include renaming as Schmidt-Correia Park, and inclusion of a memorial to the late Governor Tom McCall.

2. The right-of-way just south of Schooner Creek along Siletz Bay should be developed along lines similar to those in the Lincoln City Visual Improvement Study completed in 1982 by Lacklin Bethune.

3. The highway right-of-way and city property on the north end of Devils

Lake, between the lake and Hwy. 101 just east of West Devils Lake Road should be developed as a scenic viewpoint. It gives travelers an excellent view of the lake upon entering and leaving Lincoln City from the north.

5. Beach Accesses

The Pacific Ocean beaches are the foundation of Lincoln City's economy. Oregon's Beach Law declaring all beaches public property preserves the beach itself as parkland, but preserving public access to those beaches is the job of the City and other government agencies. The Inventory below is from the Oregon Beach Access Inventory. 1988.

OREGON BEACH ACCESS INVENTORY, 1988
BEACH ACCESS INVENTORY FOR LINCOLN CITY VICINITY

L. CITY SITE #	NAME	ACCESS TYPE	PROP. TYPE	OWNER-SHIP/MGT	IMPRV. LEVEL	EXPER.
1 b	S of NW 50th St.	PED	ESTMNT	CITY	MOD	URB
2 b	North 40th	PED	RDEND	PRIV		URB
4 b	N of 3755 N Jetty	PED	ESMNT	CITY	MOD	NBHD
5 b	N of 3453 N Jetty	VEH	RDEND	CITY	MOD	URB
6 b	Wecoma Beach Park	VIS	PARCEL	CITY	HIGH	URB
7 b	N 26th St.	PED	RDEND	CITY	MOD	URB
8 b	N 21st St.	PED	RDEND	CITY	MOD	URB
9 b	N 20th St.	PED	ESMNT	CITY		URB
10 b	N 19th St.	PED	ESMNT	CITY		URB
12 b	N 17th St.	PED	ESMNT	CITY		URB
13 b	N 16th St.	PED	RDEND	CITY		URB
14 b	N 15th St.	VEH	RDEND	CITY	MOD	URB
15 b	N 5th Ct.	PED	RDEND	CITY	MOD	NBHD
16 b	D-River St. Park	PED	PARCEL	STPRK	HIGH	URB
17 b	S Beach St.(100bl)	VEH	RDEND	CITY	LOW	URB
18 b	South 5th St.	VIS	RDEND	CITY	LOW	URB
19 b	Canyon Dr. Park	BEH	PARCEL	CITY	MOD	URB

20 b	S 33rd St.	PED	RDEND	CITY	MOD	URB
21 b	S 35th St.	PED	RDEND	CITY	MOD	URB
22 b	S 38th/Anchor Ct.	PED	RDEND	CITY	LOW	NBHD
23 b	S 44th St.	PED	RDEND	CITY	MOD	NBHD
24 b	S 51st St.	VEH	RDEND	CITY	HIGH	URB
25 e	Taft Waterfrt. Pk.	PED	PARCEL	CITY	HIGH	URB
26 e	Siletz Bay Park	PED	PARCEL	CITY	MOD	URB
27 e	Siletz Bay/Hwy 101	VIS	RSIDE	ODOT	MOD	URB
28 e	Siletz Bay/Hwy 101	PED	RSIDE	ODOT	MOD	URB
29 e	J. Young Mem. Pk.	PED	PARCEL	CITY	MOD	URB
30 e	S 66th Ave/Sltz. Rvr.	PED	RDEND	CITY	MOD	URB
31 e	S 68th Ave/Sltz. Rvr.	PED	RDEND	CITY		NBHD
32 e	S 69th Ave/Sltz. Rvr.	PED	RDEND	CITY	LOW	NBHD
33 e	S Fleet/Sltz. Rvr.	PED	RDEND	CITY	LOW	NBHD
34 e	S Galary/Sltz. Rvr.	PED	RDEND	CITY	LOW	NBHD
35 e	S Harbor/Sltz. Rvr	PED	RDEND	CITY		NBHD
36 e	S 50th St/Schooner Crk.	PED	RDEND	CITY	LOW	URB
37 l	Devils Lake St. Park	BOAT	PARCEL	STPRK	HIGH	URB
38 l	Regatta Grds Park/ Devils Lake	BOAT	PARCEL	CITY	HIGH	URB
29 l	32nd Dr./Devils Lk.	PED	PARCEL	CNTY		URB

Recommendations

1. All developed City Beach access should be signed with a uniform sign indicating City ownership. Those having good direct access from Highway 101 and adequate parking should have directional signing from the highway.

2. Developing or reconstruction of beach accesses should be done only after careful cost effectiveness analysis of potential damages to improvements from the ocean and/or erosion.

6. Footpaths and Bike Routes

Non-motorized travel in the Lincoln City area was extremely difficult for pioneers in the area because of the rugged terrain and dense vegetation. Present day travelers on foot or bicycle still have a difficult time, because the few routes carved through the area are heavily traveled highways, or the beach, which is broken by high headlands and rivers. The beauty of the coast and the spectacular scenic views from its headlands, as well as many species of unique flora and fauna, draw bikers, hikers, and naturalists to the area. In addition, local residents, especially children and seniors, need safe non-motorized travel alternatives throughout the City.

Existing Footpaths	Limited to several short jogging paths at various locations, and approximately 15 miles of hiking trails on Cascade Head and Mt. Hebo, and the beach (See Appendix for complete listing)
Existing Bike Routes	Limited to highways and street shoulders

Recommendations

1. Right-of-way easements for utility lines should be analyzed for foot or bike path suitability, and developed as such where possible. One such R.O.W. is in the Lincoln Palisades/Timbershores/Golf Course developments north of Highway 101.

2. City park improvements should incorporate foot and bike paths where possible. The 19 acre park on East Devils Lake Road may be especially well suited for nature or fitness trails.

3. The existing exercise, jogging trail at Regatta Grounds Park should be maintained and improved during park completion.

4. The loop of roads around Devils Lake is particularly attractive to bike riders and serious runners. Cooperative efforts with the State and County to widen and pave the shoulder of those roads and mark a bike lane should be actively pursued.

7. Athletic Fields and Courts

Sports play a large role in the recreation demand by Lincoln City area residents and visitors. Organized recreation programs currently exist for adults and youth in softball, baseball, soccer, basketball, volleyball, wrestling, golf, swimming, and track and field. Many people also play tennis at private facilities, and the growth of leagues in tennis is limited only by the lack of facilities.

Athletic facilities such as ballfields and tennis courts tend to be used by the entire community, not just the neighborhood, and in the situation of Lincoln City, may well be the only facilities for the entire surrounding "service area." As mentioned earlier with community parks, more facilities need to be planned to accommodate this out-of-city user group than would be required for the city residents and visitors alone.

Based on current program demands and requests, the two primary needs for play field development are for public tennis courts, and additional regulation sized softball fields. Indoor gymnasium space is also in undersupply, but will be left to the school district to provide in their building improvements because of cost effectiveness. Regulation sized soccer fields are also a need that should be addressed as the many junior soccer league players will outgrow the elementary school facilities in the next few years, and face very limited adult sized soccer play areas.

(SEE APPENDIX PAGES A12-15 FOR COMPLETE LIST OF EXISTING, PLANNED AND POTENTIAL ATHLETIC FACILITIES.)

Recommendations

1. Tennis Courts

   a. Complete 2 tennis courts at Regatta Grounds Park as outlines on park master plan.

   b. Cooperatively develop 4 tennis courts with Lincoln County School District on the new Taft High School Site property.

   c. Require the completion of public tennis courts in Spyglass Ridge and Lincoln Palisades PUD's as per plat approval conditions.

   d. Identify and designate on the comprehensive plan map a site for future development of a block of 4 tennis courts in the north half of Lincoln City.

2. Softball Fields and Baseball Fields

   a. Work cooperatively with school district to maximize use of existing school and city baseball and softball fields. Currently both Kirtsis front field and the Taft High baseball field have grass infields sodded to 90 foot basepaths. This limits their use for softball without damaging the infield turf. The possibility of removing the sod from one or the other field to accommodate the softball use as well as baseball is strongly recommended.

   b. In cooperation with the school district, improve the ball field at Oceanlake School to a regulation Little League field. This would give the Little League organization another major/minor field in close proximity to Kirtsis Ball Park.

   c. In cooperation with the school district, design and develop two regulation softball fields on the old football field site at Taft High School.

d. Identify and designate on the comprehensive plan map, an additional site for development of a softball complex of 2 to 3 regulation softball fields.

3. Soccer Fields

a. Work cooperatively with the school district to develop the versatility to use the Taft High football field as a regulation size soccer field.

b. Develop and implement a soccer field overlay plan for the outfield of Kirtsis front field.

c. In designing the two softball fields for the Taft old football field, include a soccer field layout in the outfields.

4. Other Facilities

a. Taft High Track - Continue cooperative efforts with the school district to keep track open for public use before and after school and on weekends. Install a turnstile gate that would enable pedestrian traffic to pass through, but not bikes or motor vehicles. This would enable the facility to be left unlocked at all times. Also recommend the installation of several floodlights on a photocell timed switch to extend jogging and running use hours in the fall and winter, and increase security of the facility.

b. Work cooperatively with the School district to maintain Delake School and Taft Junior High Old building as community facilities if disposed of by the school district.

c. Outdoor Volleyball Courts - There is much interest in volleyball by players in the area, and the proximity of free beach sand makes outdoor sand volleyball courts a natural recreation facility for the are. Sites for this should be considered for new park developments

and improvements to existing parks. This should also be considered as a facility that could be provided by developers of large new PUD's.

8. Open Space

Not all park space needs to be, or even should be, developed into facilities to meet specific recreation needs. There is also a need for undeveloped open space - land in its natural state that can be viewed from afar, or walked through and enjoyed just because it "is." Such natural areas help break up the expanses of roofs, signs, and pavement, increasing the livability of the area and the quality of life experience for residents and visitors.

The National Recreation and Park Association (NRPA) has recommended a general standard of one acre of recreation space for each 100 people in a community. Of this space, approximately 50% should be devoted to active recreation use, in their recommendation. That leaves the other half for open space. In our planning for the year 2000, we should keep in mind that for a seasonal resident population of 23,240, and a service are population of 56,395, we should try ideally for a total recreation space acreage of 230 to 560 acres based on this standard. About half might be in open space. This figure would include parks, schools, open space, green strips, etc.

Recommendations

1. Ridgelines, hillsides and roadside areas should be especially considered for natural open space preservation because they can be seen from a distance by travelers. Prime areas should be identified and designated on the land use plan map.

2. The Visual Improvement Study completed by Lachlin Bethune in 1982 should be implemented as soon as possible to increase scenic quality and roadside green space.

E. Conclusions

The goal is a very ambitious one: To provide recreational facilities and activities to satisfy the needs of all citizens and visitors of Lincoln City. It is one which will very likely never be accomplished, since the area will grow, needs will change, and repairs and improvements will always be needed.

However, the City has a good start on meeting current recreation needs, through maintenance of existing parks, and continued cooperative use agreements for use of school facilities. Some of the more obvious gaps in the system at present are neighborhood playgrounds in certain areas, tennis courts, and bike and pedestrian travel routes.

Future needs are of course, greater in magnitude, but have been outlined in the preceding recommendations. They are overwhelming if looked at as a whole, but can be accomplished if tackled one at a time and given continual attention. It is the job of the citizenry and Park Board to see that park development needs are kept in the public eye, and are not always pushed aside in the funding battles as "frills." Grant funding must be pursued continuously. Gifts from estates and foundations should be pursued. Piggyback projects, such as trails on utility rights-of-way, and cooperative ventures with other agencies, can reduce the cost of development considerably. Employment projects such as CETA, CYP, and Green Thumb can provide low cost labor. And certainly not to be slighted is the development of parks and facilities with volunteer labor, and donated equipment, materials, and services.

In general, the priorities for park development funds should be given as follows:

First - Improvements to existing parks

Second - Development of underdeveloped park properties

Third - Acquisition of additional property to meet outlined needs

Fourth - Development of additional property

These priorities are, of course, flexible, based on amounts and types of funding available, and other circumstances.

A more specific listing of priorities for development follows. It should also be

considered flexible based on circumstances. All of the projects listed are also covered in the recommendations of this plan.

PRIORITIZATION OF LINCOLN CITY PARK DEVELOPMENT NEEDS

(Note: *Indicates projects possibly suitable for completion by donations and volunteers.)

Priority #

1. Schooner Creek Wayside Park - Bank stabilization, clean up and landscaping, permanent, vandal resistant picnic tables and benches, agreement with the State to improve parking, signage and dedication as Schmidt-Correia Park.

2. *Uniform Signs for all city parks and beach accesses.

3. Regatta Grounds Park - Complete approved master plan for park. Restrooms, parking and roadway improvements, play equipment, tennis courts, enclosed swim area.

4. Kirtsis Park Community Center - Complete paving of parking lot, light outside entrance area.

5. Kirtsis Ball Park - Construct park maintenance shop behind ball fields, complete and pave parking area behind fields.

6. Sand Point Park - Replace swim buoys, improve parking, replace permanent picnic tables, replace restrooms.

7. *Canyon Drive Park - Play equipment and benches, sand volleyball court, restrooms.

8. Holmes Road Park - Complete approved master plan for park.

9. *Neighborhood Parks - Identify sites, acquire and develop small neighborhood park/playlots in Nelscott and Cutler City neigborhoods.

10. Group Picnic Shelter Facility - Identify site (possibly 19 acres behind Police Station off 3rd Street or Pines Addition in Cutler City), acquire if necessary and develop community group picnic facility with covered shelter, restrooms, horseshoe pits, play structure, bike/walking paths, etc.

11. Community Center - Cover patio and/or enclose and complete as a room. Put wooden floor in room for dances, exercise classes, performances, etc.

12. *Kirtsis Park Behind IGA - Develop small neighborhood park, play equipment, benches, and small tables for lunching and reading. No restrooms.

Cooperative Projects with School District

Priority #

1. Work out public access to Taft High School Track.

2. Work out public access to Delake School playground.

3. Develop versatility to use Taft High new football field for soccer.

4. Strip baseball infield at Taft High to make it more versatile for baseball and softball. (See Page 16)

5. *Improve field at Oceanlake School to regulation Little League field.

6. *Develop two regulation softball fields on old football field.

7. Develop four tennis courts on new Taft High School site property.

8. Work to maintain Delake School and Taft Junior High (old building) as community facilities if disposed of by school district.

Ongoing Park Development Priorities

1. Acquire parcel next to Holmes Road Park to allow completion of master plan. Purchase or arrange land trades as needed.

2. Acquire parcel across from Sand Point from Lincoln County Parks.

3. Require completion of tennis courts and trails in Spyglass Ridge and Lincoln Palisades per plat approval conditions.

4. Require completion of public park projects in Timbershores and Lincoln Palisades per plat approval conditions.

5. Research desirability and acquisition of Pines Addition in Cutler City as potential community park.

Lincoln City has much to be proud of in the progress already made toward its recreation facilities goal. With its tourist based economy and highly recreationally oriented population, it is extremely important that we continue to make progress toward that goal. By implementing the recommendations of this plan, we can match the increasing demand for recreation facilities and services with planned development of parks, beach accesses, playfields, trails, waysides,

GOAL 9: ECONOMY - INVENTORY

A. Introduction

In response to Industrial and Commercial Development Rule (OAR 660, Division 9), the City of Lincoln City has developed an element of the Comprehensive Plan that includes an economic opportunity analysis, new objectives and policies, and a process for the designation of Commercial and Industrial land. The Industrial and Commercial rule requires the following:

- **Economic Opportunity Analysis**
  - Review state, national and local trends
  - Identify site requirements of industries likely to be located or expand locally.
  - Inventory vacant or under-utilized land.
  - Assess community economic development potential.
- **Objectives and Policies**
  - Identify categories of industrial and commercial land desired in a community.
  - Develop policies committing the City to designate the adequate number of suitable locations for each type of desired use.
  - Ensure public facilities are provided through a public facilities plan.
- **Designate Land**
  - Identify number and acreage of sites needed in each category.
  - Provide a 20-year supply of land for each category.
  - Provide a five year supply of serviceable sites.
  - Protect sites for uses with special siting requirements.

B. Economic Opportunity Analysis

1. National Trends

On a national level, the economy is shifting from an industrial base to a service base. In 1988, only 26 out of every 100 workers were employed in manufacturing. Twenty-five years ago nearly 40 out of 100 workers were employed in production jobs, such as, manufacturing, construction and mining. Increased automation and overseas production have resulted in fewer manufacturing job opportunities in the United States. Service industry employment is growing, but most jobs are lower wage positions such as food service workers and clerical jobs. Since 1960, the nation has added 4.4 million manufacturing jobs while adding 50 million service related jobs. (Region West Research Consultants). The national trend is for a very slow growth in manufacturing positions with a significant increase in service and technical support positions. National employment forecasts by the Bureau of Labor Statistics illustrate the trends.

Table IX-1

PROJECTED EMPLOYMENT GROWTH 1984-1995

Industry	Percent Growth 84 - 95
Extractive	-6.5%
Transformative	8.2%
Manufacturing	6.8%
Distributive	15.0%
Wholesale	18.4%
Retail	13.4%
Producer Service	36.0%
Business Services	57.1%
Social Services	22.5%
Medical	46.2%
Personal Services	16.4%
Hotels	20.1%
Government	7.2%
OVERALL GROWTH 84-95	**14.9%**

Source: Bureau of Labor Statistics

2. State

In general, economic trends in Oregon follow the national trend. The State has experienced a decline in the percentage of total employment in the Manufacturing sector through the 1980's. The recession at the beginning of the decade resulted in the loss of 17,700 jobs in the Lumber and Wood Products Industries from 1979 to 1985. Over the same period, the state experienced positive economic diversification with the addition of 5,500 jobs in the Electrical Equipment sector. Between 1988 and 1989, Oregon's non-Farm Wage and Salary employment grew by 4.4 percent which was faster than population growth. This implies that many employees are existing residents who were either formally unemployed or were not in the labor force due to retirement, school, or homemaking.

Significant growth also occurred in the Producer Services and Social Services sectors. Over 10,000 Social Services jobs were added between 1979 and 1984 with 88-percent of the jobs in the medical field. Between 1985 and 1991, it is estimated that Oregon will gain 75,000 jobs. Only 5,000 of these are expected to be manufacturing jobs. The fastest growing industries are summarized in the table below.

Table IX-2

FASTEST GROWING INDUSTRIES

Industry	Percent Change 86-91
Printing and Publishing	14.2%
Electrical Machinery	13.2%
Miscellaneous Services	13.0%
Health Services	9.4%
Retail Trade	9.1%
Wholesale Trade	8.8%

Source: September 1986 Oregon Economic and Revenue Forecast

Employment losses are expected to occur through 1991 in Primary Metals, Transportation Equipment, Instruments, Fabricated Metals, Communication and Utilities, and Paper Products.

In 1989, Oregon's population grew almost twice as fast in the U. S. due mostly to in-migration. While the number of residential construction building permits issued in the U. S. declined 7.9 percent between 1988 and 1989, the number of permits issued in Oregon increased 57 percent.

3. Local Trends

Detailed Employment Division Data for Lincoln City is not available. Lincoln City is a major retail and service center for a multi-county area that includes the northern portion of Lincoln County and the southern end of Tillamook County. Information for Lincoln County as a whole gives some indication of the economy. It must be noted, however, that manufacturing employment especially in terms of lumber and wood products reflects the county and Lincoln City. Lincoln City has never had significant manufacturing employment. Increases in Trade, Services and Construction are considered more significant in the Lincoln City economy. Table IX-3 illustrates the historic patterns in the County.

TABLE IX-3
LINCOLN COUNTY WAGE AND SALARY EMPLOYMENT

INDUSTRY	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
TOTAL WAGE AND SALARY	11,940	11,880	11,380	11,640	11,710	11,740	12,360	12,500	12,920	13,390
MANUFACTURING TOTAL	2,160	2,010	1,890	2,030	1,870	1,570	1,610	1,600	1,680	1,710
DURABLE GOODS	970	840	700	890	870	570	640	570	600	630
LUMBER & WOOD	820	710	600	800	790	490	520	460	480	490
OTHER DURABLES	150	130	100	90	80	80	110	120	120	140
NONDURABLE GOODS	1,190	1,170	1,190	1,140	1,010	1,000	1,030	1,030	1,080	1,080
PAPER PRODUCTS	690	650	600	620	630	620	600	590	570	580
OTHER NONDURABLES	500	520	590	520	380	380	430	440	510	500
NONMANUFACTURING TOTAL	9,780	9,870	9,490	9,610	9,840	10,120	10,200	10,900	11,290	11,670
CONSTRUCTION	420	420	380	380	390	400	360	380	400	540
TRANS., COMM. & UTILS.	450	440	420	420	390	470	450	420	440	440
TRADE	3,250	3,230	2,950	2,940	2,970	3,130	3,520	3,650	3,860	3,940
EATING & DRINKING	1,660	1,680	1,450	1,440	1,440	1,530	1,670	1,700	1,790	1,760
ALL OTHER GOODS	1,590	1,550	1,500	1,500	1,540	1,610	1,850	1,950	2,070	2,190
FIN., INS. & REAL EST.	580	570	520	550	520	510	530	580	570	630
SERVICES & MISC.	2,390	2,550	2,530	2,690	2,930	3,030	3,190	3,180	3,200	3,190
GOVERNMENT	2,640	2,660	2,690	2,630	2,630	2,620	2,650	2,710	2,830	2,930

SOURCE:
OREGON EMPLOYMENT DIVISION

Table IX - 4 depicts the 1980 - 1989 average annual growth rates by employment sector. While there has been a significant decrease in manufacturing employment, the total employment of the county is up to 12 percent.

Table IX-4

LINCOLN COUNTY WAGE AND EMPLOYMENT CHANGE

Industry	% Change 1980-1989	Average Annual Growth Rate 1980-1989
Total Wage and Salary	**+12.1%**	**1.34%**
Manufacturing	-20.8%	-2.3%
Durable Goods	-35.1%	-3.9%
Lumber Wood	-40.2%	-4.5%
Other	-6.7%	-0.7%
Non-Durable Goods	-9.2%	-1.0%
Paper & Allied Products	-15.9%	-1.8%
Other	0.00	0.00
Non-Manufacturing	+19.3%	+2.1%
Construction	+14.9%	+1.7%
Trans., Comm., Utilities	-2.2%	-0.2%
Trade	+21.2%	+2.4%
Eating/ Drinking	+5.0%	+0.6%
All Other	+37.7%	+4.2%
Fin, Ins, Real Estate	+8.6%	+0.9%
Services & Misc.	+33.5%	+3.7%
Government	+11.0%	+1.2%

Source: Oregon Employment Division Data, TBAC

The economy of Lincoln County as a whole and even more so with Lincoln City is service based. This is evidenced by the fact that 76% of the total wage and salary in farm employment was found in the Trade, Service and Government sectors. Only about 13% of the total employment is found in the manufacturing sector. Table IX-5 below illustrates expected employment by sector for the county.

Table IX-5
District I Non-farm Industry Employment
By County
1987-1991

Lincoln County

	1987	1988	1989	1990	1991
Total Wage & Salary	12,530	13,080	13,770	14,000	14,400
Employment Index (1977=100)	124.1	129.5	136.3	138.6	142.6
Manufacturing	1,610	1,720	1,750	1,750	1,800
Durable Goods	580	620	610	600	620
Lumber & Wood Products	460	490	460	440	450
Other Durable Goods	120	130	150	160	170
Nondurable Goods	1,030	1,100	1,140	1,150	1,180
Paper & Allied Prod.	590	590	610	610	620
Other non-Durable Goods	440	510	530	540	560
Nonmanufacturing	10,920	11,360	12,020	12,250	12,600
Construction	380	400	510	520	500
Trans., Comm., & Util.	420	430	440	440	460
Trade	3,650	3,910	4,210	4,280	4,400
Finance, Ins., & R. E.	580	590	640	650	670
Services	3,180	3,200	3,320	3,420	3,570
Government	2,710	2,830	2,900	2,940	3,000

Source: Oregon Employment Division

The 1984 Lincoln City Comprehensive Plan reported that one of every three jobs in Lincoln City was derived from the tourist industry. Recreation and tourism are being emphasized at the State level in addition. According to the 1987 Census of Services, there were 594 employees employed in 84 service establishments. Lincoln City ranked 32nd in service business in 1987 among places of over 2,500 persons.

Among the same size cities, Lincoln City ranked 39th and 55th in retail and wholesale trade respectively.

Tables IX-6 indicates the amount of retail and service business in Lincoln City in 1987.

Table IX-6

RETAIL SALES

	# Estab.	Sales ($1,000)	Annual Payroll ($1,000)	Employees
Lincoln County	431	241,041	31,077	3,542
Lincoln City	126	62,685	8,671	1,008
Newport	161	129,518	16,106	1,742
Toledo	29	11,147	1,279	170
Balance of Cty.	115	37,691	5,021	622

SERVICES

	# Estab	Receipts ($1,000)	Annual Payroll ($1,000)	Employees
Lincoln County	307	76,427	24,406	2,266
Lincoln City	84	19,211	5,216	594
Newport	144	33,888	10,536	991
Toledo	10	1,387	472	26
Balance of Cty.	69	21,941	7,182	655

Source: 1987 Census of Retail Sales

a. **Tourism**

Travel and tourism is one of Oregon's leading industries. Lincoln County with its coastal location and as the home of several destination resorts is one of the greatest tourist destinations in the state. With its motels, parks, resorts, ocean frontage, perhaps no one place in the state epitomizes the tourist industry as much as Lincoln City. Even with a much smaller population, Lincoln County ranks number three in the state in Travel expenditures and jobs. (Table IX -7)

Table IX - 7

1982 ESTIMATED TRAVEL EXPENDITURES AND JOBS IN OREGON

County	Expenditures (000)	Travel-Generated Jobs	Payroll (000)
Multnomah	$885,258	21,896	$204,852
Lane	$161,022	4,318	$ 34,604
Lincoln	$140,042	4,037	$ 27,484
Jackson	$108,236	3,006	$ 23,153
Washington	$ 90,079	2,707	$ 19,644
Deschutes	$ 73,901	2,068	$ 15,376
Clackamas	$ 67,718	1,948	$ 13,956
Josephine	$ 66,584	1,972	$ 13,576
Coos	$ 42,403	1,105	$ 8,452
Umatilla	$ 39,442	1,148	$ 7,964

Source: OEDD State and National Trends Report, 1986
U. S. Travel Data Center, courtesy OEDD Tourism Division.

In addition, Lincoln County has far and away the highest ratio of in-county travel expenditures per resident. (Table IX - 8) Besides the locational attributes of the area, an aggressive marketing campaign to increase tourism has done much to increase the economic benefits of tourism in the county and its major cities. This includes use of a portion of the hotel-motel tax to fund tourist promotion activities in Lincoln City.

Table IX - 8

1983 Estimated Travel Expenditures in Oregon Counties, Per Capita

Lincoln	$3,810.67
Multnomah	$1,587.91
Curry	$1,435.63
Hood River	$1,232.65
Deschutes	$1,167.47
Josephine	$1,123.78
Clatsop	$ 926.32
Wasco	$ 852.95
Gilliam	$ 850.25
Jackson	$ 811.67
State Average	$ 757.35

Source: Adapted from U. S. Travel Data Center data.
OEDD State and National Trends Report, 1986

The tourism industry consists of many retail and service sector operations including hotels, motels, food and beverage outlets, automotive services, general retail sales. The growth and expansion of the tourist industry not only provides jobs, but also benefits local residents by expanding and diversifying choices for local consumers. Tourism is expected to grow nation-wide at a rate of approximately 4 percent annually. (Region West Research) Given the Lincoln City area's reputation as a tourist destination and its central location to population will help ensure a growth rate of 4 percent or better.

b. Retail and Services Sector

The retail and service sectors are the two major components of the Lincoln City economy. They are both influenced heavily by the tourist industry. For the period from 1982 to 1987, Lincoln City saw an increase of 15 businesses (13.5 percent) and retail sales of $11,413,000 (22.3 percent). The recent construction of the 47 outlet Quality Factory Village Shopping Center has created approximately 325 jobs. Estimated sales are $32 million per year based on a conservative estimate of sales of $1,200 per square foot. This figure is over 50 percent of the retail sales reported in the 1987 Census and is approximatley 25 percent of the county's sales. The center has an assessed valuation of approximately $15 mililon and generates approximately $450,000 in taxes.

c. Growth Rates

The State of Oregon Executive Department, Office of Economic Analysis prepares an annual economic and revenue forecast which includes growth forecasts by industrial sector. The forecasts are made for only a five year period. Economists are reluctant to forecast beyond the short-term because employment follows business cycles and responds to changes on a national and international basis. Table IX - 9 provides the growth forecast for Oregon through 1993.

Table IX-9

OREGON EMPLOYMENT GROWTH FORECAST

	1988	1993	AAGR
Manufacturing	212,000	217,000	0.5%
Lumber & Wood Prod.	68,000	66,000	-0.6%
Other Manufacturing	144,000	151,000	0.9%
Non-Manufacturing	927,000	1,021,000	1.9%
Construction	37,000	36,000	-0.8%
TCPU	60,000	65,000	1.7%
Trade	293,000	316,000	1.5%
FIRE	74,000	83,000	2.5%
Services	253,000	303,000	3.7%
Government	209,000	216,000	1.7%
TOTAL	1,139,000	1,238,000	1.7%

Source: State of Oregon Executive Department

Manufacturing - Table IX - 9 indicates a loss in wood products employment statewide with slow growth in other types of manufacturing. Over the long-term, wood products employment will continue to fluctuate with very flat long term growth. It is unlikely that Lincoln City will experience strong manufacturing employment growth based on national and state trends toward service employment, and based on Lincoln City's geographic location from major markets and transportation systems. For the purpose of analyzing need, it has been assumed that Lincoln City will retain the same proportion of industrial land that exists today. Assessment of need and supply will be conducted later in this element.

Non-Manufacturing - Growth in non-manufacturing sectors will provide the vast majority of the new jobs in the Lincoln City area. Table IX-9 indicates a loss of construction and growth in tourism at the state level. Locally, construction employment can be expected to be stable or grow slightly. Over the next five years the employment in Transportation Communications and Public Utilities (TCPU) on a statewide basis is forecast at 1.7% annual growth. As with construction employment and TCPU, employment will be influenced by population growth. Since 1980, population in the Lincoln City area has grown at an average annual rate of 1.43%. Based on the historic trend, we have projected a 1.43% population growth rate through the planning period. Because population growth will influence employment growth and because of the need for second homes and resort and tourist facilities, it is reasonable to assume a 2% growth rate for construction and TCPU employment.

It is expected that an influx of retirees and second home owners will continue into the future. The service needs of new full time and part time residents is expected to create new employment in trade, services and FIRE (Finance, Insurance and Real Estate). Based on the growth in residential and second home housing and tourism, a growth rate slightly higher than the average annual 1.43% rate is expected for services.

Slow growth is expected in government employment. A 0.7% annual growth rate was forecast by the state through 1993. We have assumed a similar to slightly lower rate through the planning period for Lincoln City.

5. Site Requirements of Industries Likely to Locate or Expand

National, state and local trends indicate that significant expansion can be expected in the retail and service sectors of the Lincoln City economy. The strongest growth will most likely occur in retail services and tourism. Construction should remain at least stable due to permanent residence and second home construction as well as the growth in tourist and retail trade. Site requirements for general categories are discussed below.

Retail - In general, commercial retail sites require high visibility and good access. Commercial retail uses can be characterized by a relatively high amount of vehicle trips per day and should be located adjacent to major arterial streets. A variety of site sizes are needed. Sizes range from less than 10,000 square feet to 2-3 acres. Based on information generated in the Portland Metropolitan area, employment density of retail employment is approximately 25 employees per acre.

Service/Office - Personal and business service sites generally do not require the same degree of visibility as retail uses. They should, however, be located on major or minor arterial streets. Site sizes vary and range from less than 10,000 square-feet to 2 acres for mixed use development sites. Based on U. S. Department of Transportation (USDOT) data, office densities average 85 employees per acre. In Lincoln City, office densities are lower than the national average. Fifty office employees per acre based on 1976 data generated by the Lane Council of Governments is likely to be a more accurate assumption.

Tourist Commercial - Tourist commercial includes both retail and service uses. Generally, tourist commercial uses need to be located in close proximity to a tourist attraction. Tourist commercial uses such as hotels or motels may be located near U. S. 101 and in close proximity to the ocean, D River and Siletz Bay. Site sizes vary depending on the use. A bed and breakfast facility may require only 10,000 square feet but a motel or resort may require 5 to 25 acres. Employment densities are the same as general retail.

General Industrial - Light industrial uses that include small manufacturing activities, storage and construction yards and warehousing would appear to be feasible in the Lincoln City area. Good access is required but visibility is not usually a necessity. Locations with ease of access to U. S. 101 are desireable. Site sizes vary by industry. Site sizes may range from one-half acre for a repair facility to 40-50 acres for a lumber mill or other manufacturing activity. A 1986 Oregon Economic Development Department survey identified the median industrial site size to be 5.8 acres. Employment densities range from over 40 employees per acre for high tech industries to 7.6 employees per acre for generally heavy industrial. Based on USDOT data, an assumption that industrial densities of 16.4 employees per acre could be expected for General Light Industrial Development.

6. Inventory Vacant and Underutilized Commercial and Industrial

As part of the existing land use survey conducted in 1990, vacant and underutilized commercial and industrial land were inventoried according to the requirements of L.C.D.C. Goal 9. Tables IX - 10 and IX - 11 summarize the inventory below.

Table IX-10

Vacant/Underutilized Commercial/Industrial Land

Site Size Acres	# Vacant Com. Sites	# Vacant Industrial Sites
0-1	107	1
1-2	14	2
2-3	13	0
3-4	2	1
4-5	3	0
Total Acres	113.65	7.7

These sites are all serviceable and free from major service constraints.

Table IX-11

SITES > 5 ACRES

	Com Site Size/Zone		Ind. Site Size
	18 ac.	(PC)	9.8 ac.
	19.3 ac.	(RC)	9.8 ac.
	80.2 ac.	(RC)	
	15.2 ac.	(RC)	
	6.6 ac.	(GC)	
	7.3 ac.	(GC)	
	5.3 ac.	(GC)	
	21.1 ac.	(GC)	
Total	173.0 ac.		19.6 ac.

While there is considerable opportunity for commercial development, few sites are available for potential industrial users.

Map IX-12 shows the location of commercial and industrial sites over five acres. These sites include:

Table IX-12

Commercial/Industrial Sites

	Site	Acreage	Zone
1.	Logan Road - Lincoln Shores	80.2	RC
2.	East of Logan Road	19.3	RC
3.	South of Hwy. 101 and Animal Clinic	21.1	GC
4.	W. of West Devils Lake Road, South of Hwy. 101	18.0	RC
5.	Adjacent Police Facilities between S. E. 3rd and E. Devils Lake Road	15.2	PC
6.	Strip west of Hwy 101 south of S. E. 23rd	7.3	GC
7.	East of Hwy. 101 south S. E. 39th	6.6	GC
8.	East of Hwy. 101, Cutler City	5.3	GC
9.	East of Factory Village, south of E. Devils Lake Road	9.8	PI
10.	East of Hwy. 101, between S. E. 16th and S. E. 23rd	9.8	PI

A map indicating the location of the above sites is provided at the end of the inventory chapter.

7. Assessment of Community Economic Development Potential

a. Commercial

The opportunity for continued retail and service expansion in Lincoln City has been strong. The construction of the Quality Factory Village and Lighthouse Square Shopping Centers are particularly cogent examples of this opportunity. Some may point to the Lincoln Square building as an opposite example. Approximately 52,000 square feet of restaurant and retail space is vacant. However, the multiple story configuration of this center may well be the limiting factor contributing to its vacancy. Population growth is expected to be moderate at best given the recent past history. This growth will provide for

some additional service and retail needs, but is not expected to contribute to significant commercial growth. On the other hand, tourism, the location of Lincoln City to population centers, the availability of vacant land, and the availability of services will continue to provide opportunity for growth in commercial and retail services. An example is the planned Lincoln Shores Star Resort to be located on an 80-acre site north of the Shilo Inn. This development is proposed to include a large hotel, convention center and theater complex, a retail commercial village, 2+ acres of additional retail commercial, single-family luxury homes, condominiums, retirement apartments, cluster housing and recreation center. Other commercial opportunities exist primarily along Highway 101.

b. **Industrial**

Lincoln City has historically had a very small industrial base. Industrial uses include a shed, storage and garage door manufacturer, a small industrial park including muffler, sheetmaker, auto repair and cabinet making facilities, construction businesses, sewing fabrication for chef's hats and aprons, and storage facilities. Partially within the city is a large sand, gravel, concrete and quarry operation.

It is difficult to conclude the need for additional industrial land based on existing and past growth factors. However, increased industrial development and employment could help to balance the community's economy. Neither the logging or fishing industry appear to provide much immediate potential for the Lincoln City area.

It is possible that for purely locational purposes relative to aesthetics and living environment, industry could find Lincoln City attractive. This would depend on whether such an industry was dependent on such factors as nearness to raw materials, transportation, market and others.

In addition, it is very difficult to determine what and when new factors or conditions could drive the need for industrial land. The City should provide for the flexibility of that occurrance by designating and making industrially serviced land available. It is apparent that limited acreage and few industrial sites do not provide Lincoln City with enough industrial development flexibility.

8. Community Development Objectives

The comprehensive plan is to state objective for economic development in the planning area and identify categories or particular types of industrial uses anticipated and desired.

The City of Lincoln City has found the designation of three types of commercial zones desireable:

GC - General Commercial
offers the full range of commercial uses

PC - Professional Campus
a special designation for professional offices near the North Lincoln Hospital and the Post Office

RC - Recreation Commercial
for commercial uses having a definite relationship to the resort and recreation industry.

One Industrial Zone exists:

PI - Planned Industrial
to accommodate light industrial manufacturing, wholesale and warehousing.

To augment present economic policies, other specific policies could be added to help strengthen economic efforts. These could include:

The City of Lincoln City will continue to work with the Economic Development Commission to develop a set of specific step by step actions to encourage economic growth. Included will be the consideration of employing an economic development firm to provide an in-depth analysis of the local economy and what specific programs and actions could be taken to augment and improve the existing economy. Analysis should include development of proactive annexation programs and policies, funding for public facilities, labor and capital needs, promotion marketing and recruitment of business and industry, and the land use permit/public information process.

The City will take specific action to encourage the annexation of more industrial land as designated within the urban growth area. The City and the Chamber of Commerce will adopt resolutions of policy to state the city's need for industrial development in order to maintain a healthy and diverse economy. This would include proactively contacting property owners, providing an analysis of the cost and benefits of annexation, municipal staff preparation of annexations, and a commitment to develop a means to fund services including streets, water, sewer and storm drainage. Services for such designated areas will be included in the public facilities plan for the planning area.

9. Designation of Lands for Industrial and Commercial Uses

a. Identification of Needed Sites

The comprehensive plan must identify the approximate number and acreage of sites to accommodate industrial and commercial uses to implement plan policies. The Lincoln City plan provides for commercial needs through the provision of a General Commercial Zone, a Recreation Commercial Zone and two areas designated Professional Campus near and including the hospital site and the site adjacent to city police and postal facilities. While the latter allows only offices, the other zones allow for a mixture of service and retail commercial uses. The plan provides for one industrial district, the Planned-Industrial Zone, to provide for all industrial uses.

Since reliable, detailed employment figures that can be attributed directly to Lincoln City are not available, per capita ratios of commercial and industrial land need to be utilized to determine future commercial and industrial needs. The present Lincoln City economy is driven by the local population and tourist service needs. It is reasonable to assume that future land requirements will also relate directly to resident population and tourist needs. For the purpose of projecting future needs, the existing ratio of acres per capita commercial land will be projected into the 20 year plan horizon.

b. Commercial and Industrial Land Need

In 1990 there were 163 acres of land utilized for service and retail commercial purposes in the City of Lincoln City. With an estimated 1990 population of 6,250, there are 0.026 acres of commercial land being used per capita. Because of the tourist orientation of the community including motels and shopping facilities, this figure appears to be substantial compared to many other communities.

In 1990, there were 15.6 acres of land used for industrial purposes with the City. This provides for 0.003 acres of industrial land per capita. This is a very low ratio and reflects the fact that the Lincoln City economy has historically had a small industrial base.

c. Long Term - 20 Year Need

Applying the 0.026 figure of commercial land per capita to the projected 2010 population of 8,302 provides a 20-year Commercial Land need of 215.85 acres. Subtracting the 163 acres of existing commercial land from the gross 20 year need indicates that an additional 52.85 acres of commercial land will be needed by 2010. To provide for market flexibility an additional 25 percent should be added. This would mean a total of 66 acres should be provided for in the planning of commercial uses for the year 2010.

Applying the 0.003 figure of industrial land per capita to the projected 2010 population of 8,302 provides a 20-year industrial land need of 24.9 acres. Subtracting the 15.6 acres of existing industrial land from the gross 20-year need indicates that an additional 9.3 acres of industrial land will be needed by the year 2010. To provide for market flexibility and because the need total is low, an additional 100 percent could be added. This would mean that a total of 18.6 acres should be provided for in the planning of industrial uses for the year 2010. Since this total is so small, the City of Lincoln City may want to consider the creation of an industrial reserve much larger than the projected need to provide flexibility to meet unexpected changes in the economy or industrial location needs. The City has little ability to accommodate industrial uses at present.

d. Comparison of Need versus Supply

The commercial and industrial land inventory indicates a supply of land that considerably exceeds the need. The Table IX-13 below illustrates the surplus.

Table IX - 13

Commercial/Industrial Supply vs. 2010 Need

Zone	Vacant Acres	Need	Surplus
Commercial			
G-C	113.4		
P-C	27.2		
R-C	146.1		
Total	**286.7**	**66**	**220.7**
Industrial			
P-I	27.3	18.6	8.7

While it can be said gross land use needs can be met. The lack of industrial land and sites should be addressed. Approximately 113 acres of industrial land outside the City but within the Urban Growth Boundary have been designated for industrial use on the City plan. About ten acres is now being used. Some 50 percent of the area is constrained by slopes over 20 percent.

It also appears that 9.8 acres of land zoned P-I east of Highway 101 and east of the commercial zone between S. E. 16th Street and S. E. 23rd should be rezoned for another use. The size and location of these parcels designated for industrial make them unrealistic for development for industrial uses.

e. **Short-Term Supply of Serviceable Sites**

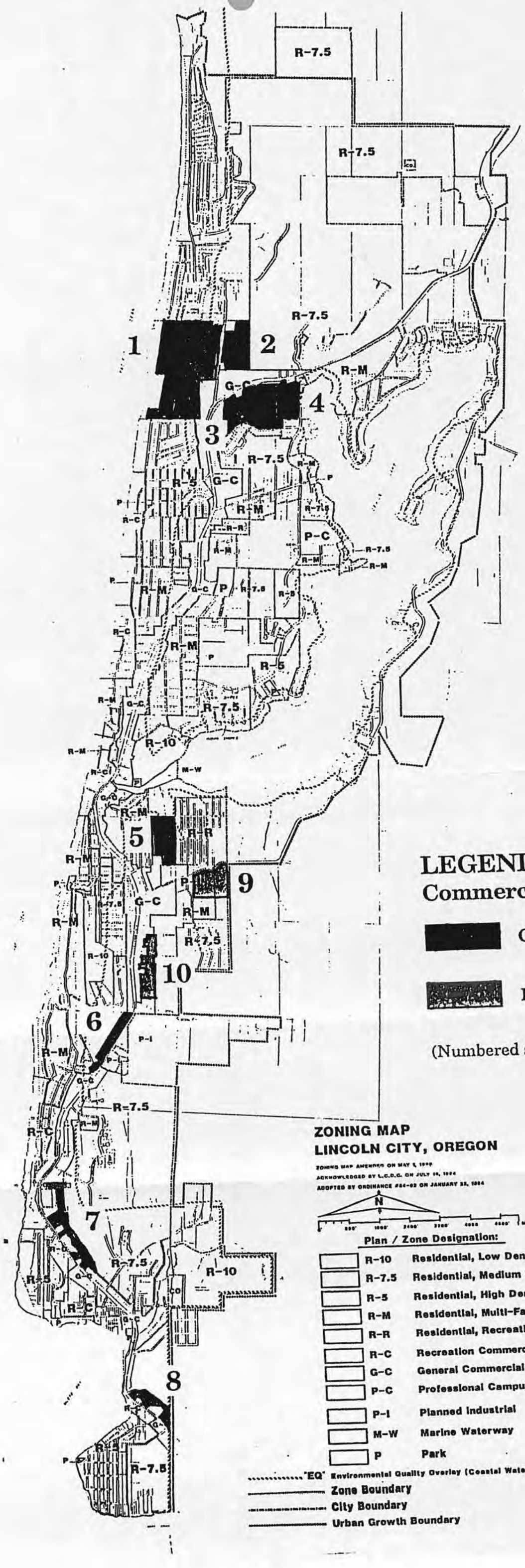
A five year share (25%) of the projected 20 year need will provide for more than enough land to meet the three year need required by L.C.D.C. Goal 9. The short term supply need would then be:

Commercial	16.5 acres
Industrial	4.65 acres

The inventory of vacant and significantly underutilized land easily illustrates serviceable sites available to meet the 16.5 acre short term need. Included are the vacant Lincoln Center with 52,190 square feet vacant and retail and restaurant space that is built and serviced. Other sites include 8.1 (acres) on N. E. 28th Street and N. E. 27th Street near the North Lincoln Hospital available for professional offices, another 18.0 acres for professional offices near the City Police and Federal Postal facilities, the 80.2 acre Lincoln Shores Star Resort site, the 19.3 acres across Logan Road from that site. There are also sites adjacent to Highway 101. These include 1.8 acres north of Pixie Kitchen, 2.6 acres on the site of the old go cart track, 21 acres south of Highway 101 near the animal clinic, and 5 acres directly south of McDonalds.

f. Sites for Uses with Special Siting Requirements

The existing commercial and industrial zoning districts provide the framework for protection of land needed for commercial and industrial uses. The zoning districts were discussed previously. The Recreation-Commercial zone establishes standards and locations especially necessary to serve the resort character of Lincoln City.


R-7.5
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R-M
R-10
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9
10
6
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R=7.5
R-C
7
R-7.5
R-10
8
R-7.5
LEGEND
Commercial & Industrial Sites
Commercial Site
Industrial Site
(Numbered sites are referenced in Table IX-12)
ZONING MAP
LINCOLN CITY, OREGON
ZONING MAP AMENDED ON MAY 1, 1990
ACKNOWLEDGED BY L.C.D.C. ON JULY 18, 1984
ADOPTED BY ORDINANCE #84-02 ON JANUARY 23, 1984
N
Plan / Zone Designation:
R-10 Residential, Low Density
R-7.5 Residential, Medium Density
R-5 Residential, High Density
R-M Residential, Multi-Family
R-R Residential, Recreation
R-C Recreation Commercial
G-C General Commercial
P-C Professional Campus
P-I Planned Industrial
M-W Marine Waterway
P Park
"EQ" Environmental Quality Overlay (Coastal Waterway Shorelands)
Zone Boundary
City Boundary
Urban Growth Boundary

GOAL 10 HOUSING - INVENTORY

A. Population

1. Population Growth

The certified population estimates for the Portland State University (P.S.U.) Center for Population Research indicate that Lincoln City's population grew at an average annual rate of 1.43 percent between 1980 and 1990. The growth rate for Lincoln County for the same period was 1.41 percent while the State of Oregon grew only .76 percent per year. The Table X-1 below indicates growth estimates for Lincoln City and Lincoln County over the last decade. These estimates indicate a fluctuation in population. Population in Lincoln City has shown a tendency to increase one year and then decrease the next, but overall there has been long term moderate growth.

TABLE X-1

Population Estimates

Date	Lincoln County	Lincoln City
1980	35,264	5,469
1981	35,478	5,821
1982	36,566	5,800
1983	36,742	5,575
1984	36,958	5,840
1985	37,342	6,060
1986	37,856	6,035
1987	38,360	6,155
1988	38,940	6,340
1989	39,595	6,280
1990	40,233	6,250

2. Growth Factors

Factors expected to contribute to population growth in Lincoln City include general in-migration to the state as a whole and a continued increase in the number of retirees attracted to the amenities and natural beauty of the coast line and Devils Lake. It is expected that growth will be moderate based on the average annual rate of 1.43 percent per year over the last decade. There does not appear to be any new factors that will drive permanent residential growth. It is expected, however, that tourist and summer resident growth will continue.

3. Population Projections

Two alternative methods have been utilized to project year 2010 population for the Lincoln City area. Table X-2 utilizes a straight line historical projection technique based on the actual growth from 1980 through 1990. This projection assumes that population will increase by a fixed amount every year.

TABLE X-2
Straight Line Projection

Area	1980	1990	1995	2000	2005	2010
Lincoln City	5,469	6,250	6,640	7,031	7,421	7,812
UGB Area	1,424	1,625	1,726	1,828	1,929	2,031

Table X-3 illustrates a compound 1.43 percent average annual growth rate based on the average annual growth over the last decade. The 1.43 percent rate was utilized for the Urban Growth area also. A lower growth rate for the U.G.B. could be acceptable given that all services are not available. However, 1.43 is a moderate figure and the increase in population attributed to that rate is not large.

TABLE X-3

1.43% Average Annual Growth Rate

	1990	1995	2000	2005	2010
Lincoln City	6250	6710	7204	7734	8302
UGB Area	1625	1745	1873	2011	2159
Total					10,461

The 1984 plan utilized a 5 percent annual compound growth rate. This projection called for a 7,864 population in 1990. The projection has proven to be too high. Based on growth trends in the 1980's, there is no reason to assume that the growth rate will be dissimilar in the next twenty years. Population, however, should be monitored to assess any new unusual growth factors that may occur.

C. Residential Development 1980 - 1990

From 1980 to October 1990, 474 housing units were constructed in the City of Lincoln City. During the same time period _____ units were constructed within the Urban Growth Boundary and outside the City. Within the City limits, 60% of the total new units were single-family dwellings including manufactured homes. The remaining new units were all multi-family units.

Table X - 4 lists residential building activity by year.

TABLE X-4

Dwelling Units Based on Permit Issuance for 1980-1990

Year	New Single-Family Residential (units) (including Mobile Homes)	New Multi-Family (units)
1980	53	0
1981	48	110
1982	16	0
1983	23	0
1984	19	0
1985	16	0
1986	11	80
1987	10	0
1988	30	0
1989	20	0
1990 (to date)	38	0
TOTALS	284	190

D. 1990 Housing Inventory

A complete land use and housing survey was conducted in September of 1990. This survey indicated there were 3,640 housing units in Lincoln City and an additional 979 housing units in the Urban Growth area. The vast majority of housing units in Lincoln City were single-family (2,512) or 70 percent of the total. The survey indicated there were 284 mobile or manufactured homes in the city or seven percent of the total. Multi-family units accounted for the other 23 percent with 844 housing units. The latter includes 52 duplex units. Table X-5 summarizes the number of housing units by zone as well as in the city and within the Urban Growth Area.

TABLE X - 5

Housing Inventory

	Zone									
Type	R-5	R-75	R-10	R-M	R-E	R-R	G-C	P-O	P-I	MW
Single-Family	719	474	1	832	235	86	161	0	4	0
Duplex	18	0	0	18	10	0	6	0	0	0
Multi-Family	50	60	0	419	147	0	116	0	0	0
Manf. Home	3	56	0	6	0	114	105	0	0	0
Totals	790	590	1	1275	392	200	388	0	4	0

Type	Total City	UGB	TOTAL
Single-Family	2512	956	3468
Duplex	52	0	52
Multi-Family	792	11	803
Manf. Home	284	12	296
Totals	3640	979	4619

E. Housing Need

Housing Need is established based on estimated population, estimated household size, and predicted housing mix. The year 2010 population has been estimated based on a 1.43 percent average annual growth rate. The 1980 census indicated the average household size of 2.11 persons per dwelling unit. Preliminary information from the 1990 census also indicates a household size of 2.11 persons per occupied dwelling unit. For the purpose of projecting housing need a 2.11 person per dwelling unit has been used.

The 1990 Housing Inventory has indicated that 77 percent of the housing units in Lincoln City are single-family units. (70 percent conventional, 7 percent manufactured home.) Twenty-three percent of the housing is multi-family which includes duplexes (1.4%). This represents a change from the 1984 plan which indicated 91.7 percent of all units were single family including manufactured housing. It is believed there was a significant under count of multi-family units in the inventorying for the 1984 plan. Over the last ten years, 40 percent of the housing units constructed were

multi-family units. There is no way to determine how multi-family units were counted in the previous plan and whether some multi-family units were considered motels or vice versa.

F. Net Housing Need Analysis

The net housing need was determined through the utilization of a number of projections and assumptions. A 1.43 percent per year population growth rate compounded over the twenty year planning period was utilized. The 2010 projected population is expected to be 8,302. The same growth rate was also attributed to the Urban Growth Area. The analysis of housing need provides separate projections for the City and the remaining Urban Growth Area. Table X-6 outlines the calculations for dwelling unit and acreage needs.

Other assumptions utilized include the 2.11 person per household size discussed earlier with the population projections. The Housing mix figures use the existing 77 percent single-family, 23 percent multi-family split for the City. Due to its location relative to the city, and existing zoning, the urban growth area was projected at 100 percent single-family. The 1984 Comprehensive Plan indicated that 38 percent of all housing units were second homes. This figure was also utilized in this 1990 analysis. Multi-family units were projected at 13 dwelling units per acre. This figure was derived by developing an average density for all existing multi-family units. This is a fairly typical density for apartment construction. The existing zoning ordinance allow a range of dwelling units from 17.5 to 33 dwelling units per acre depending on whether or not the units are within 150 feet of a commercial zone. The 1990 analysis also continues to use the 1984 assumption of 26, 65 and 9 percent as the historic allotment for 5,000, 7,500 and 10,000 square foot lots. Adjustments for vacancy rates of 1.5 percent for single-family units and 3 percent for multi-family units were also built into the housing need projections.

Finally, to determine manufactured housing needs, material provided in the Technical Bulletin, "Planning for Manufactured Housing on Individual Lots", May 1990 was utilized. This process assumes that the number of manufactured dwelling units on individual lots required to meet the needed housing standards of ORS 197.295 through ORS 197.313 is estimated by calculating the percentage of all households whose incomes range from $15,000 to $26,000. In Lincoln County this percentage is 42 percent.

G. Dwelling Unit Needs

Table X-6 below indicates the number of additional single-family housing units needed in Lincoln City in the year 2010. The total was derived adjusting the total number of dwelling units needed in the year 2010 by subtracting the existing percentage of multi-family units to provide a total single-family need. This figure was adjusted by a 1.5 percent vacancy rate and then reduced by the number of existing permanent single-family residents. The latter figure was derived from the use of the 38 percent factor for second homes obtained from the 1984 plan.

Table X-6
City Single Family Need

	Dwelling Units
Year 2010 Total Need	3,935
Less 23% for M. F.	905
Single Family Need	**3,030**
Adjust for Vacancy Rate (1.5%)	3,075
Less Existing Permanent S. F.	1,734
Total Single Family Permanent Housing Need	**1,341**

Table X-7 indicates the total multi-family housing need for the city. This was derived by adjusting the total 2010 need by a 3.0 percent vacancy rate and the number of existing permanent multi-family units.

Table X-7
City Multi-Family
Housing Need

	Dwelling Units
Year 2010 Total Need	905
Adjust for Vacancy Rate (3.0%)	932
Less Existing Permanent Multi-Family	523
Total Multi-Family Permanent Housing Need	**409**

Single-family housing needs for the Urban Growth Area were calculated separately. The adjustments to the total need figures were derived in the same manner as for the city.

Table X-8
UGA Single-Family Housing Need

	Dwelling Units
Year 2010 Need	1,023
Adjust for Vacancy (1.5%)	1,038
Less Existing Permanent S.F.	600
Total SF Permanent Housing Need	**438**

H. Acreage Needs

To determine the adequacy of the area set aside for the various residential uses requires the potential number of dwelling units to be translated in to acreage needs. The 1984 plan indicated the historic allotment of single family lots in Lincoln City was 26 percent 5,000 square foot lots, 65 percent 7,500 square foot lots and 9 percent 10,000 square foot lots. These figures were applied to the total additional number of single-family units (1,341) and divided by the density factor for each lot size for both the city and Urban Growth Area. Table X-9 indicates the total single family area by lot size in the city.

Table X-9

City Single-Family Acreage Needs

Lot Size	DU's	Density DU's/AC	Acres Needed
5,000	349	8.71	40
7,500	872	5.8	150
10,000	121	4.36	28
Total			218

Table X-10 indicates the single-family acreage needs in the Urban Growth Area.

Table X-10

UGA Single-Family Home Acreage Needs

Lot Size	DU's	Density DU's/AC	Acres Needed
5,000	114	8.71	13
7,500	285	5.8	49
10,000	39	4.36	9
Total			71

To obtain the multi-family acreage needs for the City the average density of all developed multi-family property was determined (13 du/ac). No additional multi-family was assumed for the Urban Growth Area.

Table X-11

City Multi-Family Acreage Need

DU's	Average Density DU/AC	Acres Needed
409	13	32

The Table X-12 summarizes the net acreage needs for housing in the City and Urban Growth Area.

Table X-12

Net Housing Needs

Acres

	City	UGA
Single-Family by Zone		
R-5	40	13
R-7.5	150	49
R-10	28	9
Total	**218**	**71**
Multi-Family	32	0

To provide a true picture of the gross land residential land use needs, other uses that occur within residential zones such as parks, churches, schools, cemeteries, hospital as well as other public or semi-public uses and streets must be accounted for. In existing Lincoln City residential zones approximately 9 percent of the land is used for public and semi-public community services. For analysis purposes an additional 10 percent for public/semi-public uses was assumed. In addition, another 28 percent was added for new streets for single-family units. This figure is the same as used in the 1984 plan. Ten percent was assumed for multi-family units. With these two adjustments gross housing acreage needs are as follows:

Table X-13

Gross Housing Needs

Acres

	City	UGB	Total
Single-Family by Zone			
R-5	55.20	17.94	73.14
R-7.5	207.00	67.62	274.62
R-10	38.64	12.42	51.06
Total	**300.84**	**97.98**	**398.82**
Multi-Family	35.2	0	35.2

The above table indicates a need for more than 300 acres of single-family residential land in the City and almost 100 acres in the unincorporated urban growth area based on an historic allotment of lot sizes.

Because of the significance of second home use in Lincoln City, acreage needs were also calculated. Utilizing the 38 percent factor of second homes to permanent homes indicates a need of 510 single family dwelling units for second home use in the City. This was obtained by multiplying the 1,341 permanent homes by 38 percent. It was also assumed that the same percentage would be applied to multi-family units which provides a need of 155 multi-family second home dwelling units in the City. The number of single family second homes for the Urban Growth Area is 167.

Table X-14 summarizes the acreage needs in the City for second homes and for the Urban Growth area.

Table X-14

City

Single Family Second Home

Acreage Need

Lot Size	DU's	Density DU's/AC	Acres Needed
5,000'	133	8.71	15
7,500'	332	5.8	57
10,000'	46	4.36	11
Total			83

Multi-Family Second Home

Acreage Need

DU's	Average Density DU/AC	Acres Needed
155	13	12

UGA

Second Home SF Dwelling

Unit Acreage Need

Lot Size	DU's	Density DU's/AC	Acres Needed
5,000'	43	8.71	5
7,500'	109	5.8	19
10,000'	15	4.36	3
Total			27

Utilizing the same factors for public, semi-public at street use as developed for permanent residential units provides gross acreage needs of 116.54 acres for single family second homes, 14.4 acres for multi-family second homes in the city and 37.26 acres for single family second homes in the Urban Growth Area.

I. Buildable Lands

Based on the 1990 inventory of land use, there are 1835.7 acres of vacant residential land within the Lincoln City limits. There is another 780 acres of vacant land within the unincorporated Urban Growth Boundary. Table X-15 provides a breakdown of land uses according to each zone in acres.

TABLE X-15
LAND USE BY ZONE

ZONE	VACANT	SINGLE FAMILY	MANUFACTURED HOMES	DUPLEX	MULTIPLE FAMILY	COMMERCIAL SERVICE	COMMERCIAL RETAIL	PUBLIC	COMMUNITY SERVICE	INDUSTRIAL	TOTAL
R-5	112.3	101.1	0.5	1.5	2.2	1.6	1.2	0.2	0.3	0.0	220.9
R-7.5	1,049.0	88.6	6.3	0.0	7.4	0.8	0.0	44.4	80.7	0.0	1,277.2
R-10	74.6	0.2	0.0	0.0	0.0	0.0	0.0	68.0	0.0	0.0	142.8
R-R	20.8	8.5	16.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.6
R-M	265.0	117.3	1.5	1.4	30.3	2.1	0.2	0.5	9.5	0.0	427.8
R-C	146.1	25.1	1.2	0.5	8.3	39.7	2.3	4.0	0.2	0.0	227.4
G-C	113.4	23.0	5.3	0.5	12.7	34.2	80.1	3.9	8.6	1.5	283.2
P-C	27.2	0.0	0.0	0.0	0.0	0.0	0.0	2.2	9.6	0.0	39.0
P-I	27.3	3.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	12.8	43.4
P	0.0	0.0	0.0	0.0	0.0	0.0	0.8	18.0	0.0	0.0	18.8
M-W	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.0
TOTAL IN CITY	1,835.7	367.1	31.1	3.9	60.9	78.4	84.6	141.2	108.9	14.3	2,736.1
OUTSIDE CITY	780.6	234.6	3.6	0.3	0.5	5.0	1.7	83.1	21.1	17.2	1,147.7
TOTAL IN UGB	2,607.6	601.6	34.7	4.2	61.3	83.4	86.3	224.3	130.0	31.5	3,883.8

According to the 1984 Comprehensive Plan approximately 198 acres of the land zoned for medium density and single family residential uses has major constraints due to slope and other reasons. Some 355 acres of the unincorporated Urban Growth Area had major constraints.

Utilizing the above figures provides the following breakdown of buildable land by residential zone and the potential units.

Table X-16
In-City Buildable

Residential Zone	Vacant/Buildable Acres	Density DU/Acre
R-5	112.3	8.71
R-7.5	851.0	5.8
R-10	74.6	4.36
R-M	265.0	13.0
R-R	20.8	8.71
R-C	147.5	13.0
Unincorp/UGA	417	

J. **Need Versus Supply**

Comparing Tables X-13 and X-16 indicates a considerable surplus of residential land within the City of Lincoln City. The City has more than enough surplus to include the growth potential of both the entire city and the urban growth area within the City Limits and still have a large surplus. For example, the City has 112.3 vacant buildable acres of land zoned R-5. The need is 73.14 acres for the City and Urban Growth Area. There are 851 acres of vacant, buildable land zoned R-7.5 and a need of 274.62 acres. There are 74.6 acres of vacant, buildable land zoned R-10 and a need for 51.06 acres. The city has an additional 20.8 acres zoned R-R. By adding the second home acreage needs to the R-5, R-7.5, and R-10 need totals above, the total acreage needs for R-5, R-7.5, and R-10 are 93.84 acres, 353.28 acres and 65.14 acres respectively.

In regard to multi-family acreage need, there are 265 acres zoned R-M and 147.5 acres zoned R-C with a need for 35.2 acres for permanent multi-family units and 14.4 acres for second home multi-family units.

K. Manufactured Housing Need

As indicated earlier the ORS requires that manufactured housing needs be determined. The process outlined in DLCD Technical Bulletin, "Planning for Manufactured Housing on Individual Lots", May, 1990 was used to determine manufactured housing needs. This bulletin indicated that opportunity for manufactured housing should be 42 percent of all single family units in Lincoln County. Table X-17 indicates the need for permanent and second home manufactured housing in both the City and Urban Growth area.

Table X-17

Manufactured Housing Need

	Permanent	Second Home
City	563	214
UGA	184	70
Total	747	284

Table XVIII indicates the land availability for Manufactured Housing by zone. To provide for manufactured housing will require allowing the placement of manufactured homes in not only the R-R zone, but in at least one or two other zones, also. The entire need could be met with the R-7.5 zone or could be met by utilizing the R-5 and R-M zones in addition to the R-R Zone.

Table XVIII

Manufactured Home Land Availability by Zone

Zone	DU's/AC	Vacant Acres	Potential Units Total	Potential Units Manufactured Units (42%)
RR Zone	8.71	20.8	182	76
R-5 Zone	8.71	112.3	978	411
R-7.5 Zone	5.80	1049.0	6084	2585
R-10 Zone	4.36	74.6	325	137
R-M Zone	8.71	26.5	2308	969

APPENDIX

Housing Need Analysis Calculation

Dwelling Unit Needs

Permanent Housing Units Needed Based on Population

City - 8,302 divided by 2.11 = 3,935 du's needed 2010

UGA - 2,159 divided by 2.11 = 1,023 du's needed 2010

Desired HSG Mix (Existing)

City	UGA
SF - 77% x 3935 = 3,030 du's	SF - 100% = 1023 du
MF - 23% x 3935 = 905 du's	

Adjustment by Vacancy Rate

City	UGA
SF - 3030 x 1.5% = 3,075 du's	1,023 x 1.5% = 1,038 du's
MF - 905 x 3.0% = 932 du's	

Existing Housing Units

City	UGA
SF - 2796 du's	SF - 968 du's
MF - 844 du's	
TOTAL 3640	

Adjustment Existing Housing for Second Homes

City	UGA
SF - 2796 x .38 = 1062 2nd Homes	SF - 968 x .38 = 368 2nd Homes
2796 - 1062 = 1734 Perm. Homes	968 - 368 = 600 Permanent Homes
MF - 844 x .38 = 321 2nd Homes	
844 - 321 = 523 Permanent Homes	

DU's Needed by Type

City	UGA
SF - 3075 - 1734 = 1341	SF - 1038 - 600 = 438
MF - 932 - 523 = 409	

Acreage Needs

Single Family Residential Acreage Needs

Historic Single Family Lot Size Allotment

City

26% - 5,000' lots at 8.71 du/ac

65% - 7,500' lots at 5.8 du/ac

9% - 10,000' lots at 4.36 du/ac

City

26% x 1341 = 349 du's at 8.71 du/ac = 40 ac.

65% x 1341 = 872 du's at 5.80 du/ac = 150 ac.

9% x 1341 = 121 du's at 4.36 du/ac = 28 ac.

UGA

26% x 438 = 114 du's at 8.71 du/ac = 13 ac.

65% x 438 = 285 du's at 5.80 du/ac = 49 ac.

9% x 438 = 39 du's at 4.36 du/ac = 9 ac.

Multi-Family Acreage Needs (city)

409 du's at 13 du/acre = 32

Second Homes

Needs by Dwelling Units and Acreage

Second Home Dwelling Unit Needs

City

1341 permanent SF need x .38 = 510 du's

409 permanent MF need x .38 = 155 du's

UGA

438 permanent x .38 = 167 du's

Second Home Acreage Needs

City

SF 510 x .26 = 133 du's at 8.71 du/ac = 15 ac.

510 x .65 = 332 du's at 5.80 du/ac = 57 ac.

510 x .09 = 46 du's at 4.36 du/ac = 11 ac.

MF 155 du at 13 du/ac = 12 ac.

UGA

SF 167 x .26 = 43 du's at 8.71 du/ac = 5 ac.

167 x .65 = 109 du's at 5.80 du/ac = 19 ac.

167 x .09 = 15 du's at 4.36 du/ac = 3 ac.

Manufactured Housing Needs

Permanent Conventional-Manufactured Home Split - 58%

58% Conventional Single-Family - 42% Manufactured homes

Dwelling Units

City

Conventional SF - 58 % x 1341 = 778 du's

Manufactured HSG SF - 42% x 1341 = 563 du's

UGA

Conventional SF - 58% x 438 = 254 du's

Manufactured HSF SF - 42% x 438 = 184 du's

Second Home Manufactured Housing Needs

City

Conventional SF - 58% x 510 = 296 du's

Manufactured HSG SF - 42% x 510 = 214 du's

UGA

Coventional SF - 58% x 167 = 97 du's

Manufactured HSG SF - 42 % x 167 = 70 du's

Total City + UGA Manufactured HSG Need - 1031

Manufactured Home Land Availability by Zone

Zone	DU's/AC	Vacant Acres	Potential Units	
			Total	Manf. Units (42%)
RR Zone	8.71	20.8	182	76
R-5 Zone	8.71	112.3	978	411
R-7.5 Zone	5.80	1049.0	6084	2585
R-M	3.71	265.0	2308	969

GOAL 11: PUBLIC FACILITIES INVENTORY

A. Key Facilities

In addition to major public facilities such as water, sewer, storm sewers and streets, other public facilities are considered key. The former are covered by specific master plans. Other key facilities according to LCDC Goal 11 are police protection, planning, zoning and subdivision control, health serices, energy and communications.

Police Protection. The Lincoln City Police Department provides protective services to the entire area within the City limits. The Department has a chief and 16 officers. The Lincoln County Sheriff's Department provides service outside the City limits.

Other Services. Planning, zoning and subdivision services are provided by the Lincoln City Planning and Community Development Department. The Department has a four person staff and administers the City's zoning and subdivision ordinance as well as public facility ordinance requirements.

Health services are provided through the North Lincoln Health District which operates a 49 bed hospital in Lincoln City.

The community is served by one local newspaper as well as coverage by the newspaper in Newport. One local radio station exists as well as public access television and cable television. Private utilities serving Lincoln City include Pacific Power and Light Company, Northwest Natural Gas and United Telephone.

GOAL 12: TRANSPORATION

(To be completed by master plan)

GOAL 14: URBANIZATION INVENTORY

A. Urbanization Factors

L.C.D.C. Goal 14 requires that urban growth boundaries are to be established to identify and separate urbanizable land from rural land. Urban growth boundaries are to based on seven factors:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
2. Need for housing, employment opportunities, and livability;
3. Orderly and economic provision for public facilities and services;
4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
5. Environmental, energy, economic and social consequences;
6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority
7. Compatibility of the proposed urban uses with nearby agricultural activities.

The results of the above considerations are to be included in each jurisdiction's comprehensive plan. The following addresses the seven factors.

1. Demonstrated Need to Accommodate Long-Range Urban Population Growth Requirements Consistent With LCDC Goals

A detailed analysis of need to accommodate long-range population growth requirements is found in the Goal 9 and Goal 10 Inventory sections of this plan for Economy and Housing respectively.

The City of Lincoln City has a projected population of 8302 persons for the year 2010. The unincorporated area within the City's Urban Growth Boundary is expected to have a population of 2159 persons. The total projected population for the city and urban growth area for the year 2010 is 10461.

The above population totals were utilized to project land use needs for Residential, Commercial and Industrial uses. For the city and urban growth area 512.26 acres are needed to supply the land use requirements of projected Single Family Residential growth. An additional 49.6 acres is projected as necessary to supply the Multi Family Residential growth. The Commercial land use need is projected at 66 acres while the Industrial land use need is projected at 18.6 acres.

The existing Urban Growth Boundary includes approximately 3383 acres of land. The total area within the Lincoln City limits is approximately 2736 acres. There are 2607 acres of vacant land within the UGB and 1836 acres of vacant land within the City. Approximately 1471 vacant acres can be considered buildable within the City Another 417 acres can be considered within the urban growth area. There are over 286 vacant buildable acres zoned for commercial use and over 90 acres of vacant buildable industrially zoned land within the Urban Growth Boundary.

The conclusion is that the City of Lincoln City has more than enough land within its city limits to provide for all future projected land uses. The urban growth area provides additional flexibility. The only exception is the potential need for more industrially zoned land as explained in the Goal 9 Economy Chapter. The possible need for more industrial land and where it could be best located is a policy consideration that the City will be reviewing.

2. **Need for housing, employment opportunity, and livability.**

The city's economy is influenced by outside conditions and factors. The city has little in the way of an industrial base. The employment base centers on a service and retail trade that services the city's residents, the surrounding area and a considerable tourist population. The tourism industry will remain a primary employment opportunity for the community. Since the industry traditionally produces low levels of income, there is the potential that many households will be

unable to find affordable housing that meets their income. This situation creates a need for more low to moderate income housing units and the need for subsidization.

Land needs for housing and employment opportunities were covered under factor 1 above. A detailed discussion of these needs is found under the Goal 9 and Goal 10 Inventory chapters.

3. **Orderly and economic provision for public facilities and services.**

Public facilities in the Lincoln City area are of a regional nature. The existing school and fire districts, the health and hospital districts, as well as the solid waste collection and disposal utilities are currently provided to the entire Urban Growth Boundary area. Each of the service providers have a plan for serving the existing areas and future population increases. The providers have not indicated that there are constraints which would prohibit the orderly extension of service to any area within the Urban Growth Boundary. A special district has been created to manage the quality of Devil's Lake.

The City of Lincoln City provides police, water, sewer, street maintenance and recreational facilities and services. The City has accepted the responsibility to provide these services for the entire urban growth area. The City has completed new Master Plans for wastewater, sewer, storm sewer and transportation facilities to guide the provision of services based on expected future growth. The results of these studies are discussed under Goal 11.

4. **Maximum efficiency of land uses within and on the fringe of the existing urban area.**

The Lincoln City plan allocates land within the City's UGB on the basis of efficient service and operation of public facilities and efficient traffic flow for citizens and visitors. The central concepts are:

(a) Arterials to shopping facilities; local accesses provided to alleviate conflicts between "through" and "local" traffic.

(b) Locate higher density development within walking distance of services and shopping.

(c) As distance increases from services, area densities decrease such that the cost of services and energy use also decreases.

(d) The entire circumference of Devils Lake must be serviced by sewer in order to ensure better water quality in the lake. This service is necessary to preserve the resource consistent with LCDC Goals 6 and 17. Lands to the east of the lake are designated for a density level that is sufficient to justify service yet not conflict with the forest activities.

(e) In the northern area, the UGB and the southern boundary of the Cascade Head Scenic Research Area coincide and, together, form a logical northern limit to urban growth. This has been ratified through the annexation of the Timbershore property. Where the Timbershore property extends into the Research Area, the land remains outside the UGB and has been committed, through an annexation agreement, to open space.

(f) The properties in the northern area of the city contain some large tracts which present public opportunities from a planning standpoint. For example, The Timbershore parcel contains more than 500 acres in a single ownership. Through an agreement contained in an annexation ordinance, the property owner has committed to develop Timbershore as a phased Planned Unit Development. This will encourage development which preserves the amenities of the site while avoiding site constraints. Timbershore also contains a wide variety of site conditions which will allow for the construction of different housing types. The yield should be a project which appeals to the entire spectrum of the Lincoln City housing market.

5. Environmental, Energy, Economic and Social Consequences

The Lincoln City UGB is bordered on the north by the Cascade Head Scenic Research Area. On the east, forest lands form the boundary. On the south, Drift Creek forms a natural boundary. The plan requirement for sewage, vegetation plans and lower densities in the outer areas ensures that environmental damage will be minimized. Though some upland species will probably be displaced, there are adjacent forest lands and creeks for their migration. No endangered species will be affected; in fact, the one noted eagle's nest is preserved as a wildlife site. Overall, there will be less degradation of the environment than in the past. Energy use can be minimized through the application of the plan and its goals and policies.

Automobile fuel usage is dependent on factors outside the scope of this plan. The cost of fuel could have an impact on tourism.

Economic consequences have been inventoried in the Goal 9 Economic Inventory. The location of the UGB is such that it does not conflict with any of the area's resources. The Plan will help to improve the quality of the lake and preserve vegetation while making the city a desirable place to live, work and visit.

Social consequences relate partially to the large retirement and second home population. As the economy continues to grow in the service and retail areas, average incomes may not increase enough to cover the cost of living for those working in such jobs. In addition, the seasonal tourist/recreation economy could create a continuing structural problem of high off-season unemployment. Other social consequences can result from the increase in population. This includes increased potential for crime and the need for increased police protection. Opportunities for cultural activities such as art shows, clubs, little theater groups and community college extensions courses will also be likely to result from the increased growth.

6. **Retention of Agricultural Land as Defined, with Class I being the Highest Priority for Retention and Class VI the Lowest Priority.**

Agricultural land is defined by the Land Conservation and Development Commission Goals and Guidelines as:

> Land of predominantly Class I, II, III and IV soils as identified in the Soil Capability Classifications System of the U.S. Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.

The existing city is located almost entirely upon these soils. The conversion to housing and urban development which has taken place over the years from the early 1900's to the present has thoroughly and irrevocably committed the city area to urban uses. Investments in water, sewerage, parks and other public facilities are necessary to maintain the quality of the environment surrounding Lincoln City. The need for additional growth has been established in previous parts of this section and in the Goal 9 and 10 Inventories.

Three areas near or within the UGB are currently used for grazing. These include diked pasture, the Devils Lake Bog and the Schooner Creek Fish Spawning area. All three have Coquille soils. The Coquille series consists of very poorly drained silt loam over silty clay loam. It is a very strongly acid soil formed from sediments deposited in water subject to tidal fluctuations. The soils are found on level and depressional flood plains and stream deltas along coastal tidelands. Where not cultivated,

rushes, hedges, marsh grass and tules are the predominant vegetation. These soils have severe limitations for any urban type development. The areas provide open space and provide a buffer between the city and agricultural activities east of the city.

In the northern area, Soil Conservation Service soil classifications indicate that the soil types are predominantly Class VI soils or worse.

7. Compatibility of the Proposed Urban Uses with Nearby Agricultural Activities.

Agricultural uses occur in the river and stream valleys such as Schooner Creek, Drift Creek and Bear Creek. These are the only areas of nearby agricultural activity. As indicated in the previous section, these areas are not well suited to either urban uses or agriculture. Forage and open space are their best use.

One agricultural activity exists in the northern area of the city. Approximately 69 acres of land has been utilized for a holly farm. The previously acknowledged Plan indicated that it was not considered as a viable enterprise. The annual production return was less than its annual L.I.D. assessment.

8. Summary

The Lincoln City Urban Growth Boundary includes enough land to meet both its economic and housing need for the year 2010. The boundary includes land that has developed with urban uses or has long since been committed to urban uses. There is little, if any, conflict with agricultural land needs since the boundary includes only land that is poorly suited for agricultural uses or has been committed to urban development. The City of Lincoln City has developed Master Public Facility Plans to serve the UGB. The inclusion of all the UGB land will enable the costs of new systems to be shared proportionately among those benefited. Installation of utility services around Devils Lake help to ensure that the water quality of the Lake is improved.

GOAL 16: ESTUARINE RESOURCES
(Lincoln County Siletz Bay Estuary Plan)

DO #00-09

ORDINANCE NO. 2000 -10

AN ORDINANCE ADOPTING NATURAL RESOURCE INVENTORIES AND NATURAL RESOURCE SIGNIFICANCE DETERMINATIONS, AMENDING THE COMPREHENSIVE PLAN MAP, AND AMENDING THE COMPREHENSIVE PLAN TEXT, ALL IN FULFILLMENT OF PERIODIC REVIEW WORK TASKS RELATED TO STATEWIDE PLANNING GOALS 5 AND 17; AND DECLARING AN EMERGENCY

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The City Council adopts the findings and conclusions attached as Exhibit A to this ordinance.

Section 2. The City Council adopts, as a Comprehensive Plan supporting document, the Lincoln City Comprehensive Plan Natural Resources Inventory attached as Exhibit B to this ordinance, including both the inventories contained in Exhibit B and the significance determinations set out in Exhibit B. The documents titled "Significant Shoreland & Wetland Biological Habitats & Riparian Vegetation," "Memorandum Waterfowl Use & Food Habits Relating to Devils Lake," and "Lincoln City's Urban Forests 1982," adopted as additional Comprehensive Plan inventory supporting documents on January 25, 1983, by City Resolution No. 83-03, hereby are deleted as Comprehensive Plan supporting documents.

Section 3. The Comprehensive Plan Map hereby is amended as follows:

a. The Environmental Quality Overlay Zone is deleted.

b. The Natural Resources Overlay Zone is added, as identified on Exhibit C to this ordinance titled "Natural Resources Overlay Zone," dated November 1, 2000.

c. Significant wetland resources are added, as identified on Exhibit D to this ordinance titled "Significant Wetland Resources," dated November 1, 2000, replacing any wetland resources previously identified on the Comprehensive Plan Map.

d. Significant riparian resources are added, as identified on Exhibit E to this ordinance titled "Significant Riparian Resources," dated November 1, 2000, replacing any riparian resources previously identified on the Comprehensive Plan Map.

e. Significant wildlife resources are added, as identified on Exhibit F to this ordinance titled "Significant Wildlife Resources," dated November 1, 2000, replacing any wildlife resources previously identified on the Comprehensive Plan Map.

f. Significant aesthetic and scenic resources are added, as identified on Exhibit G to this ordinance titled "Significant Aesthetic Resources," dated November 1, 2000, replacing any aesthetic or scenic resources previously identified on the Comprehensive Plan Map.

Section 4. The Comprehensive Plan text, in the section headed "Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources," is amended to read as set out in Exhibit H to this ordinance.

Section 5. The Comprehensive Plan text, in the section headed "Aesthetics," is amended to read as set out in Exhibit I to this ordinance.

Section 6. The Comprehensive Plan text, in the section headed "Overall Environmental," is amended to read as set out in Exhibit J to this ordinance.

Section 7. The Comprehensive Plan text, in the section headed "Development Categories," is amended to read as set out in Exhibit K to this ordinance.

Section 8. The time within which the City was to complete the City's periodic review work tasks related to Statewide Planning Goals 5 and 17 has expired and the City is subject to an order of the Land Conservation and Development Commission that the City complete the work tasks and, in the meantime, apply certain regulations under consideration by the City as the regulations applicable to new development in the City. It is in the public interest that the City regulate development in accord with regulations adopted by the City and not in accord with regulations imposed by the Land Conservation and Development Commission. Therefore, an emergency is declared to exist and this ordinance shall be in effect from and after its adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th day of November, 2000.

MIKE HOLDEN, MAYOR

ATTEST:

ONEITA MCCALMAN, CITY RECORDER

EXHIBIT A

FINDINGS AND CONCLUSIONS

1. The Planning Commission, following due mailed and published notice, held a public hearing extending over 11 dates beginning on November 16, 1999 and concluding May 16, 2000, during which the Commission considered adoption of a Comprehensive Plan Natural Resources Inventory, including both inventories and significance determinations, Comprehensive Plan Map amendments, and Comprehensive Plan text amendments. At the conclusion of the extended hearing, the Commission voted to transmit the Inventory, Plan Map amendments, and Plan text amendments to the City Council for its consideration.

2. The City duly notified the Department of Land Conservation and Development of its consideration of the proposed amendments.

3. The City Council held a public hearing extending over 4 dates beginning on August 28, 2000 and concluding on October 9, 2000, with notice of the hearings being published on September 27, 2000, during which the Council considered adoption of the Comprehensive Plan Natural Resources Inventory, including both inventories and significance determinations, Comprehensive Plan Map amendments, and Comprehensive Plan text amendments transmitted to it by the Planning Commission.

4. The Comprehensive Plan Natural Resources Inventory (Inventory), which is Exhibit B to the ordinance of which this Exhibit A is a part, sets out the basis for identification of certain resources as the Statewide Planning Goal 5 and 17 resources within the Urban Growth Boundary. The City adopts the inventory-related findings and conclusions stated in the Inventory and, except as otherwise provided in the Inventory, in the documents referenced therein. The

resources identified in the Inventory are the Goal 5 and 17 resources within the City's Urban Growth Boundary.

5. The Inventory sets out the basis for identification of certain of the inventoried resources as significant Goal 5 and 17 resources. The City adopts the significance-related findings and conclusions stated in the Inventory and, except as otherwise provided in the Inventory, in the documents referenced therein. The resources identified in the Inventory as significant are the significant Goal 5 and 17 resources within the City's Urban Growth Boundary.

B412 P1749

EXHIBIT B

Lincoln City
Comprehensive Plan
Natural Resources Inventory

Adopted by Ordinance No. 00-__
November __, 2000

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Figure 2 Oregon Recreation Trail System

Table 1 Inventory of Water-Dependent and Water-Related Uses

APPENDICES:

Appendix A *Local Wetlands Inventory for the City of Lincoln City*, dated January 12, 1996 [Available under separate cover]

Appendix B *City of Lincoln City Local Wetland Inventory Determination of Significant Wetlands*, dated September 28, 2000 [Available under separate cover]

Appendix C *Aesthetic and Scenic Areas: Significance and Protection Determinations*, 1999.

Appendix D *Draft Lincoln City Wildlife Habitat Inventory and Analysis*, dated June 14, 1999 [Available under separate cover]

Appendix E *Lincoln City Riparian Inventory and Analysis Resources*, dated June 30, 1999 [Available under separate cover]

MAPS:

Significant Riparian Resources, November 1, 2000
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LINCOLN CITY COMPREHENSIVE PLAN

NATURAL RESOURCES INVENTORY

1. Introduction

This *Natural Resources Inventory* identifies important environmental resources within the Lincoln City urban growth boundary (UGB).

The following material initially will describe the requirements of Statewide Planning Goals 5 and 17 to identify and protect resources. The material then will provide a listing and discussion of natural resource areas within the UGB. This will include adoption of inventories of natural resource areas, and identification of the significant natural resource areas which merit protection under the Natural Resources Overlay Zone.

2. Requirements of Statewide Planning Goals 5 and 17

A. Statewide Planning Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 states: "Local governments shall adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability."

Goal 5 requires the following resources to be inventoried: riparian corridors, including water and riparian areas and fish habitat; wetlands; wildlife habitat; state scenic waterways; groundwater resources; approved Oregon recreational trails; natural areas; wilderness areas; mineral and aggregate resources; energy sources; and cultural areas. Local governments are encouraged to inventory historic resources, open space, and scenic views and sites.

B. Statewide Planning Goal 17 - Coastal Shoreland Resources

Coastal shoreland resources include environmentally important lands adjacent to the ocean, coastal lakes, and estuaries. Goal 17 requires cities to identify and protect coastal shorelands resources. The purpose of Goal 17 is:

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics."

"To reduce the hazard to human life and property, and the adverse effects upon water quality and

fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

Goal 17 also requires cities to establish policies governing the uses permitted within shoreland areas. The determination of the policies must be based on inventories.

3. Natural Resource Areas and Significant Natural Resource Areas

This section adopts inventories of natural resource areas within the UGB. It includes notations to indicate if the particular resource is referenced by Goal 5 or Goal 17. This section also identifes natural resource areas that are significant and subject to protection under the Natural Resources Overlay Zone.

A. Areas Subject to Ocean Flooding (Goal 17 Only)

Flood hazard areas include floodplains and areas where new uses may significantly alter the hydraulics of other lands or water bodies.

Inventory sources:

> *FIRM Maps*: *Community Panel #410130 0001B* (4/17/78); *Community Panel #410130 0001C* (8/17/98); *Community Panel #410129 00025B* (9/3/80); and *Community Panel #410129 0003B* (9/3/80); and
>
> *Environmental Hazard Inventory, Coastal Lincoln County, Oregon* (RNKR Associates, 1979).

Inventory:

The City inventoried hazard areas on adoption of its Comprehensive Plan in 1984. Those hazard areas include areas subject to ocean flooding and are shown on the City's Comprehensive Plan Map, as supplemented by the 1979 RNKR *Environmental Hazard Inventory*, which together are the City's ocean flooding area inventory until updated.

B. Areas of Geologic Instability (Goal 17 Only)

Areas of geologic instability within the Coastal Shorelands Area where the instability is related to or will affect a coastal water body. The critical areas in Lincoln City include the coastal bluff areas. The coastal bluffs are identified on the Chronic Geologic Hazard maps.

Inventory sources:

> *Environmental Hazard Inventory, Coastal Lincoln County, Oregon* (RNKR Associates, 1979); and

Chronic Geologic Hazard Maps (DOGAMI, November 1994).

Inventory:

The City inventoried hazard areas on adoption of its Comprehensive Plan in 1984. Those hazard areas include areas of geologic instability and are shown on the City's Comprehensive Plan Map, as supplemented by the 1979 RNKR *Environmental Hazard Inventory*, which together are the City's geologic instability area inventory until updated.

C. Riparian Corridors (Goals 5 and 17)

In 1999, Shapiro & Associates, Inc. conducted an inventory of riparian corridors. That inventory is incorporated into this document as Appendix E . The 1999 inventory included mapping to allow the City to adopt a riparian corridor inventory based on the safe harbor approach authorized by the Goal 5 implementing rules. This approach allows the establishment of riparian corridor boundaries as set back 50 feet from the top of the bank of the City's lakes and streams of from the upland edge of an associated significant wetland.

Inventory sources:

Lincoln City Riparian Inventory and Analysis —Final Draft (Shapiro & Associates, Inc., June 29, 1999)

Inventory:

The *Lincoln City Riparian Inventory and Analysis —Final Draft* (Shapiro & Associates, Inc., June 29, 1999), using the riparian corridor 50-foot setback safe harbor approach, is the City's riparian corridor inventory.

Significance Determination:

The *Lincoln City Riparian Inventory and Analysis —Final Draft* (Shapiro & Associates, Inc., June 29, 1999) sets out a method for determining which inventoried riparian corridor areas are significant and also identifies certain areas as significant. Based on that method, all riparian corridor areas identified in the Inventory and Analysis as significant are deemed significant, with the following exceptions based on reconaisance and review of videotapes of the sites:
n

a. Site #18A is not a significant riparian corridor area because it has been developed as a homesite since the *Inventory and Analysis* was prepared and no longer has riparian resource values.

b. Site #34 is not a significant riparian corridor area because it has been developed as a homesite since the *Inventory and Analysis* was prepared and no longer has

riparian resource values.

c. Site #40 is not a significant riparian corridor area because it contains no significant riparian overstory. Although it is a large segment, it offers minimal shoreline stabilization from vegetation.

d. Site #51B is not a significant riparian corridor area because it contains no significant riparian overstory. Although it is a large segment, it offers minimal shoreline stabilization from vegetation.

e. Site #54 is not a significant riparian corridor area because it contains no significant riparian overstory. Although the site is over 150 feet in length, the actual area of vegetation is small and offers minimal shoreline stabilization.

f. Site #56b is not a significant riparian corridor area because it contains no significant riparian overstory. Although it is connected with a large riparian section directly to the east, the historic use of this site was as a parking lot and the area has been cleared of most of the riparian overstory. In addition, this site does not function properly as a riparian resource.

g. Baldy Creek Reach #2 is not a significant riparian corridor area because, although it contains a large riparian overstory, this area of Baldy Creed does not maintain an anadromous or any other fish population.

In addition, the following riparian corridor areas not identified as significant in the *Inventory and Analysis* also are significant riparian corridor areas based on reconnaisance and review of videotapes of the sites:

h. Site #12 is a significant riparian corridor area because, although it is less than 150 feet in length, it has a large riparian overstory and offers significant shoreline stabilization.

i. Site #22 is a significant riparian corridor area because, although it is narrow and not connected to upland vegetation, it is long, has a large riparian overstory, and offers significant shoreline stabilization.

Significant riparian corridor boundaries are shown on:

Map: Significant Riparian Resources, dated November 1, 2000

D. Wildlife Habitat (Goals 5 and 17)

In 1999, Shapiro & Associates, Inc. conducted an inventory of wildlife resources. That inventory

is incorporated into this document as Appendix D. The 1999 inventory used a safe harbor approach authorized by the Goal 5 implementing rules, thus including a determination that fish not be considered.

Inventory sources:

Draft Lincoln City Wildlife Habitat Inventory and Analysis (Shapiro & Associates, Inc., June 14, 1999)

Inventory:

The *Draft Lincoln City Wildlife Habitat Inventory and Analysis* (Shapiro & Associates, Inc., June 14, 1999), using the safe harbor approach, is the City's wildlife inventory except that the Wildlife Tree Inventory (Devils Lake) is not included in the adopted inventory.

Significance Determination:

The *Draft Lincoln City Wildlife Habitat Inventory and Analysis* (Shapiro & Associates, Inc., June 14, 1999) sets out a method for determining which inventoried wildlife habitat is significant and also identified certain habitat as significant. Based on that method, all wildlife habitat identified in the *Draft* as significant is deemed significant, with the following exceptions based on reconnaisance and review of videotapes of the sites:

a. Wildlife trees are not included in the inventory and therefore are not included as significant wildlife habitat.

b. Site #16 is not significant wildlife habitat because it is less than 150 feet in length and does not offer adequate land area for the life support of bald eagles due to the encroachment of development on both sides of the site.

c. Site #18A is not significant wildlife habitat because it has been developed as a homesite since the *Draft* was prepared and no longer has wildlife habitat values.

d. Site #20 is not significant wildlife habitat because it is less than 150 feet in length and does not offer adequate land area for the life support of bald eagles due to the encroachment of development on both sides of the site.

e. Site #26 is not significant wildlife habitat because it has been developed as a homesite since the *Draft* was prepared and no longer has wildlife values.

f. Site #34 is not significant wildlife habitat because it has been developed as a homesite since the *Draft* was prepared and no longer has wildlife habitat values.

g. Site #40 is not significant wildlife habitat because it contains no significant riparian overstory. Although it is a large segment, it offers no significant wildlife habitat for eagles. There are no existing perch, forage, or replacement trees on the site.

h. Site #51B is not significant wildlife habitat because it contains no significant riparian overstory. Although it is a large segment, it offers no significant wildlife habitat for eagles within the inventory boundaries. There are no existing perch, forage, or replacement trees within the inventory boundaries.

i. Site #52 is not significant wildlife habitat because, although it does offer replacement trees for wildlife, the site is less than 150 feet in length and does not offer adequate land area for the life support of bald eagles due to the encroachment of development on both sides of the site.

j. Site #54 is not significant wildlife habitat because it does not contain significant riparian overstory for wildlife. Although the site is over 150 feet in length, the actual area of habitat is small and does not offer adequate land area for the life support of bald eagles.

k. Site #56b is not significant wildlife habitat because it does not contain significant riparian overstory. Although it is a large segment, it offers no significant wildlife habitat for eagles within the inventory boundaries. There are no existing perch, forage, or replacement trees within the inventory boundaries.

l. Agnes Creek is not significant wildlife habitat because there is no documented use of the area by eagles and Agnes Creek does not maintain a fish population

m. Baldy Creek Reach #2 is not significant wildlife habitat because although it contains a large riparian overstory, there is no documented use of the area by bald eagles. In addition, this area of Baldy Creed does not maintain a fish population.

Significant wildlife habitat is shown on:

Map: Significant Wildlife Resources, dated November 1, 2000

E. Shoreland and Wetland Biological Habitats (Goals 5 and 17)

Shoreland and wetland biological habitats are composed of the following three categories of resources: wetlands, major marshes, and fish and wildlife habitat. Major marshes and fish and wildlife habitat within shorelands and wetlands are included in riparian corridors, wildlife habitat, or wetlands and therefore are not addressed separately in this inventory. Wetlands are addressed as follows.

In 1996, SRI/SHAPRIO, Inc. prepared the *Local Wetlands Inventory for the City of Lincoln City* (LWI). The LWI is incorporated into this document as Appendix A. This document sets out the method used in, and the results of, a survey of wetlands within the urban growth boundary, an area encompassing approximately 5,460 acres. The document assessed the functions and conditions of each identified wetland, using the *Oregon Freshwater Assessment Methodology* (OFWAM). The Division of State Lands approved the LWI on November 1, 1996. As a result of this approval, the LWI became part of the Statewide Wetlands Inventory and is used for the wetland and use notification process in accordance with ORS 227.350.

Inventory Sources:

Local Wetlands Inventory for the City of Lincoln City (SRI/SHAPIRO, Inc., January 12, 1996)

Inventory:

The *Local Wetlands Inventory for the City of Lincoln City* (SRI/SHAPIRO, Inc., January 12, 1996) is the City's wetland inventory.

The LWI did not identify exact boundaries of wetlands. As a result, on-site delineation of wetland boundaries is needed prior to development activities which include land alteration near wetlands. As a result of these on-site delineations, new information may become available to refine the mapping shown in the LWI. The process for refinement of the LWI is provided in the Natural Resources Overlay Zone.

Significance Determination:

Significant wetlands are inventoried wetlands that the City has determined to be important. At a minimum, significant wetlands are those wetlands that have been determined to be important based on the Oregon Freshwater Assessment Methodology (OFWAM). Significant wetlands are listed in the *City of Lincoln City Local Wetlands Inventory Determination of Significant Wetlands*, dated September 28, 2000, incorporated into this document as Appendix B. However, as to one site there is conflicting information on the field conditions at the site and the City has determined that the more credible information, when subjected to OFWAM, indicates the site is not a significant wetland. Therefore, Del 10D is not a significant wetland. Significant wetlands are shown on:

Map: Significant Wetland Resources, dated November 1, 2000

F. Water-Dependent and Water-Related Uses (Goal 17 Only)

Areas of water-dependent and water-related use include areas of recreational importance that use coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge

material and mitigation sites, and areas having characteristics suitable for aquaculture.

Inventory sources:

Lincoln City Parks Master Plan, 1994 and
Inventory of Oregon Coastal Beach Access Sites, (Oregon State Parks, 1989).

Inventory and Significance Determination:

Recreation facilities at Devils Lake State Park include water-dependent facilities such as the beach and dock. The D River State Wayside includes public access to the river. An inventory of and significance determinations regarding water-dependent and water-related uses are provided in Table 1.

G. Aesthetic and Scenic Areas (Goals 5 and 17)

The City used the following inventory sources to identify aesthetic and scenic areas.

Inventory sources:

Aesthetic and Scenic Areas: Significance and Protection Determinations (Lincoln City Citizens Advisory Committee 1999).

Inventory and Significance Determination:

The City used the following definition to establish significant aesthetic and scenic areas, as well as the specific significant aesthetic and scenic areas: A significant aesthetic and scenic area is a site that offers exceptional views or has special qualities or features that provide a unique opportunity to experience beauty in the natural environment.

Inventoried and significant aesthetic and scenic areas are those identified in *Aesthetic and Scenic Areas: Significance and Protection Determinations* (Lincoln City Citizens Advisory Committee 1999), which is incorporated into this document as Appendix C.

Significant aesthetic and scenic areas are shown on:

Map: Significant Aesthetic Areas, dated November 1, 2000

H. Coastal Headlands (Goal 17 Only)

No coastal headlands are present within the urban growth boundary.

I. Additional Inventory Information (Goal 17 Only)

Pursuant to Goal 17 requirements, the City reviewed materials in the following categories as part of the development of implementation strategies for protection of Coastal Shoreland Resources.

a. Land use, ownership, development patterns, and public facilities inventory sources:

- Lincoln County Assessors Maps;
- Aerial Photographs; and
- *Lincoln City - Stormwater Master Plan* (David Evans and Associates, Inc., 1993).

b. Sedimentation inventory sources:

- No sedimentation sources were identified within the urban growth boundary.

J. Additional Inventories (Goal 5 Only)

Pursuant to Goal 5 requirements, the City reviewed materials in the following categories as part of the implementation strategies for protection of natural resources and found that the resources either are protected under state regulations or do not exist within the UGB.

Groundwater resources: Under the provisions for Goal 5, all wellhead areas must be identified and protected for public water systems. Currently, the City receives water from Schooner Creek and not from a groundwater resource. There are no public water systems that meet the goal requirements for inventory or protection.

Mineral (Aggregate) Resources: Inventoried sites identified in the 1984 Comprehensive Plan Background Documents indicate two aggregate resource sites. These two sites are no longer actively mining aggregate resources.

Historic Resources: The Dorchester House is the only historic site listed in the Federal Register. It is otherwise protected and does not need separate protection by the City.

Scenic waterways: There are no state documented scenic waterways.

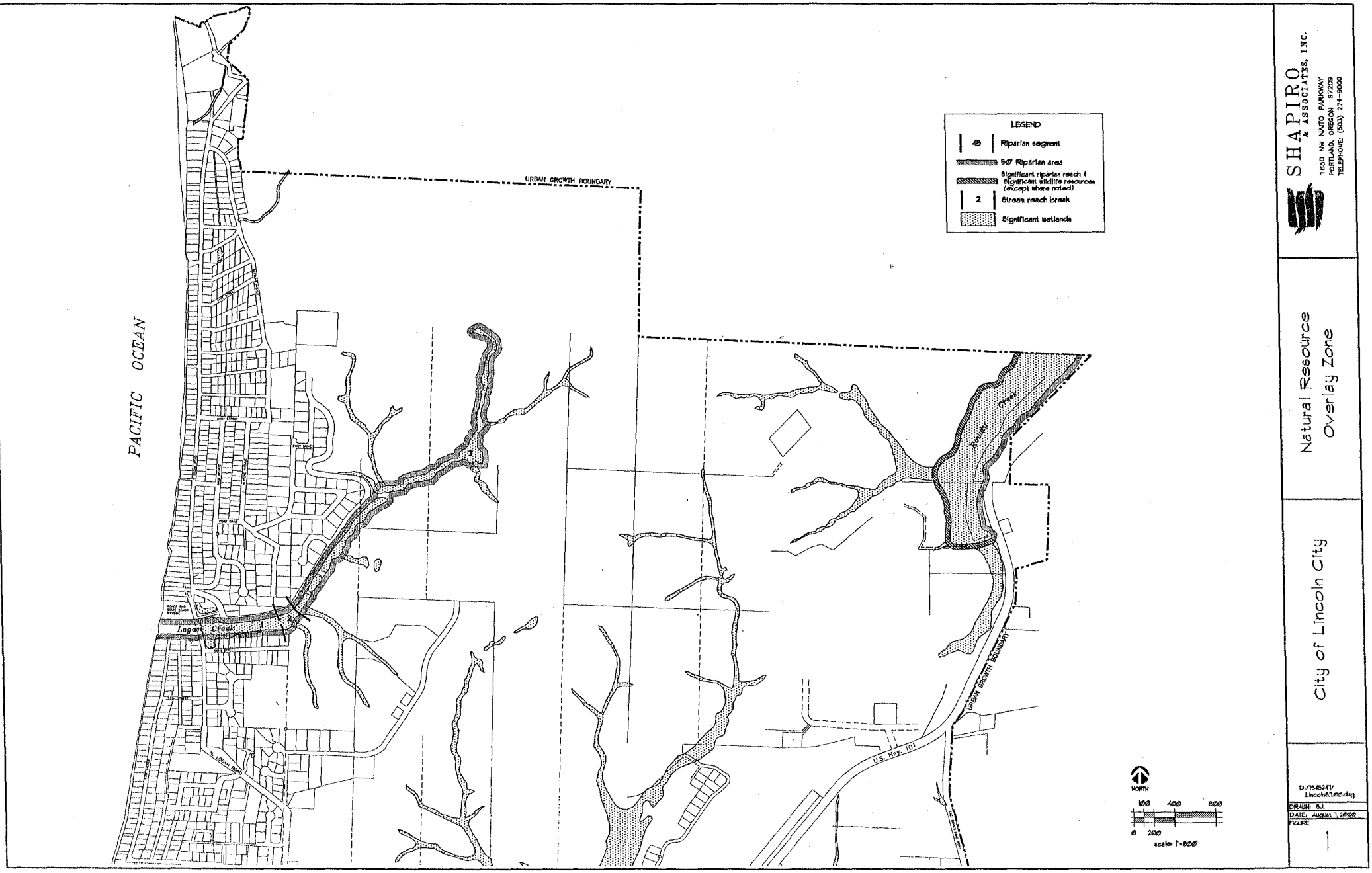
Wild and Scenic Rivers: There are no federal documented wild and scenic rivers.

Natural Areas: There are no state documented natural areas.

Wilderness Areas: There are no federal documented wilderness areas.

Energy Sources: There are no state or federal documented energy resources.

Oregon Recreation Trails: The corridor along Highway 101 and portions of the beach are designated an Oregon Recreation Trail (see Figure 2). These are a significant Goal 5 resource. They are otherwise protected and do not need separate protection by the City.



SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-0000

Natural Resource Overlay Zone

City of Lincoln City

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DATE: August 7, 2000
FIGURE
1

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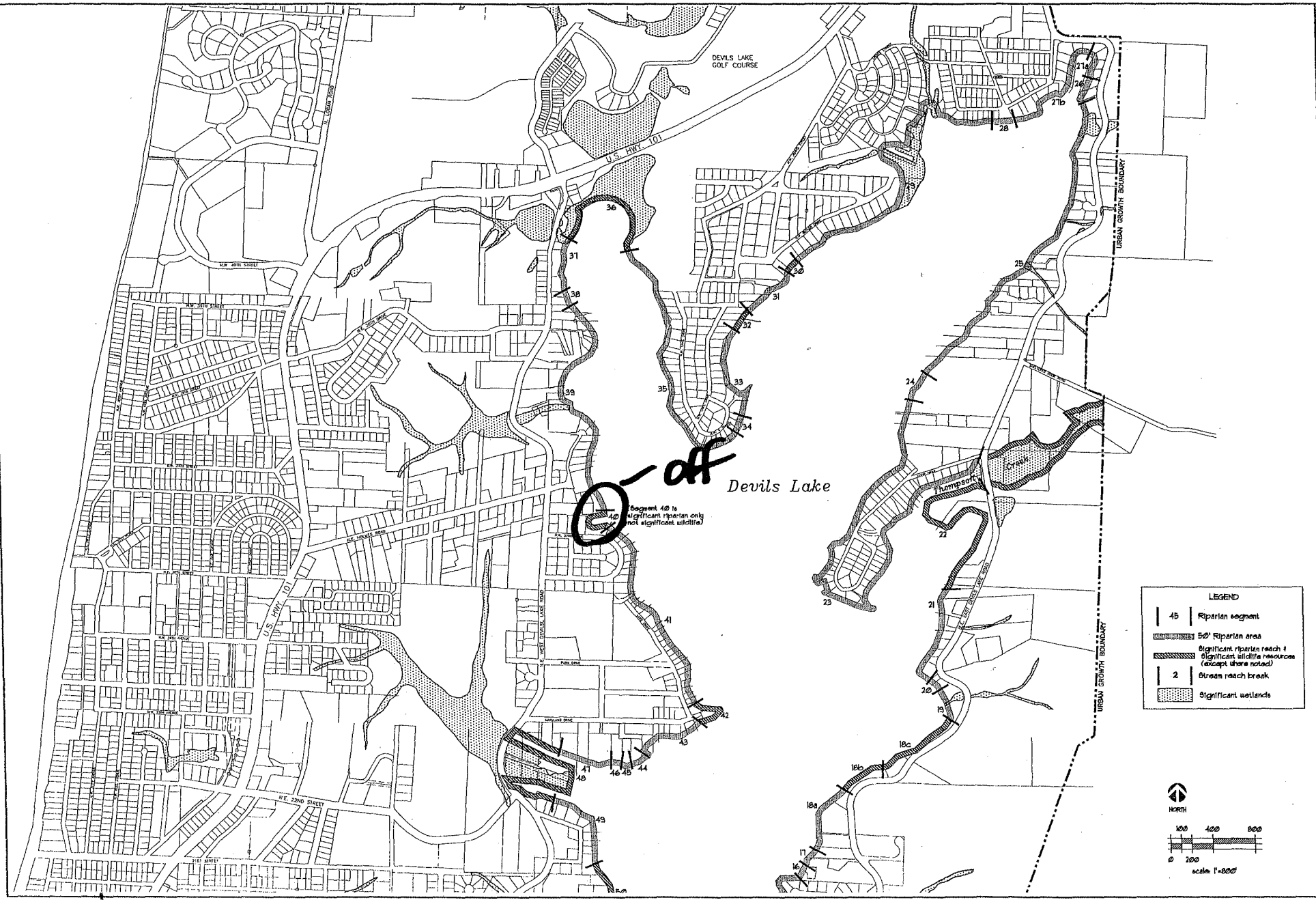
Exhibit C



SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-0000

Natural Resource Overlay Zone

City of Lincoln City

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FIGURE
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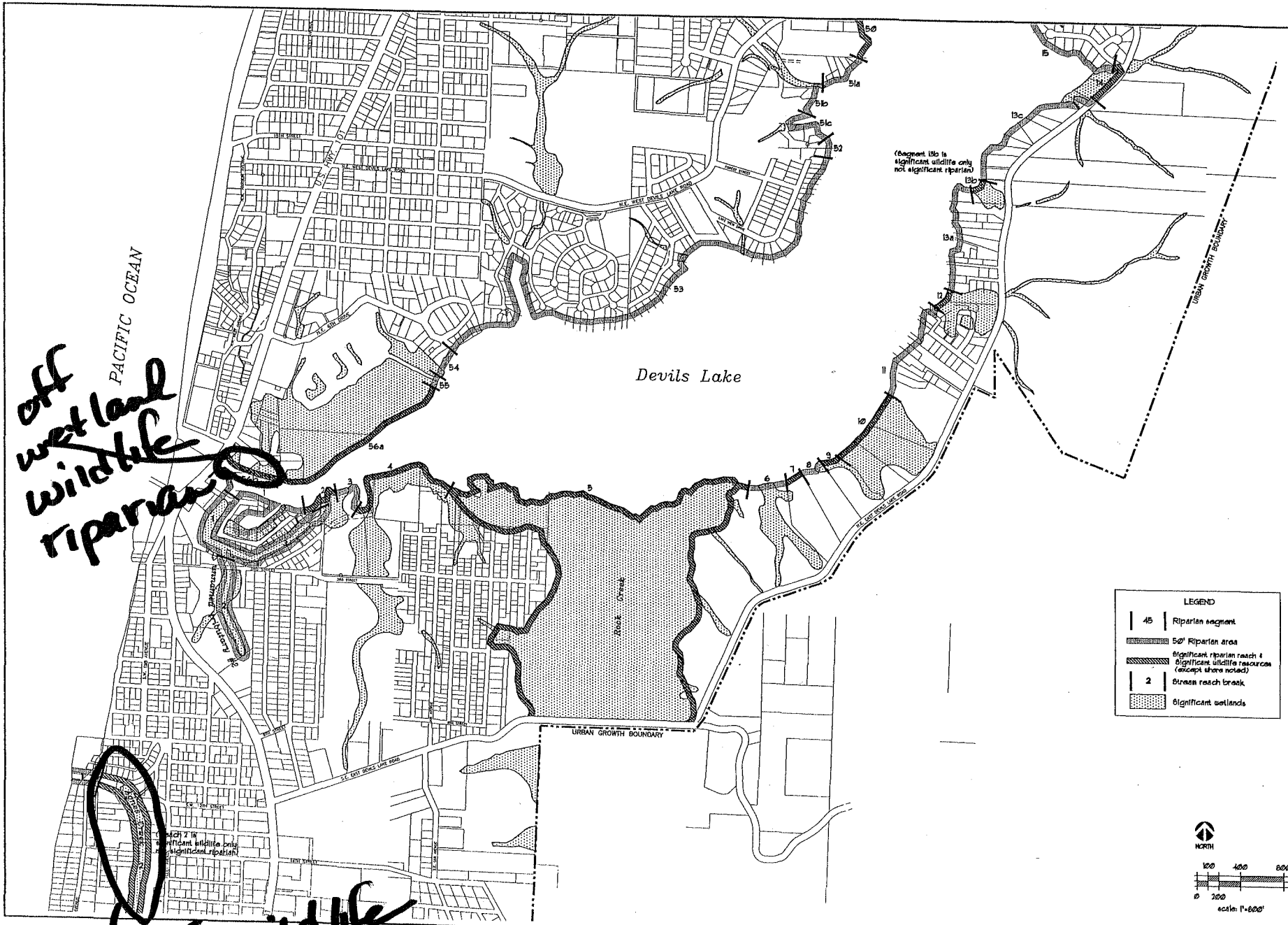

off wetland wildlife riparian

off wildlife

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C

SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE (503) 274-9300

Natural Resource Overlay Zone

City of Lincoln City

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FIGURE
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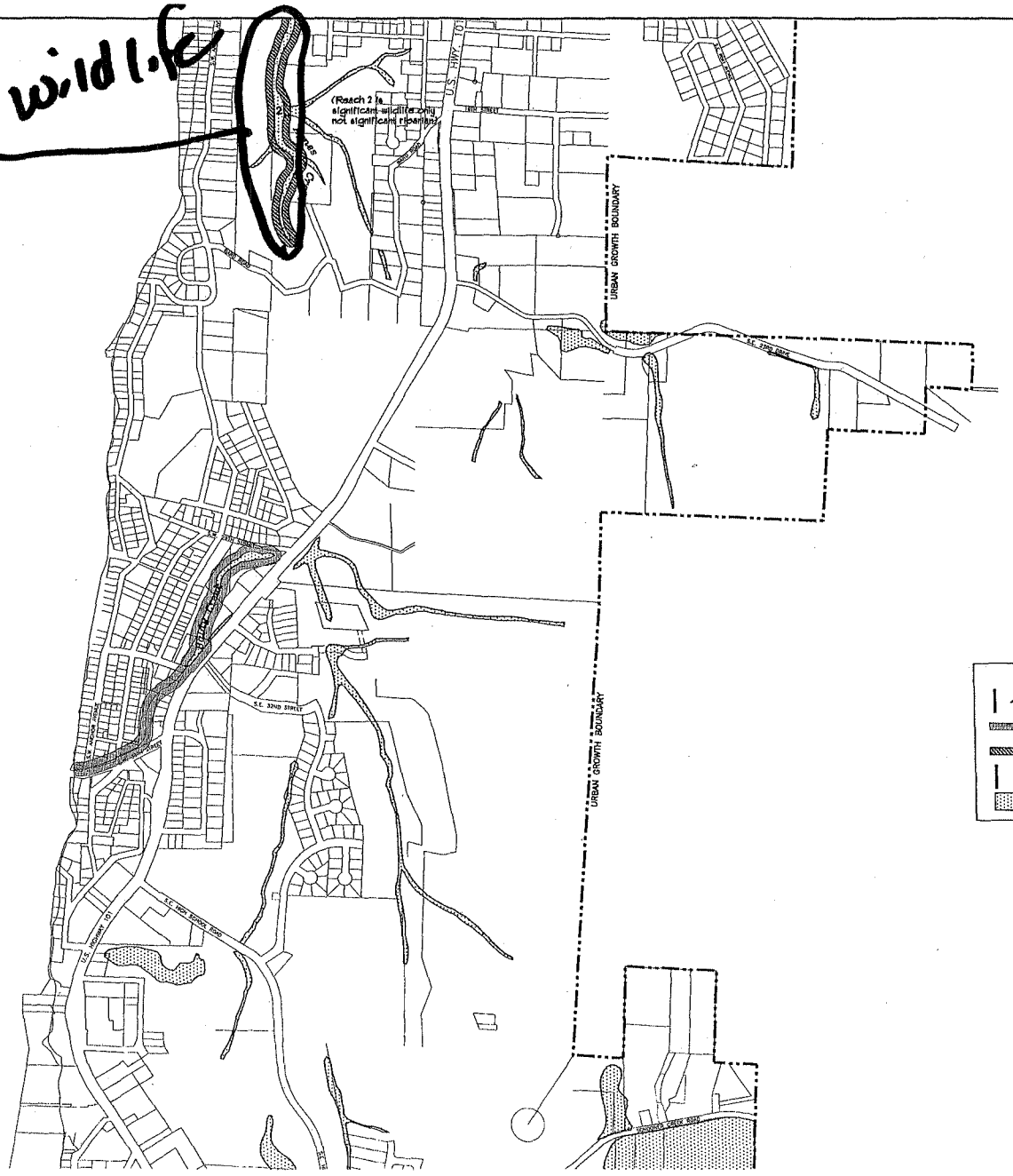
off wildlife


(Reach 2 is significant wildlife only not significant riparian)
U.S. HWY 101
THIS STREET
URBAN GROWTH BOUNDARY
URBAN GROWTH BOUNDARY
S.E. 32ND STREET
S.E. 15TH STREET
S.E. 10TH STREET
S.E. 32ND DRIVE
S.E. 32ND COURT
S.E. 15TH COURT
S.E. 10TH COURT
S.E. 10TH TERRACE
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S.E. 10TH AVENUE
S.E. 10TH ROAD

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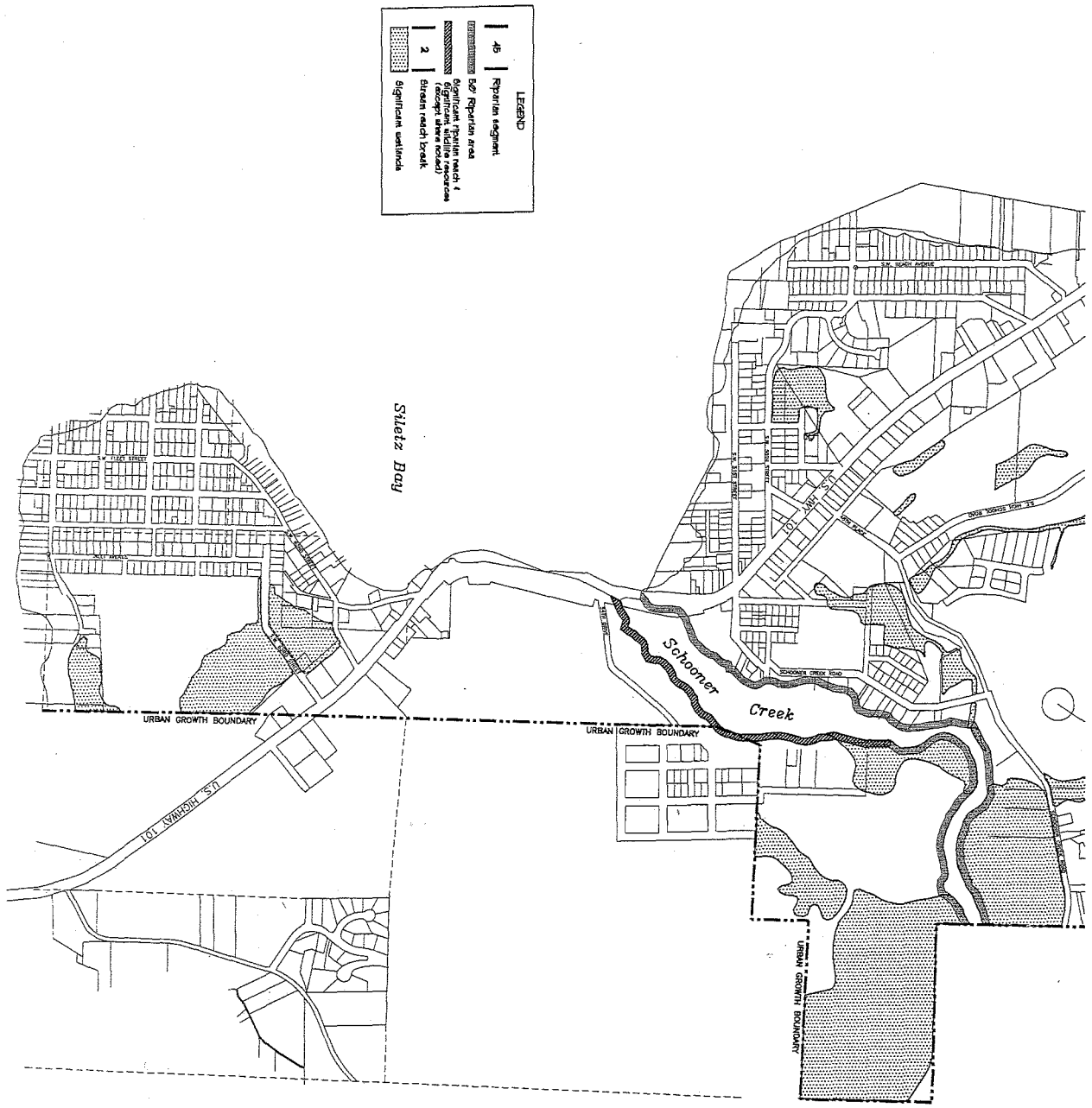

NORTH

0 200 400 800

scale 1"=800'

5	City of Lincoln City	Natural Resource Overlay Zone	SHAPIRO & ASSOCIATES, INC. 1650 NW NAITO PARKWAY PORTLAND, OREGON 97209 TELEPHONE: (503) 274-9000

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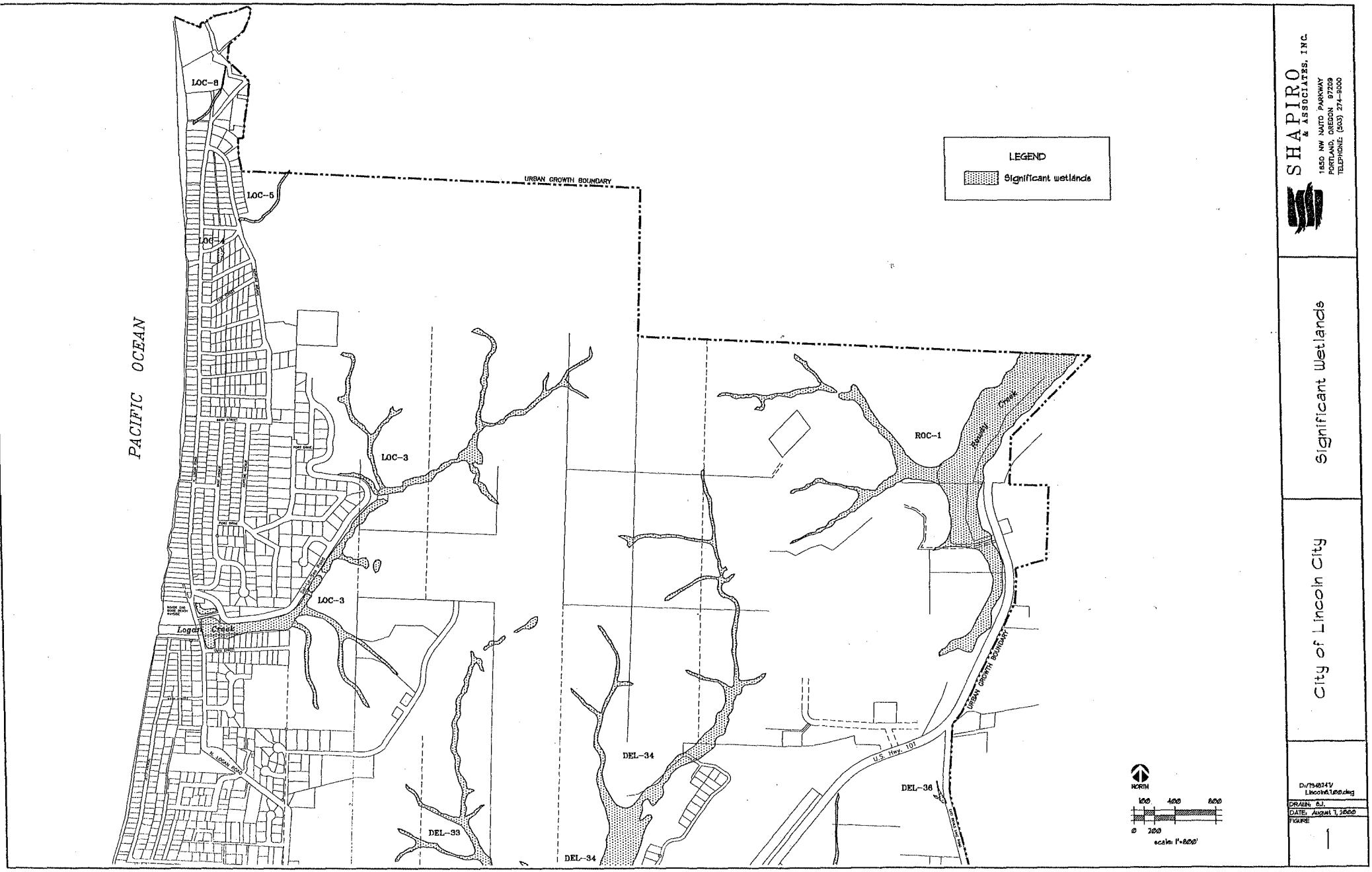
FIGURE



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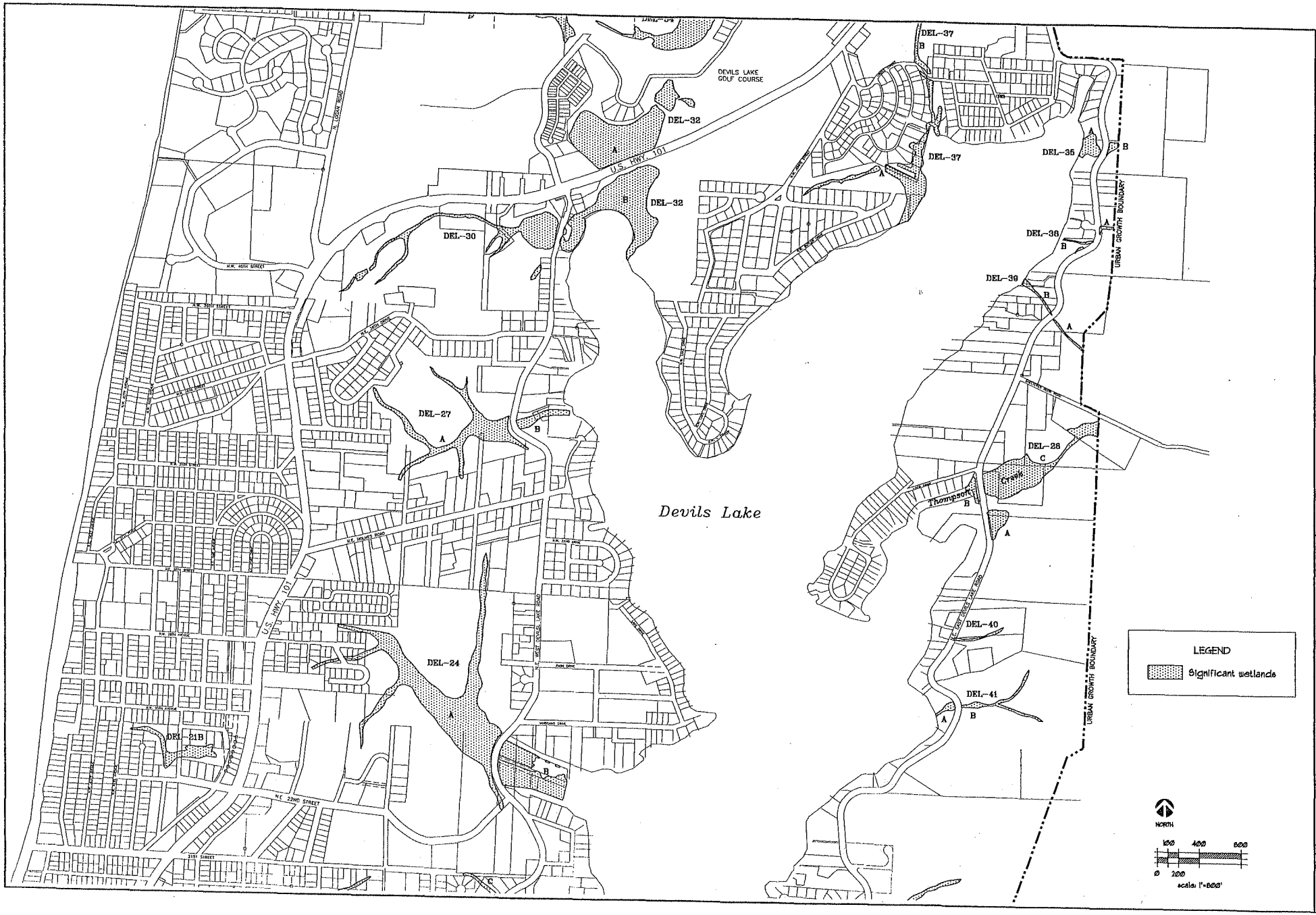

SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-0600

Significant Wetlands

City of Lincoln City

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FIGURE
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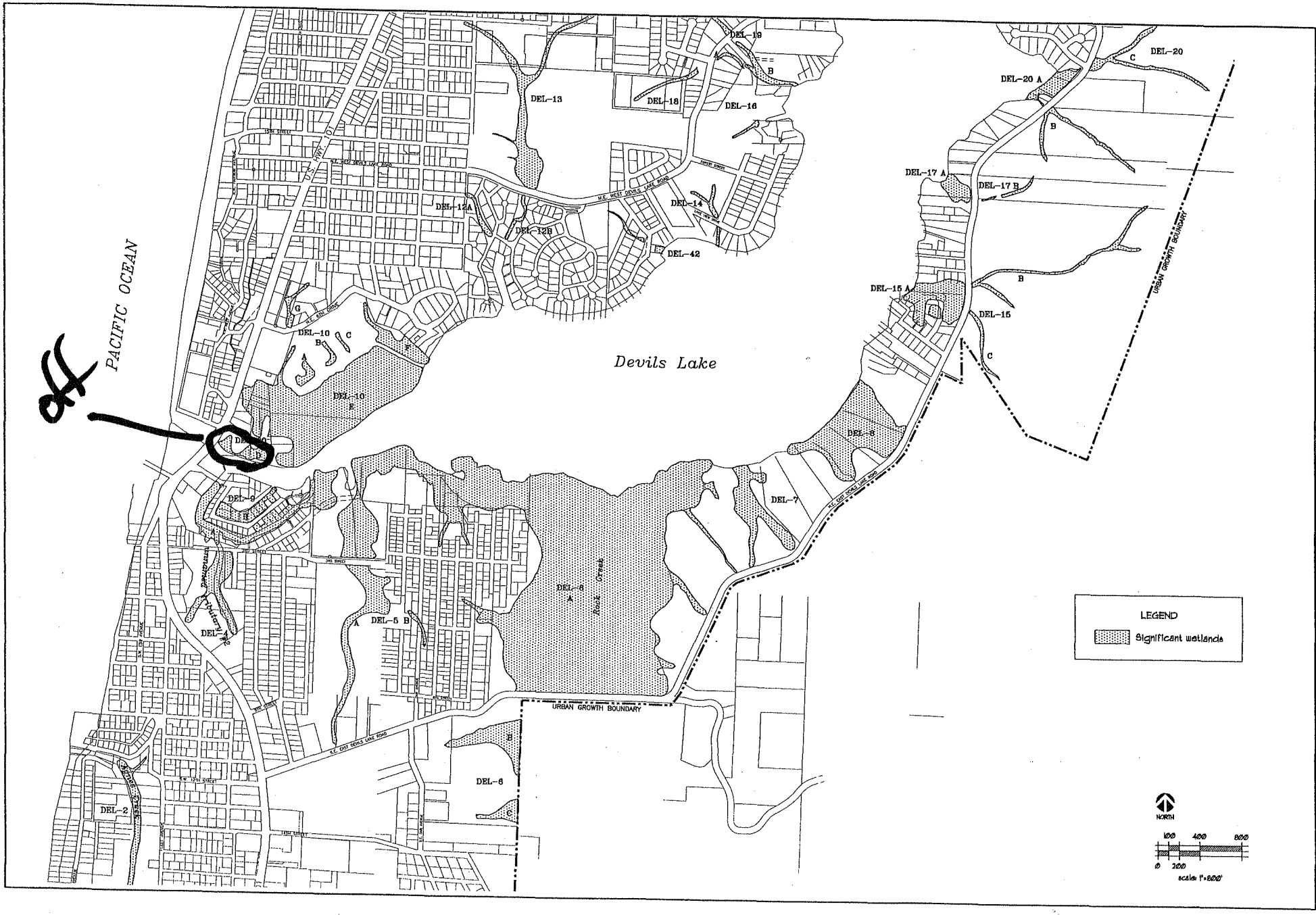

SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-0200

Significant Wetlands

City of Lincoln City

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FIGURE
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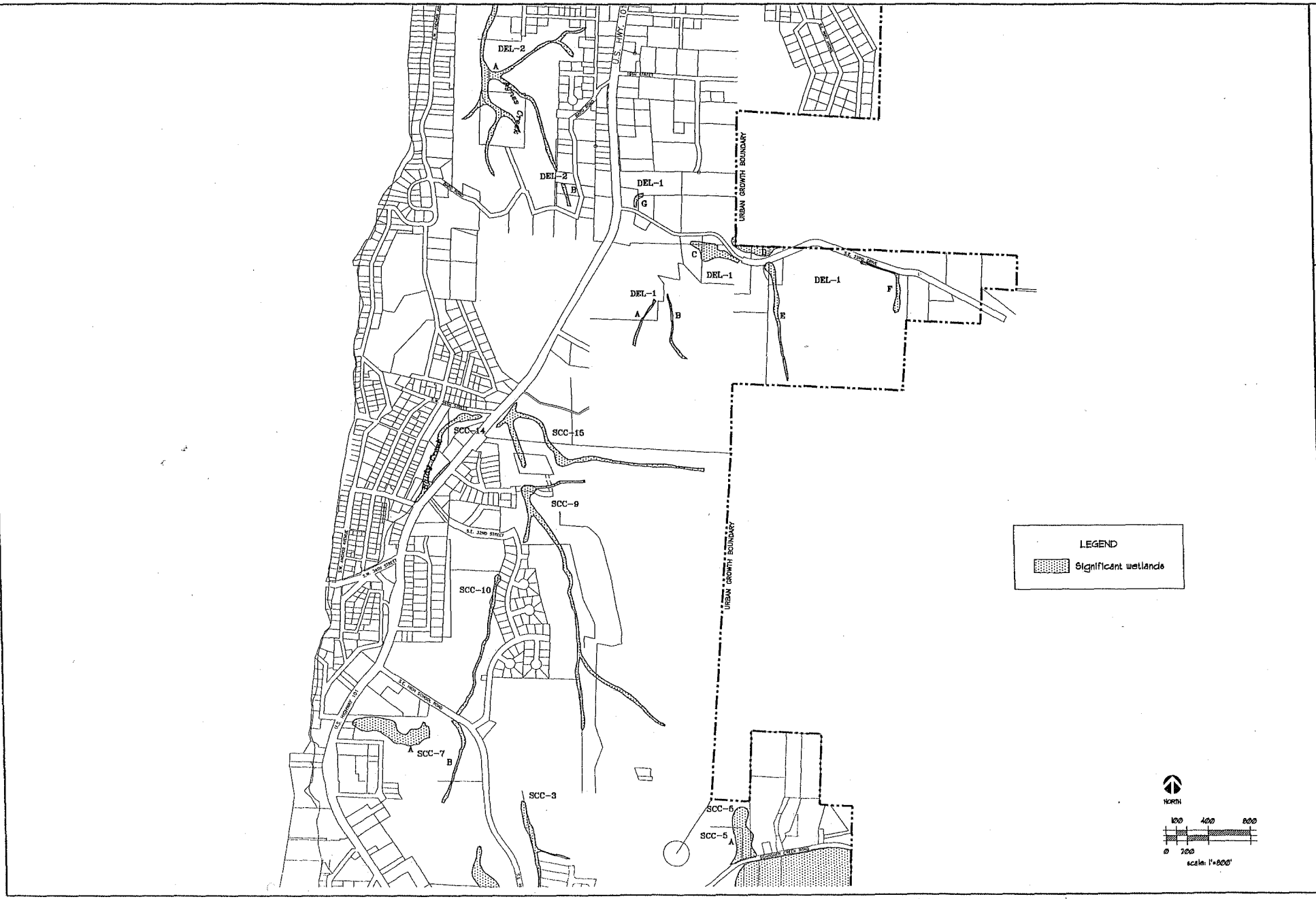

SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-0600

Significant Wetlands

City of Lincoln City

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FIGURE
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SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE (503) 274-0600

Significant Wetlands

City of Lincoln City

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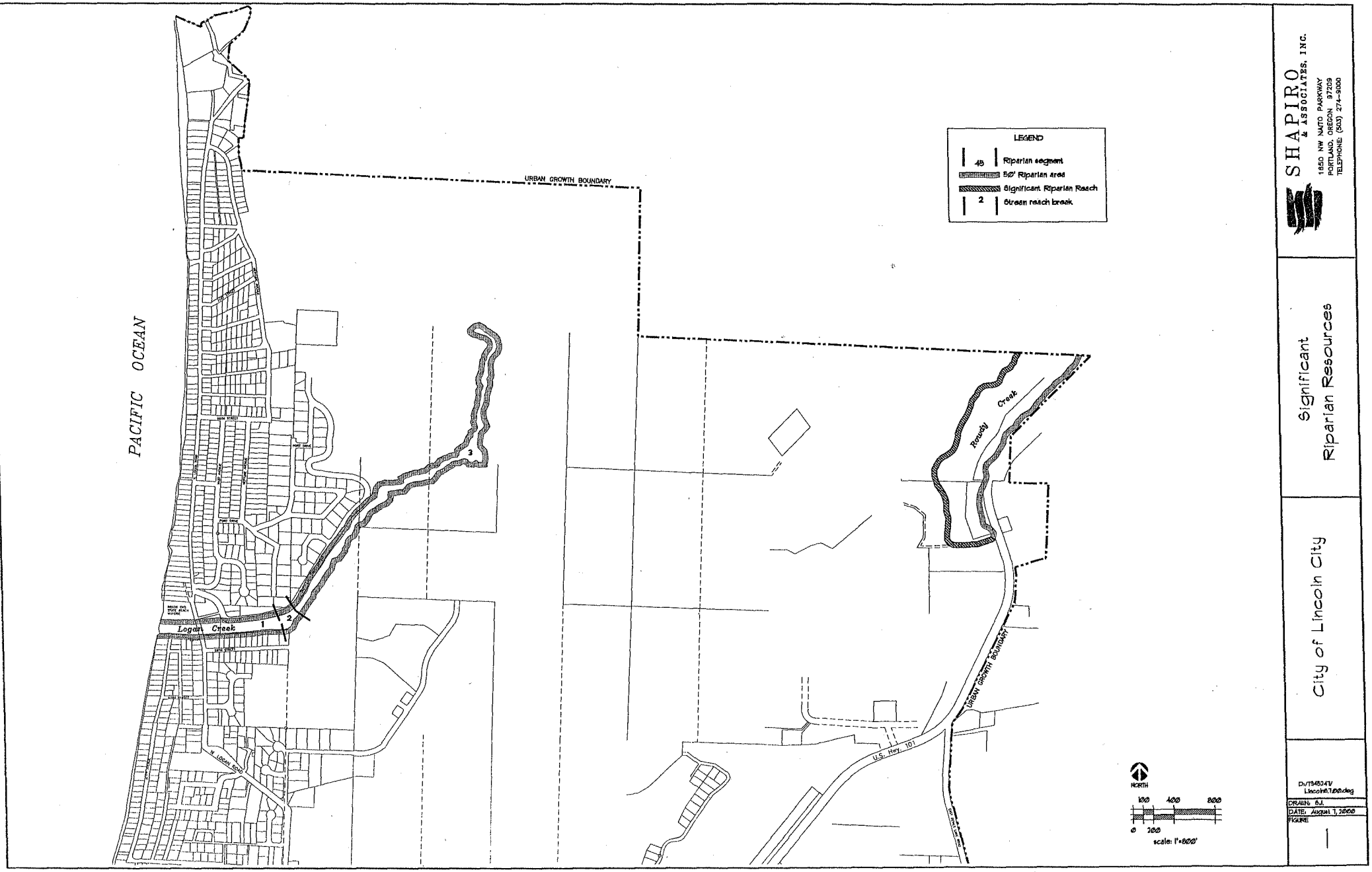

SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-9000

Significant Riparian Resources

City of Lincoln City

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FIGURE 1

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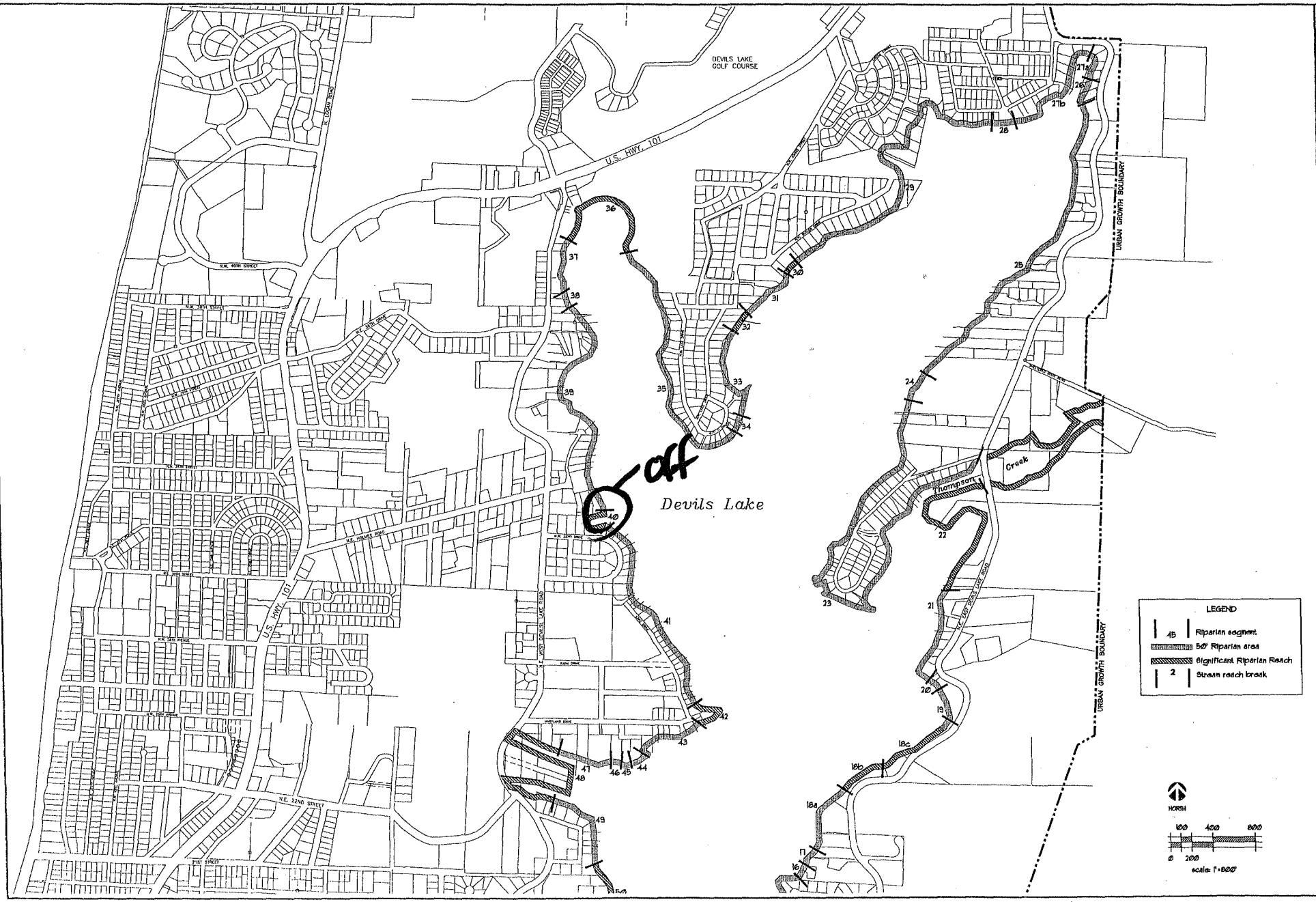
Exhibit E



SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-9000

Significant Riparian Resources

City of Lincoln City

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FIGURE
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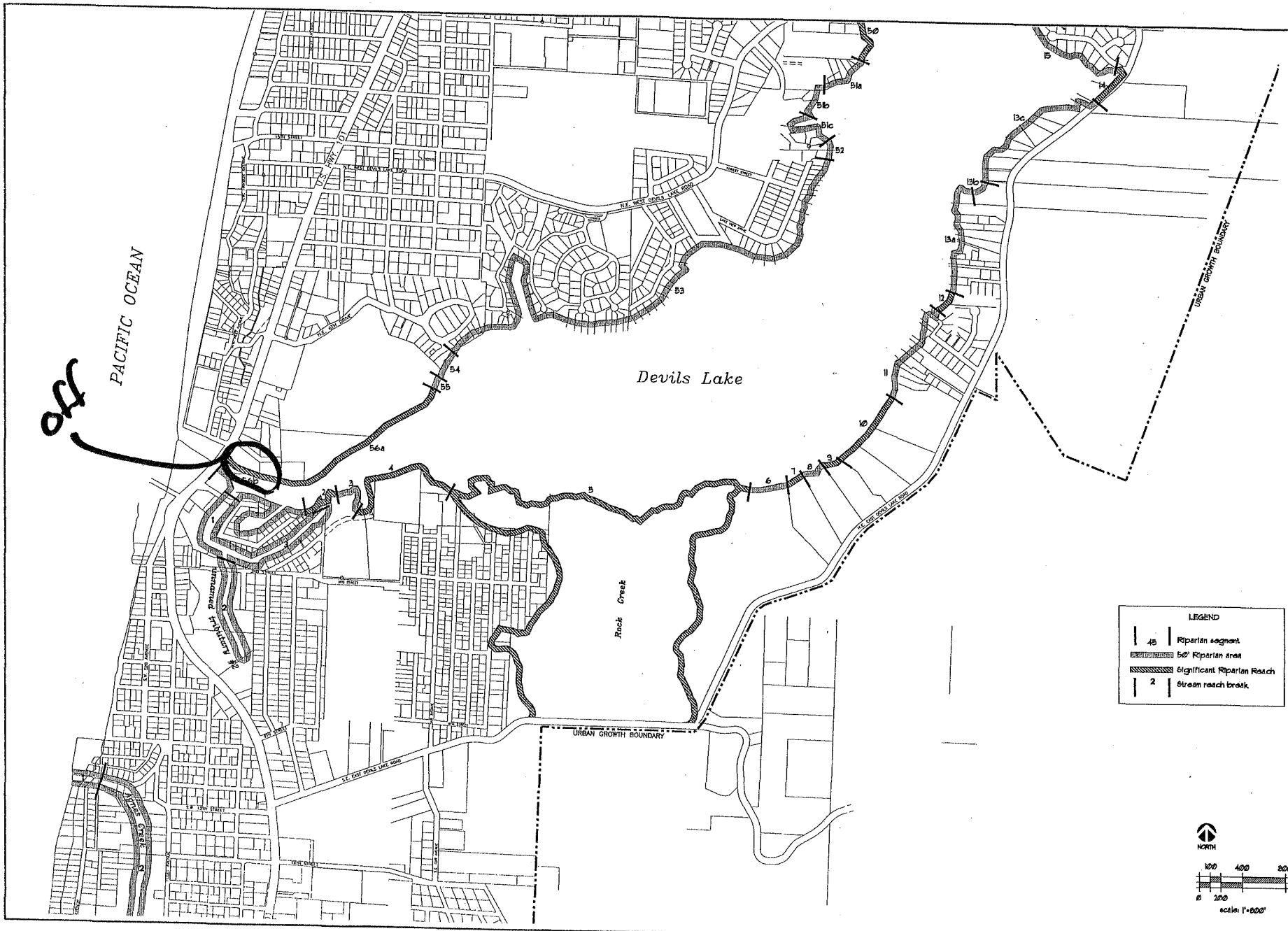

SHAPIRO & ASSOCIATES, INC.
1850 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE (503) 274-9000

Significant Riparian Resources

City of Lincoln City

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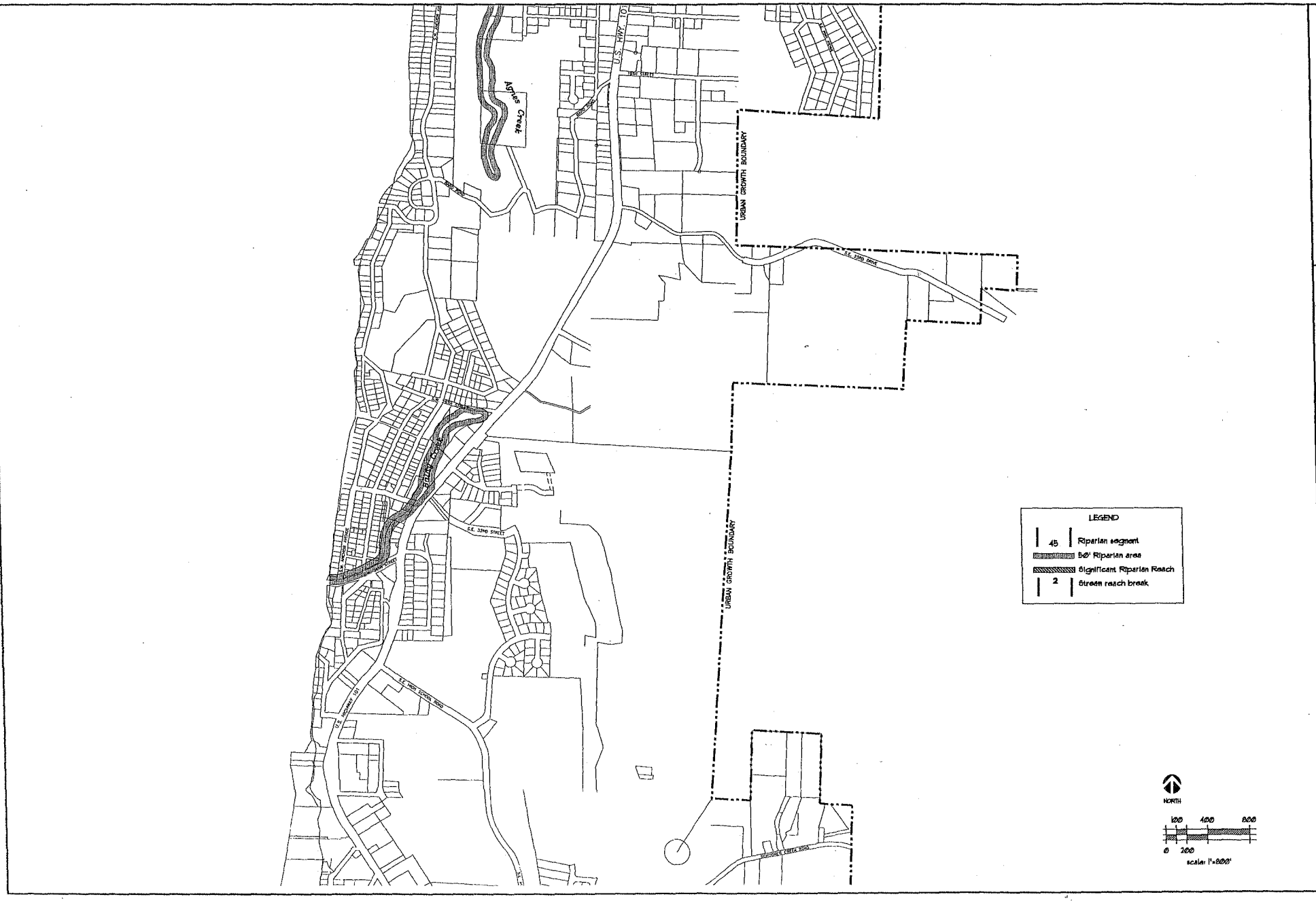

SHAPIRO & ASSOCIATES, INC.
1650 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-9000

Significant Riparian Resources

City of Lincoln City

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DRAWN: BJ.
DATE: August 1, 2000
FIGURE 4

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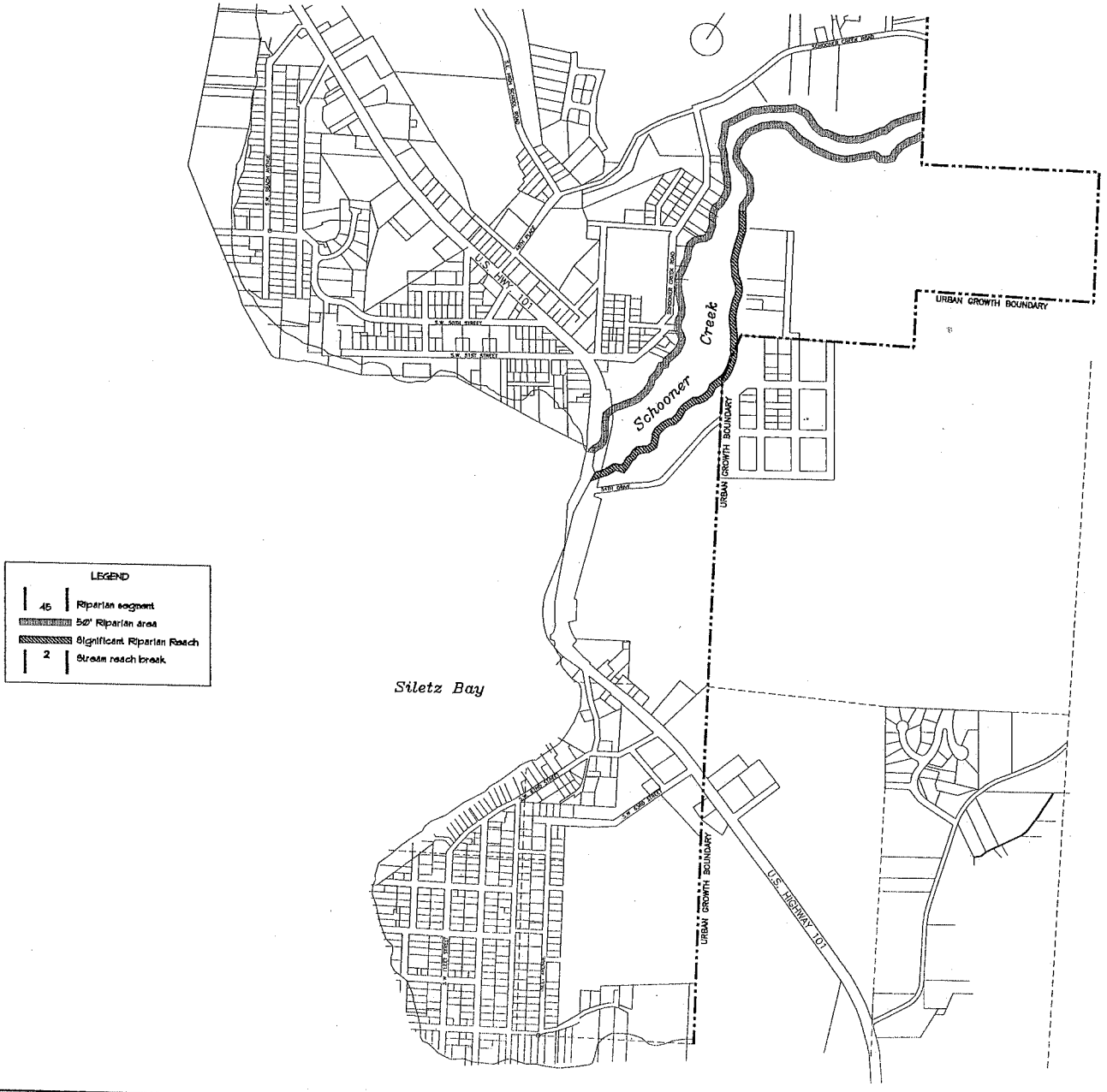

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TELEPHONE: (503) 274-0000

Significant Riparian Resources

City of Lincoln City

D:/TB4824U Lincoln8.100.dwg
DRAWN: B.J.
DATE: August 7, 2000
FIGURE 5

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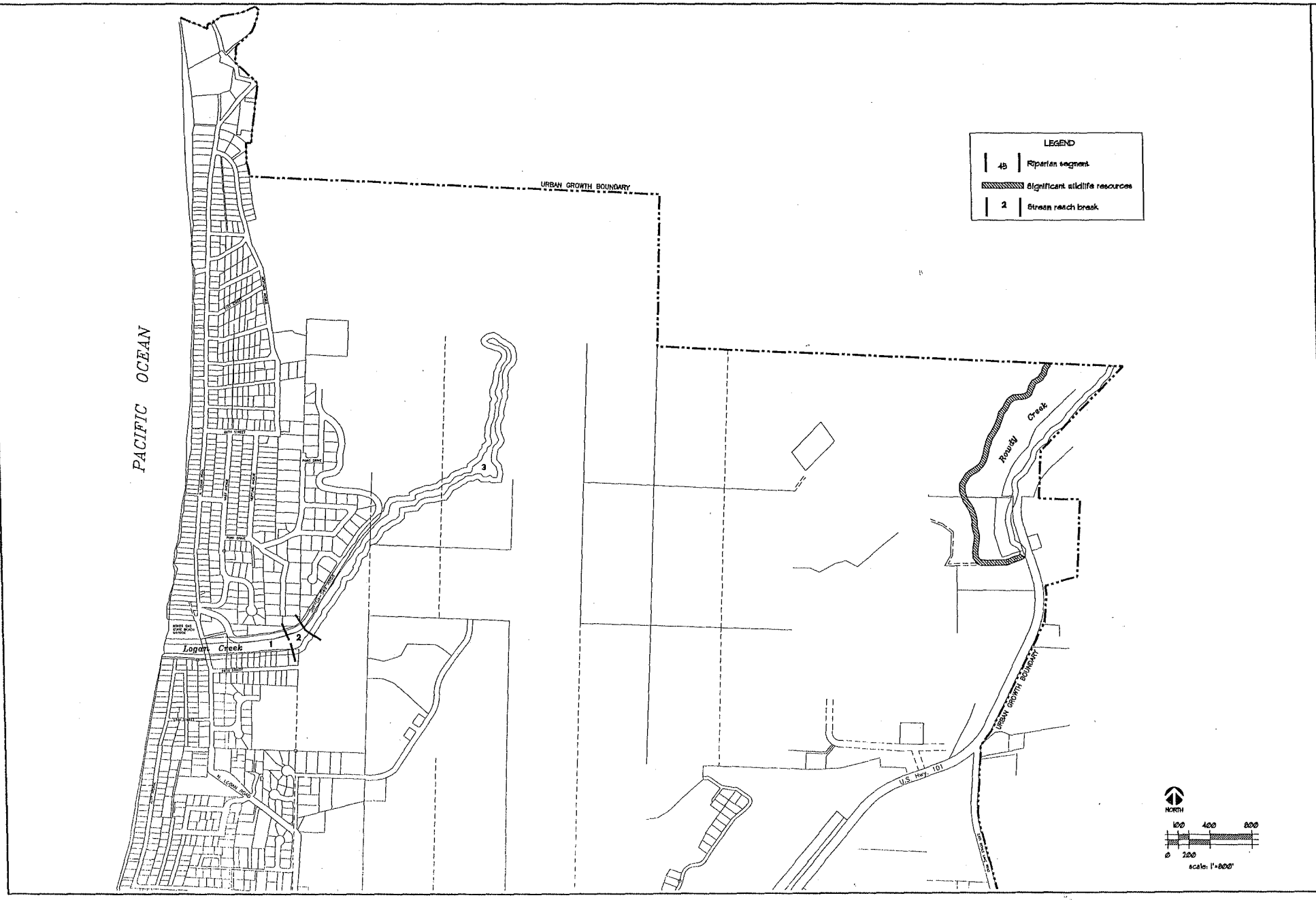

SHAPIRO & ASSOCIATES, INC.
1500 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-0000

Significant Wildlife Resources

City of Lincoln City

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DRAWN: BJ
DATE: August 1, 2000
FIGURE —

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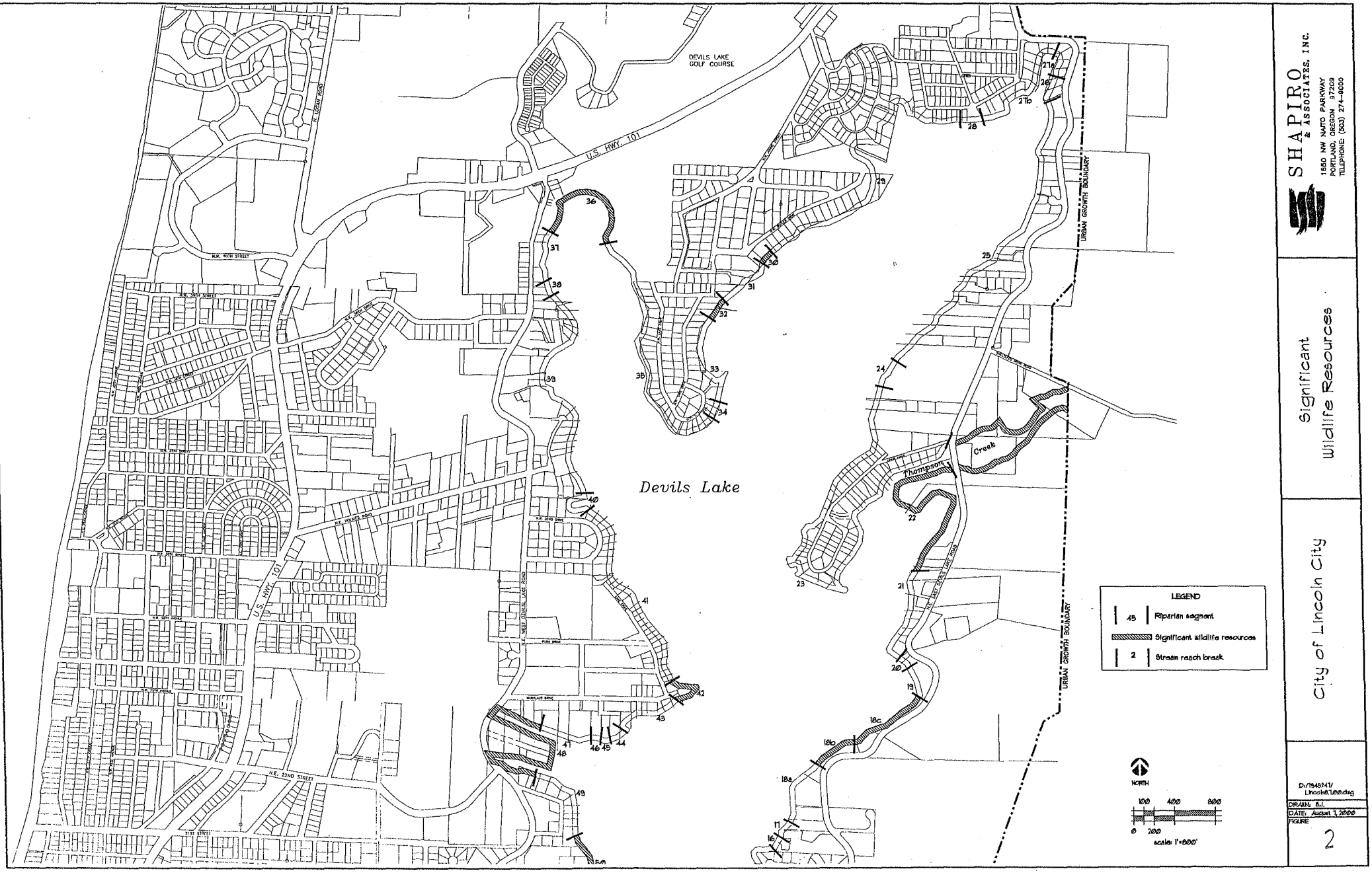
Exhibit f



SHAPIRO & ASSOCIATES, INC.
1580 NW NAITO PARKWAY
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Significant Wildlife Resources

City of Lincoln City

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DRAWN: B.J.
DATE: August 7, 2000
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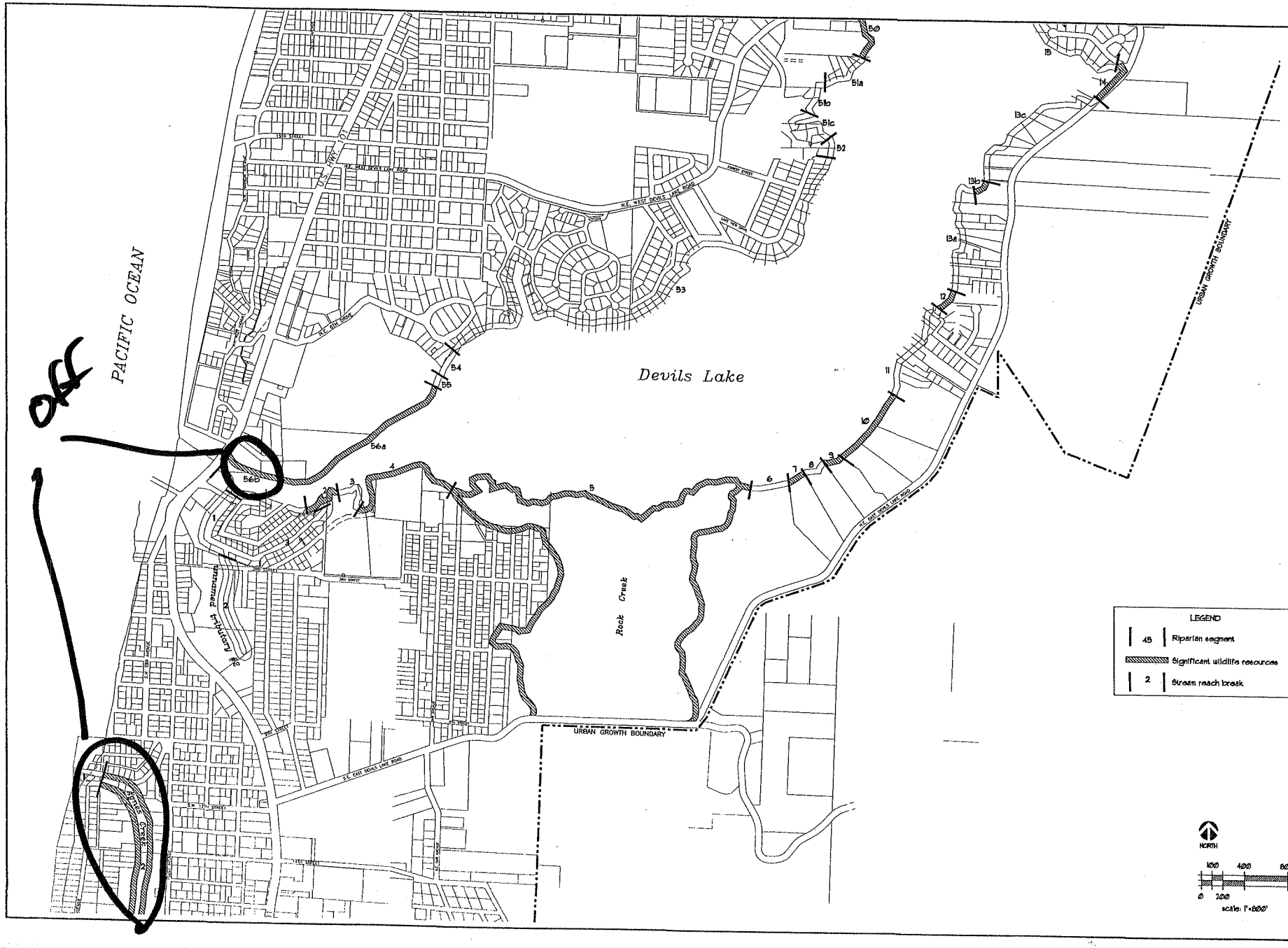

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Significant Wildlife Resources

City of Lincoln City

Dr/1348047/Lincoln1800.dwg
DRAWN: BJ
DATE: August 1, 2000
FIGURE
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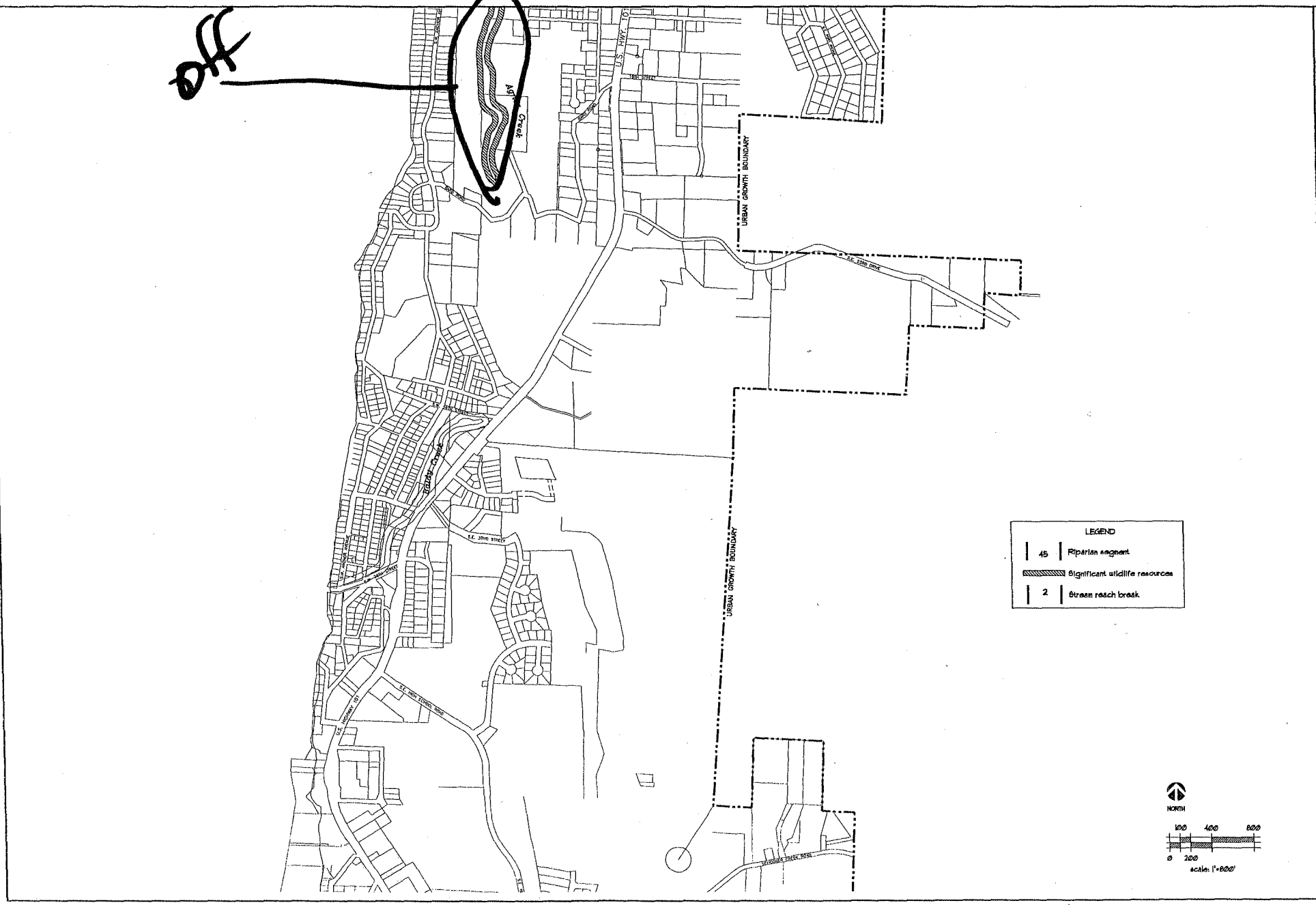
U.S. HWY. 101
URBAN GROWTH BOUNDARY
URBAN GROWTH BOUNDARY
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SE 32nd DRIVE
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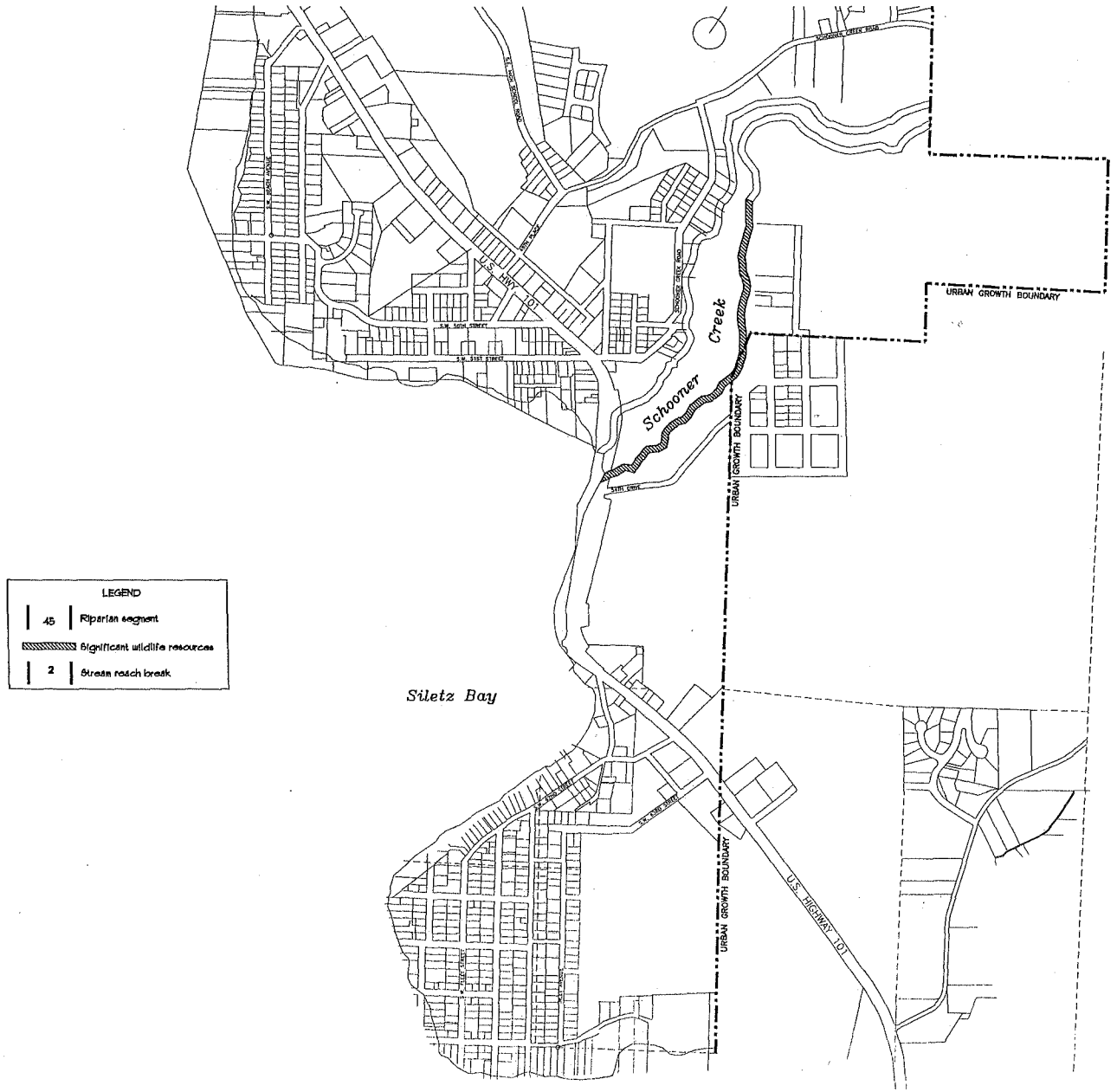

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Significant Wildlife Resources

City of Lincoln City

D:/7848241/Lincoln7.100.dwg
DRAWN: BJ
DATE: August 7, 2000
FIGURE 57

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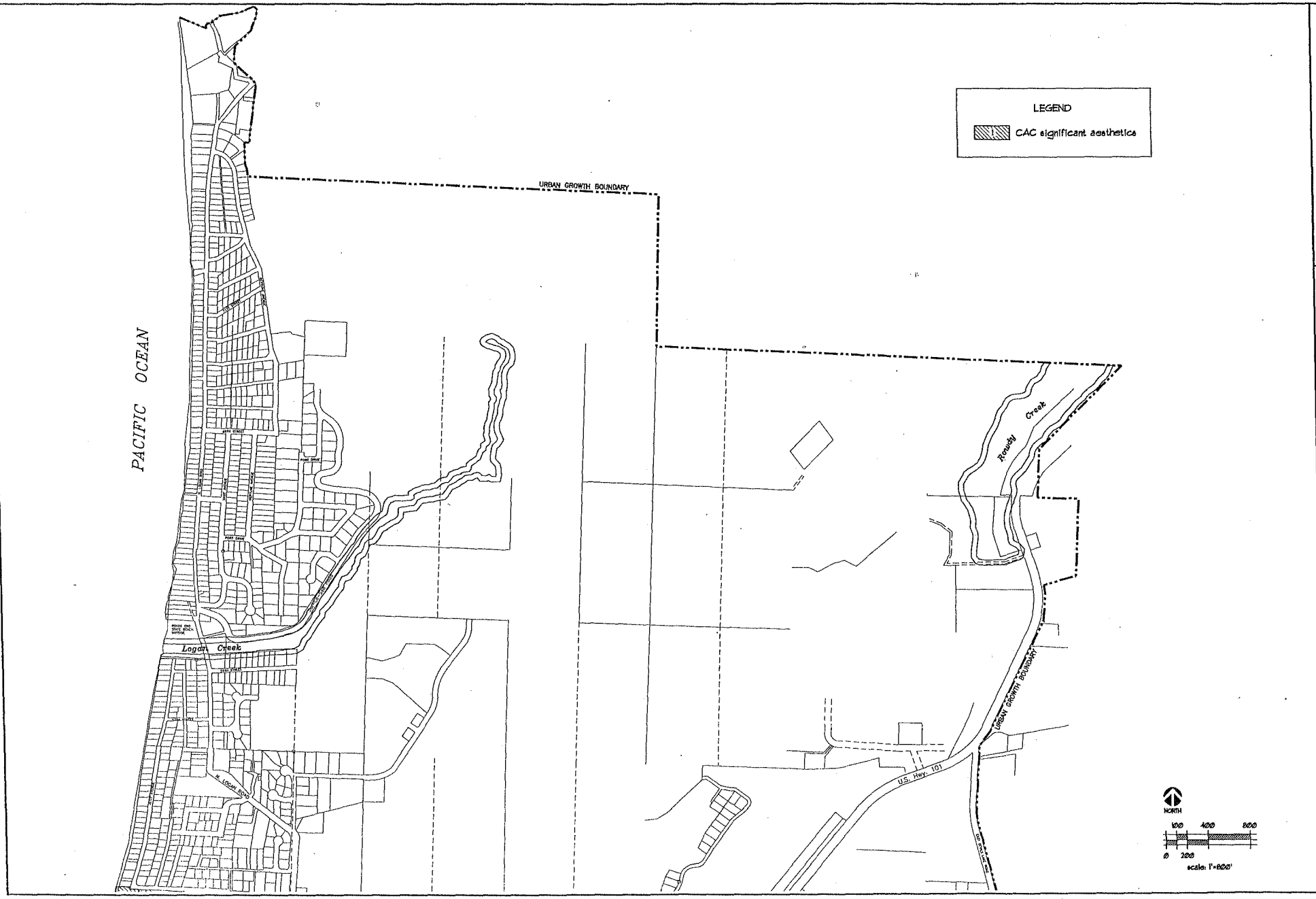

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Significant Aesthetic Resources

City of Lincoln City

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DATE: August 7, 2000
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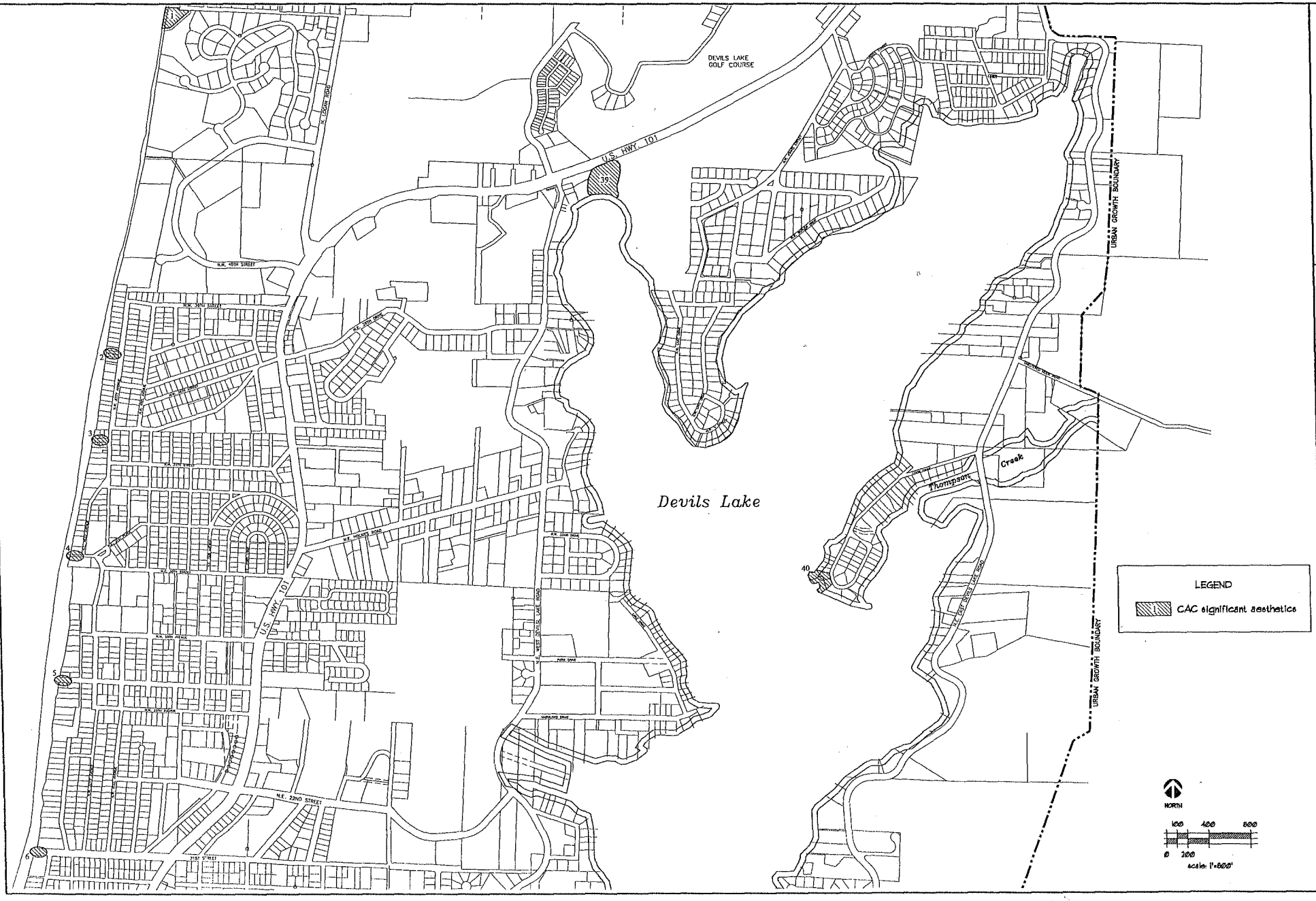
DRAFT Exhibit G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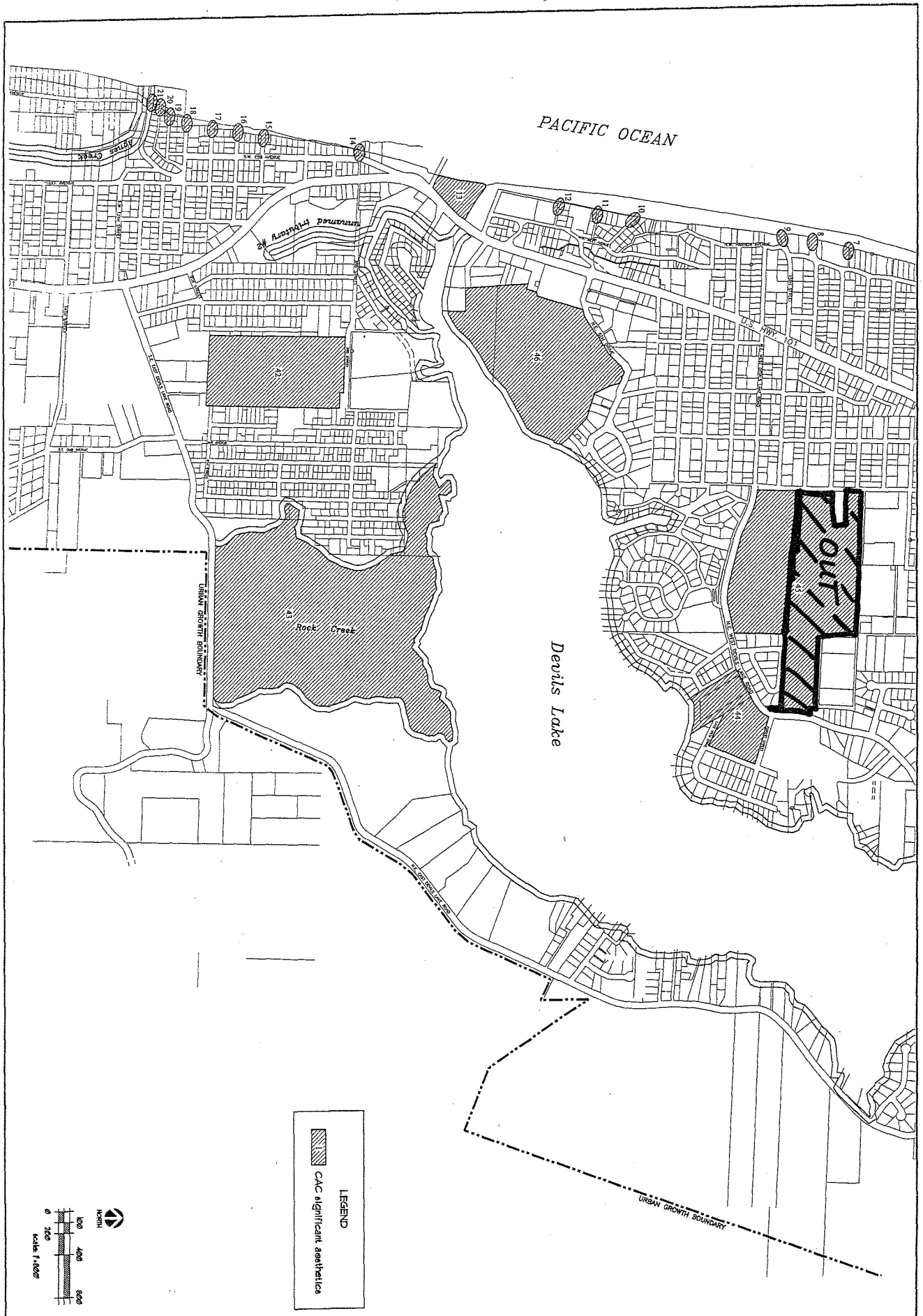
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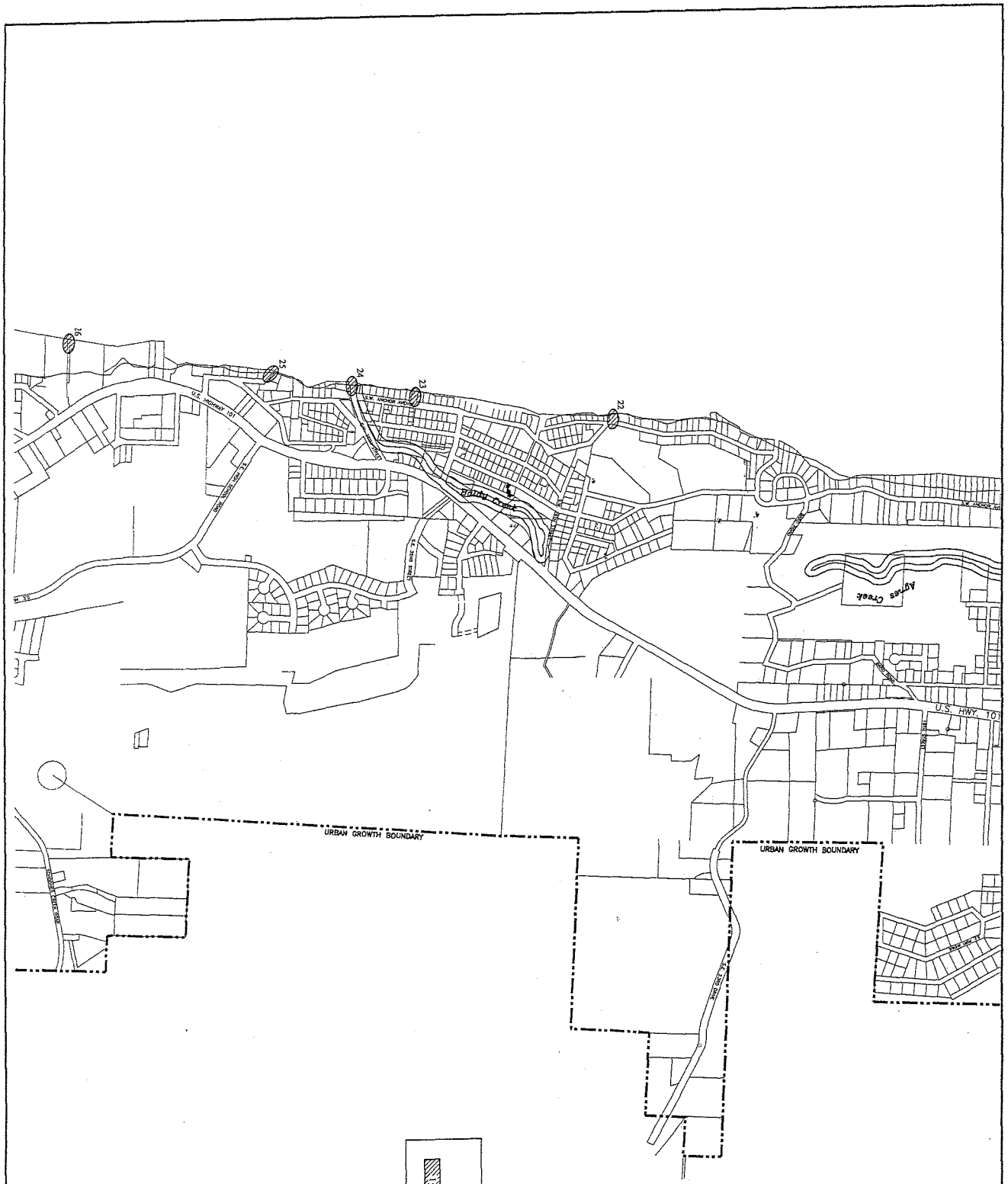

4	City of Lincoln City	Significant Aesthetic Resources	SHAPIRO & ASSOCIATES, INC. 1550 NW NAITO PARKWAY PORTLAND, OREGON 97209 TELEPHONE: (503) 274-9000

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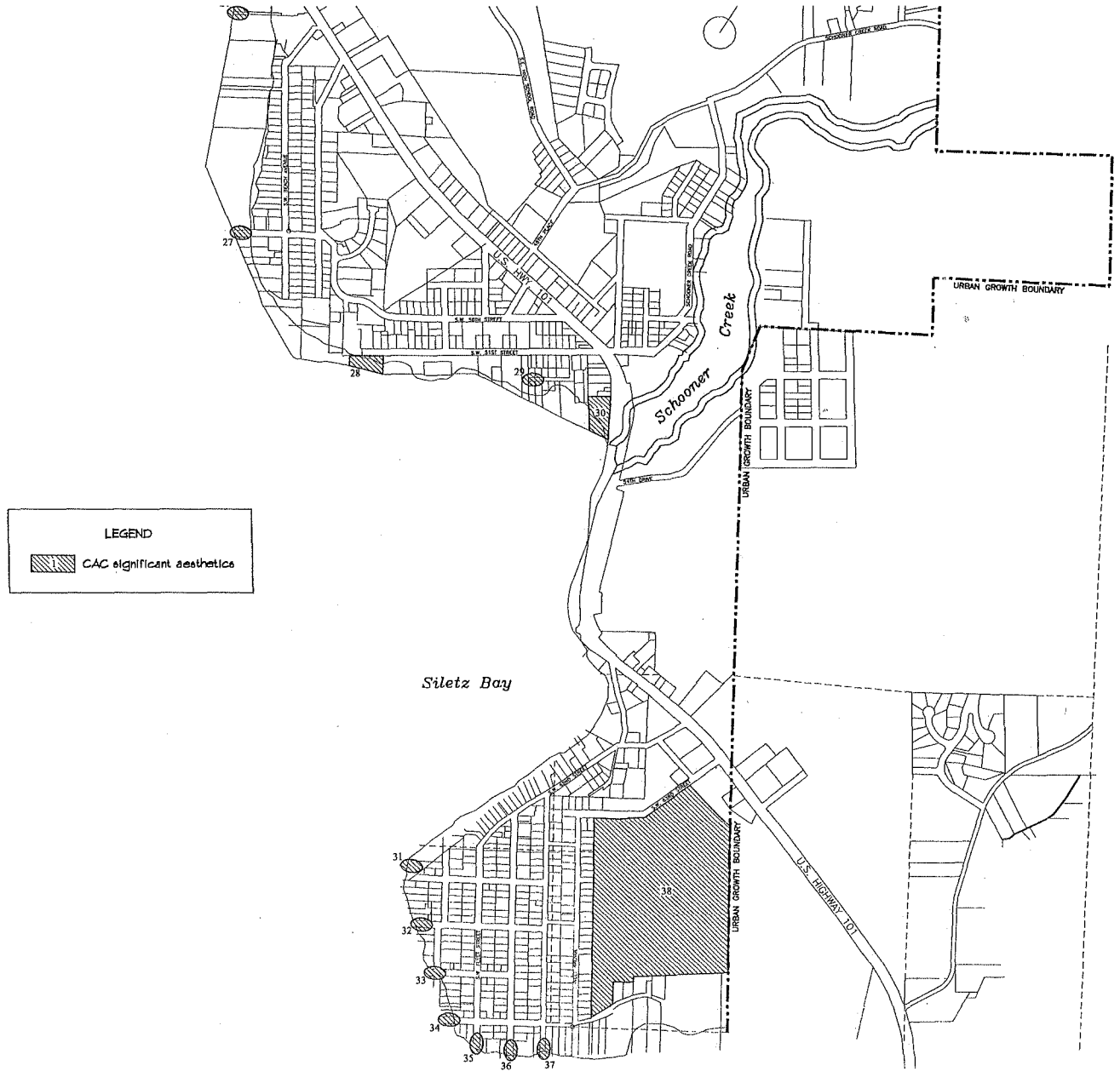

SHAPIRO & ASSOCIATES, INC.
1850 NW NAITO PARKWAY
PORTLAND, OREGON 97209
TELEPHONE: (503) 274-9000

Significant Aesthetic Resources

City of Lincoln City

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EXHIBIT H

SHORELANDS, BEACHES, DUNES, ESTUARIES, AND OCEAN RESOURCES

Lincoln City's single greatest resource is the Pacific Ocean. The ocean's scenic vista is the element which draws the tourists and provides the inspiration for the community's vigor. Devils Lake, Siletz Bay and estuary, Schooner Creek, and Drift Creek provide other important coastal shoreland resources. The Coastal Shorelands Planning Area is displayed on Figure 1 and described below:

- All land west of Highway 101;
- Land within 500 feet of the ordinary-high-water elevation of Spring Lake and Devils Lake; and
- Land within 1,000 feet from the shoreline mean-higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries.

These shorelands contain either significant wetlands, riparian and/or wildlife habitat, are of significant aesthetic and scenic quality, or have recognized historical or archaeological value. The bayfront along the northern side of Siletz Bay is most suitable for tourist-related uses. Development activities in other parts of Siletz Bay and estuary are limited because of the Bay's conservation classification and sensitive natural resources.

Siletz Bay, Devils Lake, Schooner Creek, and Drift Creek have historically been used as important recreational sites for Lincoln City. Lincoln City has seven miles of sandy beaches. The beaches are adjacent, in most cases, to steep cliff formations. These cliffs are the source of materials which give form to the beach. The cliff areas are predominantly stable because of the extensive vegetation growth.

CONCLUSION:

1. There are special areas of Lincoln City which have exceptional visual, ecological, historical, and recreational value.

2. Devils Lake, Siletz Bay, and the ocean beaches offer important coastal resources.

3. Development in Siletz Bay is limited to the Taft bayfront area.

4. Wind and wave action can endanger property, therefore, our activities along shorelands must be qualified by professional observations.

5. There is a need to study and understand the interrelationship between ocean resources and land activities.

Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Goal

To conserve, protect, and enhance the coastal resources of the city.

Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Policies

1. The City of Lincoln City shall protect, conserve, and enhance significant coastal shorelands resources including significant wetlands, riparian areas, major marshes, fish and wildlife habitats, and aesthetic and scenic areas. The City shall apply the Natural Resources Overlay Zone to areas including significant coastal shorelands resources and shall require Natural Resources Development Review prior to development of any property located within the Natural Resources Overlay Zone.

2. Development within the Coastal Shorelands Area shall conserve the functions and values of natural resources. Conservation shall be achieved through a three-step process that, in prioritized order,

    - Avoids the resource;
    - Minimizes the impact on the resource; or
    - Replaces the resources or mitigates the impacts where impacts are unavoidable.

3. Existing water-dependent and water-related uses identified in the Natural Resources Inventory shall be protected.

4. Significant fish and wildlife habitat areas and a surrounding 25-foot buffer (where applicable) shall be protected.

5. Public access to coastal shorelands shall be preserved and protected.

6. Dredged material disposal and mitigation sites identified in the Lincoln County Estuary Management Plan shall be used to meet dredged material disposal and mitigation needs for estuarine areas within the Lincoln City city limits. Use of alternative sites not identified in the Lincoln County Estuary Management Plan may also be allowed, subject to approval by Lincoln City, the Division of State Lands and other state and federal resource agencies with permit authority for dredging and fill. Lincoln City shall evaluate any proposed alternative dredged material disposal and mitigation sites during its review of Division of State Lands/US Army Corps of Engineers (DSL/USACE) permit applications for dredging and fill.

7. Coastal shoreland development shall be consistent with the *Lincoln City Estuary Management Plan*, as amended.

8. A classification of dune forms on which Lincoln City is built is contained in inventory material Sand Dune Map. The inventory material is from Beaches and Dunes of the Oregon Coast, OLC & DL, 1975, and Environmental Hazard Inventory, Coastal Lincoln County, RNKR Associates, 1977. The city is predominantly developed on older stabilized dune formations. Development has additionally occurred on older foredunes. Some beach and dune forms are identified as areas of critical environmental concern and, as such, are subject to provisions of Environmental and Shoreland goals and policies. In the Cutler City area, development has occurred on recently stabilized foredunes. The Cutler City area is protected by the Salishan Spit, and active foredune. Control of activities on the spit is under the jurisdiction of Lincoln County. It is unlikely, given the extensive residential development and shoreline protection actively undertaken along the spit, that breaching of the foredune would be allowed to occur.

   In addition, extensive development occurring along the stabilized foredune in Cutler City will prevent the breaching of this area. In any case, it shall be the City's policy to restrict any attempt to breach any foredune area.

   There are three isolated areas of open dune sand. These three areas are surrounded by residential or commercial development. Extensive sand mining has occurred in two of the areas. Protection of any of these dune areas for low intensive uses is prohibitive. However, in protecting existing dune forms from further degradation, the City shall review construction and alteration activities in all identified beach and dune areas. Prior to any activity in an ocean beach, coastal bluff or dune area, a site specific geotechnical analysis must be prepared by a registered professional engineer qualified to practice geo-technical engineering, or by a certified engineering geologist. The report shall consider the following in addition to all information necessary to meet the requirements of the Uniform Building Code.

   a. The degree to which vegetation removal will occur. If vegetation is to be removed, a re-vegetation and enhancement plan must be submitted which outlines re-vegetation activities to be as great or greater than existing prior to disruption.

   b. The type of proposed use and the adverse affect it might have on the site and the adjacent area. Adverse effects include those which could create a hazard to life, public and private property, and the natural environment.

   c. The method(s) to be employed to protect the site and the surrounding area from adverse consequences created by the use.

   d. The report will be prepared by the developer and any expense required for review and notification by the City shall be the responsibility of the applicant.

9. Development in in an ocean beach, coastal bluff or dune area shall be permitted only if

the geotechnical analysis can demonstrate that the development can be designed to minimize adverse environmental impacts on the site and on adjacent properties by providing protection from geologic hazards, wind erosion, and water erosion caused by ocean flooding and storm waves, and is consistent with the requirements of Shoreland Policies 8, 24, and 25.

10. Residential development and commercial and industrial buildings shall be prohibited on active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave over-topping, and deflation planes that are subject to ocean flooding. Other development in these areas shall be permitted only if the requirements of Policy 8 above are met, and if it is demonstrated that the proposed development: a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flood and storm waves, or is of minimal value; and b) is designed to minimize adverse environmental effects.

11. Breaching of foredunes shall be prohibited.

12. Lincoln City shall cooperate with the Oregon State Department of Fish & Wildlife to protect significant wildlife habitat in beach and dune areas where identified.

13. No development will be allowed to use existing groundwater sources as a primary water source. Developments may use existing groundwater resources for limited irrigation, after securing all necessary permits from the Department of Environmental Quality and the Department of Water Resources, and the submission of findings prepared by a registered professional engineer qualified to practice geotechnical engineering, or by a certified engineering geologist, that the irrigation will not cause groundwater drawdown to levels which would lead to loss of stabilizing vegetation or intrusion of salt water into the groundwater supply.

14. Devils Lake, which has historically been used as a recreational area for boating and fishing, shall be designated a marine waterway to ensure that it remain protected for water-dependent uses.

15. Lincoln City shall continue enforcement of the standards of the Federal Emergency Management Agency National Flood Insurance Program.

16. Lincoln City shall rely on Lincoln County for management within the Siletz Bay Estuary.

17. Lincoln City shall manage the shoreline development of Siletz Bay, Schooner Creek and Drift Creek consistent with the adjacent estuarine management unit designation.

18. Development of community docking and pier facilities within estuaries shall be limited to the Taft area of Siletz Bay. The planning commission shall consider the following for

any proposals:

a. The size and shape of docks shall be limited to the intended use.

b. Proposals shall be accompanied by alternatives considering various dock and pier designs, mooring buoys, dry land storage and launch ramps.

c. A finding shall be required that the use is consistent with the resource capability of the area and with the purpose of the estuarine management unit.

19. Lincoln City shall rely on the Division of State Lands Fill and Removal Permit program to monitor fill and removal activities of greater than 50 cubic yards within identified wetlands. The City shall also require that a permit be obtained prior to any work.

20. Lincoln City shall rely on Lincoln County and the State of Oregon to ensure that the Siletz sand spit protects the bay area, including Taft and the Cutler City areas of Lincoln City.

21. Ocean erosion control structures such as jetties, bulkheads, seawalls, rip-rap, and similar protective structures shall be designed to minimize impacts on water currents, erosion and accretion patterns consistent with ORS 390.605-390.770. The city shall consider sharing in the cost of ocean erosion control structures only if city property is concerned.

22. In addition to all city plan and ordinance requirements, the City shall rely on the State as stated in ORS 390.605-390.770 to monitor ocean erosion control structures and assure that city beaches are not degraded by such structures.

23. Where existing structures are threatened by ocean erosion, the City will encourage area-wide local improvement districts or other methods to coordinate protective measures and minimize cost.

24. Development activities of all types of identified in an ocean beach, coastal bluff and/or dune areas shall not occur until a review is completed by a registered professional engineer qualified to practice geotechnical engineering, or by a certified engineering geologist. The review shall be submitted to the City in a written report and shall consider, as a minimum, the following:

a. The type of proposed use and the adverse effects it might have on the site and the adjacent area. Adverse effects include those which could create a hazard to life, public and private property, and the natural environment.

b. The method(s) to be employed to protect the site and the surrounding area from adverse consequences created by the use.

c. The written report must be prepared by the developer and any expenses incurred by the City for review, shall be paid by the developer.

25. Shoreland protection projects shall not begin before a permit is obtained from the City. No permit shall be issued until the developer has supplied to the City a plan prepared by a registered professional engineer qualified to practice geotechnical engineering, or by a certified engineering geologist, indicating the nature and scope of the proposed protective activity. Shoreland protection projects shall meet all provisions of the Municipal Code, including erosion prevention and control requirements.

Non-structural means of erosion control which can be demonstrated to be effective shall be the first order of consideration in protecting shorelands. Structural devices shall only be considered when it is determined that non-structural means cannot be expected to protect property and when the impacts created by the structure, both environmentally and aesthetically, can be minimized. Structural means of protection shall be subject to a discretionary review and approval process by staff, in accordance with the Natural Resources Development Review provisions of the Zoning Ordinance.

The development of shoreline protective structures shall be required to meet all requirements of the Natural Hazards requirements of Section 3.112 of the Zoning Ordinance. Repair and minor betterment of existing protective structures shall be exempt from the requirements of this policy.

Implementation Measures

1. The City shall identify Coastal Shoreland Areas where public access is appropriate, and provide for improvements and/or maintenance to enhance public access to those areas.

2. The City shall adopt land use designations and standards to protect historic and archaeological sites.

3. The Planning Commission shall work with State and Federal agencies to study ocean resources development proposals. The commission shall recommend appropriate actions to preserve valuable resources and minimize impacts.

EXHIBIT I

AESTHETICS

Lincoln City is located in an area of phenomenal natural beauty. The visual "quality of life" for most of Lincoln City citizens is quite high. The City's appearance should compliment nature's environment, rather than detract from it. Harsh and conflicting vistas conflict with nature's scenic quality which surrounds Lincoln City. Development along Highway 101 is the most graphic example of conflict between the natural beauty of the surrounding area and the harsh vistas of certain developments. However, away from Highway 101, the view qualities of most of the residential neighborhoods are in keeping with the natural surroundings. Maintaining these areas and improving the visual quality along Highway 101 would greatly enhance the aesthetic qualities of the city.

CONCLUSION:

Lincoln City is an area of exceptional aesthetic quality. There is a need to protect this aesthetic quality while providing for development.

Aesthetic Goal

To develop a livable and pleasing city which enhances the community's activities while protecting the exceptional aesthetic quality of the area.

Aesthetic Policies

1. The City shall encourage property owners to landscape areas ~~between~~ around buildings, off-street parking areas, and facilities.

2. Aesthetic and scenic areas are those sites or features which meet any of the following criteria:

    a. Exceptional natural or cultural value to the community;

    b. Unique qualities within the community or recognized as a community landmark;

    c. Exceptional view, e.g., a long-range vista, or a framed or focused vantage point; or

    d. Unique or exceptional qualities which have a strong relationship to coastal waters.

3. The City shall place a priority upon conservation, protection, and enhancement of significant aesthetic and scenic areas which can be used or enjoyed by the general public.

4. Significant aesthetic and scenic areas as identified in Appendix C of the Comprehensive Plan shall be conserved and protected under the provisions of Section 3.112 of the Zoning Ordinance.

5. The City shall encourage the placement of utilities underground to improve the aesthetic qualities along Highway 101 and in other areas of the community.

6. Lincoln City shall maintain the historical integrity of the Dorchester House and the Taft Cemetery. Alteration of either site shall be in accordance with the provisions of Section 3.112 of the Zoning Ordinance.

EXHIBIT J

OVERALL ENVIRONMENTAL

Lincoln City is located in an area of exceptional environmental quality. The City is bounded on the north by the Cascade Head Scenic Research area; on the south by Drift Creek, Schooner Creek and Siletz Bay; on the east by vast expanses of forest lands; and on the west by the Pacific Ocean.

These environments provide more than panoramic vistas, they give form and substance to our quality of life. It is, therefore, our responsibility to act as stewards to our fragile environment. The purpose of the following goals and policies are to achieve a balance between the need to use our environment and the need to protect and enhance the quality of life for the residents of the city. This section is divided into areas of specific environmental concerns. These include: air quality, water quality, land quality, coastal shorelands, estuarine resources, ocean beaches, coastal bluffs and dunes, and ocean resources.

Overall Environmental Goal

To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environments of the city.

Overall Environmental Policies

Where the environmental impact of a proposal is significant, the City shall require preparation of a Natural Resources Review. The Review will be prepared in all developments which occur within the Natural Resources Overlay Zone and any development which is greater than five (5) acres in size. The Review will be prepared in accordance with the Natural Resources Overlay Zone requirements.

Air, Water, and Land Quality

Environmental problems associated with air, water, and land quality have been identified in the Lincoln City area.

The Department of Environmental Quality has not described any part of Lincoln County as being in an air shed of critical importance. Air quality problems which might arise are usually of short duration and of minor consequence. Air quality problems would be associated with construction, land preparation, forest slash burning, and vehicle emissions. In any event, maritime winds quickly disperse most air pollutants which occur.

There are identified areas of water quality concern in the Lincoln City area. The areas identified are Devils Lake, Schooner Creek, and Drift Creek.

Devils Lake is an important asset to Lincoln City and the state of Oregon. The lake is presently experiencing an accelerated rate of eutrophication. The lake is surrounded by many residences which add to the continued nutrient enrichment in addition to non-point pollution from surface water run-off and occasional sewage spills which may lead to the destruction of the lake for water purposes. The need to protect the lake is one of the City's major goals.

In the 1978 assessment of DEQ, it was noted that, along Schooner Creek, there is "moderate streambank erosion as far upstream as the most southerly junction of the two unnamed streams in Section 30 and in the unnamed stream paralleling the western edge of Section 26 (Map No. 1)".

Also an identified area of water quality problems was from the mouth of Drift Creek to Gordy Creek, due to excessive debris, severe sedimentation and streambank erosion. Activities in these areas must be carefully monitored to assure continued water quality. There are sufficient areas of exceptional land value. These include wildlife areas, the Cascade Scenic Research Area, forest land, and eagle nests.

Lincoln City recognizes that the collection and disposal of solid waste is a utility as important as the water or sewer utility. Improper disposal of solid waste has a major impact on land quality.

Lincoln City is presently serviced by a single franchised solid waste hauler who is responsible for collection and final disposal of all solid waste generated in the city.

CONCLUSION:

1. Sources of air contamination in the Lincoln City area are minimal, vehicular travel, and slash burning do contribute some pollution, however, these are disposed of by maritime wind currents.

2. There is a need for streambank protection.

3. There is a need to reduce the amount of nutrients permitted to enter Devils Lake.

4. There is a need to improve the sewage treatment facility to prevent further degradation of Siletz Bay and Schooner Creek.

5. There is a need to explore alternatives to the Schooner Creek sewage outfall.

6. Existing solid waste plans and programs are adequate to minimize land degradation.

7. Wildlife areas, such as stream spawning beds and eagle nests, need to be preserved.

Environmental Policies

1. Lincoln City recognizes the authority and responsibility of the Oregon Department of Environmental Quality to manage the waste and process discharges of all existing and future development. Lincoln City shall require conformance with all applicable state and federal regulations regarding waste and process discharge prior to approval of any development.

2. Lincoln City shall refer any development which is greater than five (5) acres in size to the State Historic Preservation Office for review and comment.

3. To minimize wildlife habitat disruption, the removal of larger trees shall be minimized. In the subdivision of land, site preparation will not be allowed until final approval of all improvement plans has been granted by the planning commission, or by the city engineer acting on behalf of the planning commission. Reconnaissance surveys of the land, including clearing to allow for accurate topographic determination, coring to permit geotechnical evaluation, and similar efforts, are not prohibited by this restriction. The "improvement plans" are the plans prepared for the construction of improvements such as streets, sanitary sewers, storm sewers, and water systems, but do not include the final subdivision plat. After final approval, and following site preparation, excavated and disturbed areas must be revegetated immediately upon completion of the work.

4. The City shall explore methods for preservation of areas surrounding eagle nests.

5. Lincoln City will continue to work with the county-wide Solid Waste District for solid waste disposal.

6. Lincoln City will encourage the search for alternate methods of collection and disposal of solid waste.

7. Lincoln City will, in noise sensitive areas such as schools, hospitals, wildlife habitats, discourage uses which generate noise levels that can be disruptive to activities associated with the areas.

8. Within the defined Lincoln City watershed and along all tributaries of that watershed, the City encourages only those forest activities which will ensure the maintenance of high water quality standards.

9. Lincoln City shall develop programs to resolve conflicts between the preservation of sensitive wildlife habitats and conflicting uses.

10. Lincoln City shall develop programs to resolve conflicts between the preservation

of scientifically and ecologically significant areas and conflicting uses. Such programs shall be based on an analysis of the social, environmental, energy, and economic consequences of courses of action.

11. Lincoln City shall develop programs to resolve conflicts between the protection of historical and cultural sites and land use activities which would diminish their value.

12. The City of Lincoln City shall protect, conserve, and enhance significant natural resources consistent with the requirements of the safe harbor provisions of Statewide Planning Goal 5 and OAR 660 Division 25. The Natural Resources Overlay Zone shall implement Goal 5 and Goal 17 requirements and shall be applied to areas including significant wetlands, riparian areas, major marshes, fish and wildlife habitats, and aesthetic and scenic areas that have been determined to be significant. Natural Resources Development Review shall be required prior to development of any property located within the Natural Resources Overlay Zone.

EXHIBIT K

DEVELOPMENT CATEGORIES

The Plan provides for several categories of development patterns. These categories are intended to accommodate the residential, commercial, industrial, and environmental needs provided for in the Comprehensive Plan document. The City designation and the policies with regard to the specific districts are as follows:

1. Professional Campus District (P-C), is provided for the development of professional offices and institutions in a concentrated area. The area including the hospital and such related uses as doctor's clinics, pharmacies, nursing homes, and related uses are concentrated. The design and specific location of these districts will be reviewed by the Planning Commission with respect to their impact on the development of adjacent properties for residential uses.

2. Commercial-Recreation District (R-C), is provided for those commercial uses having a strong tourist orientation, such as motels, restaurants, recreational outlets, gift and souvenir shops. The purpose of the district is to encourage the development of certain areas having a quality resort character. To enhance their attractiveness, special attention will be paid to design and landscaping.

3. General-Commercial District (G-C), is provided to accommodate a wide range of retail commercial uses which attract shoppers from the community or the larger market area. The District runs along Highway 101. To create better Highway 101 visual quality, excellence in design and landscaping will be encouraged by the Planning Commission.

4. Planned Industrial District (P-I), is provided to accommodate the normal range as well as the more intensive and large scale commercial enterprises and "light" industrial uses. Emphasis will be placed on creating an attractive setting for business activity by regulating landscaping, site and building design, signing, and access to the highway.

5. Planned Development District (PUD), is provided to permit greater freedom of design within the existing designation of this Comprehensive Plan but shall accomplish the same general objectives. The purpose of the district is to allow filling in of difficult to develop areas within the City and Urban Growth Boundary. Densities within this district shall be that of the underlying plan designation.

6. A Low-Density Residential District (R-10), with lot sizes ranging upward from 10,000 square feet. These areas are generally in the location either well removed from resort centers or are those currently not provided with City services. These areas also include land utilization for agriculture and silva-culture. In some areas not served by the City

sewer system, the local topograph[y] and soil types will require larger lots.

7. A Medium-Density Residential District (R-7.5), in which the minimum lot size per dwelling unit is 7,500 square feet and the housing density is in [the] range of 4 to 5 dwelling units per acre. In areas not served by the sewer system, larger lots will be required.

8. A Single-Family Residential District (R-5), located along the ocean and lake fronts is to be composed primarily of single-family dwellings. This district is designed to provide neighborhoods of a quiet residential nature in which all structures have approximately the same height and bulk. The majority of the land in these areas is platted in lots of 5,000 square feet or less.

9. A High-Density Residential District (R-M), designed for the widest range of housing types at a high density. Such areas are located in locations having good access to major thoroughfares and to shopping facilities. Special land use regulations will insure adequate open space and off-street parking accommodations in order to avoid congestion and to provide and attractive environment. Professional offices and personal services are permitted at a scale and intensity of use that is compatible with any and all adjacent residential uses. Such facilities should not be extensive in areas, nor should they generate substantial amounts of pedestrian or vehicular traffic at any time.

10. Natural Resources Overlay Zone (NR), the purpose of the Natural Resources Overlay Zone (NR) is to protect, maintain, and, where possible, enhance identified significant natural resources, such as streams, lakes, major marshes, wetlands, bays, estuaries, riparian areas, fish and wildlife habitat as significant natural resources in the *Comprehensive Natural Resources Inventory*. These resources are of value to the ecological and economic well-being of the community as well as the community's natural beauty, and their protection contributes to a sustainable future for Lincoln City. Protection, maintenance, and enhancement of Lincoln City's natural resources will reduce adverse impacts from development on water quality and will reduce hazards to human life and property.

STATE OF OREGON } ss.
County of Lincoln }
I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.
Book 412 Page 1743
WITNESS my hand and seal of said office affixed.

DANA W. JENKINS, Lincoln County Clerk

Doc : 6236885
Rect: 106400 181.00
12/21/2000 02:47:22pm

LINCOLN COUNTY CLERK STATE OF OREGON

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED FOR ATTACHMENT TO THE ACCOMPANYING DOCUMENT AS PROVIDED BY OREGON REVISED STATUTES 205.234. ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE DOCUMENT ITSELF.

(A) Name(s) of the transaction(s) described in the attached instrument:

Lincoln City Ordinance No. 2000-10

(B) Names of the grantor(s) and grantee(s) to the transaction:

Grantor(s): City of Lincoln City

(C) The person authorized to receive the instrument after recording, as provided by ORS 205.180(4) and 205.238 is:

Oneita McCalman, City Recorder
Administration
City of Lincoln City
P.O. Box 50
Lincoln City OR 97367

ORDINANCE NO. 2001 - 08

AN ORDINANCE ADOPTING THE AMENDMENT OF THE COMPREHENSIVE PLAN TEXT, IN FULFILLMENT OF PERIODIC REVIEW WORK TASKS RELATED TO STATEWIDE PLANNING GOALS 16 AND 18; AND DECLARING AN EMERGENCY

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The City Council adopts the findings and conclusions attached as Exhibit A to this ordinance.

Section 2. The Comprehensive Plan text, in the section headed "Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources," is amended to read as set out in Exhibit B to this ordinance.

Section 3. The Comprehensive Plan text, in the section headed "Estuary Management Plan" is amended to read as set out in Exhibit C to the original only to this ordinance.

Section 4. The time within which the City was to complete the City's periodic review work tasks related to Statewide Planning Goals 16 and 18 has expired and the City is subject to an order of the Land Conservation and Development Commission that the City complete the work tasks and, in the meantime, apply certain regulations under consideration by the City as the regulations applicable to new development in the City. It is in the public interest that the City regulate development in accord with regulations adopted by the City and not in accord with regulations imposed by the Land Conservation and Development Commission. Therefore, an emergency is declared to exist and this ordinance shall be in effect from and after its adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 25th day of June, 2001.

MIKE HOLDEN, MAYOR

ATTEST:

ONEITA MCCALMAN, CITY RECORDER

Cpa\2000\cpa04-00.ord

EXHIBIT A

FINDINGS AND CONCLUSIONS

1. The Planning Commission, following due mailed and published notice, held a public hearing on June 5, 2001, during which the Commission considered adoption of Comprehensive Plan text amendments. At the conclusion of the hearing, the Commission voted to transmit the amendments to the City Council for its consideration.

2. The City duly notified the Department of Land Conservation and Development of its consideration of the proposed amendments.

3. The City Council held a public hearing on June 25, 2001, with notice of the hearings being published on June 13, 2001, during which the Council considered adoption of the Comprehensive Plan text amendments transmitted to it by the Planning Commission.

SHORELANDS, BEACHES, DUNES, ESTUARIES, AND OCEAN RESOURCES

Lincoln City's single greatest resource is the Pacific Ocean. The ocean's scenic vista is the element which draws the tourists and provides the inspiration for the community's vigor. Devils Lake, Siletz Bay and estuary, Schooner Creek, and Drift Creek provide other important coastal shoreland resources. The Coastal Shorelands Planning Area is displayed on Figure 1 and described below:

- All land west of Highway 101;
- Land within 500 feet of the ordinary-high-water elevation of Spring Lake and Devils Lake; and
- Land within 1,000 feet from the shoreline mean-higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries.

These shorelands contain either significant wetlands, riparian and/or wildlife habitat, are of significant aesthetic and scenic quality, or have recognized historical or archaeological value. The bayfront along the northern side of Siletz Bay is most suitable for tourist-related uses. Development activities in other parts of Siletz Bay and estuary are limited because of the Bay's conservation classification and sensitive natural resources.

Siletz Bay, Devils Lake, Schooner Creek, and Drift Creek have historically been used as important recreational sites for Lincoln City. Lincoln City has seven miles of sandy beaches. The beaches are adjacent, in most cases, to steep cliff formations. These cliffs are the source of materials which give form to the beach. The cliff areas are predominantly stable because of the extensive vegetation growth.

CONCLUSION:

1. There are special areas of Lincoln City which have exceptional visual, ecological, historical, and recreational value.

2. Devils Lake, Siletz Bay, and the ocean beaches offer important coastal resources.

3. Development in Siletz Bay is limited to the Taft bayfront area.

4. Wind and wave action can endanger property, therefore, our activities along shorelands must be qualified by professional observations.

5. There is a need to study and understand the interrelationship between ocean resources and land activities.

FIGURE 1
SHORELANDS PLANNING AREA

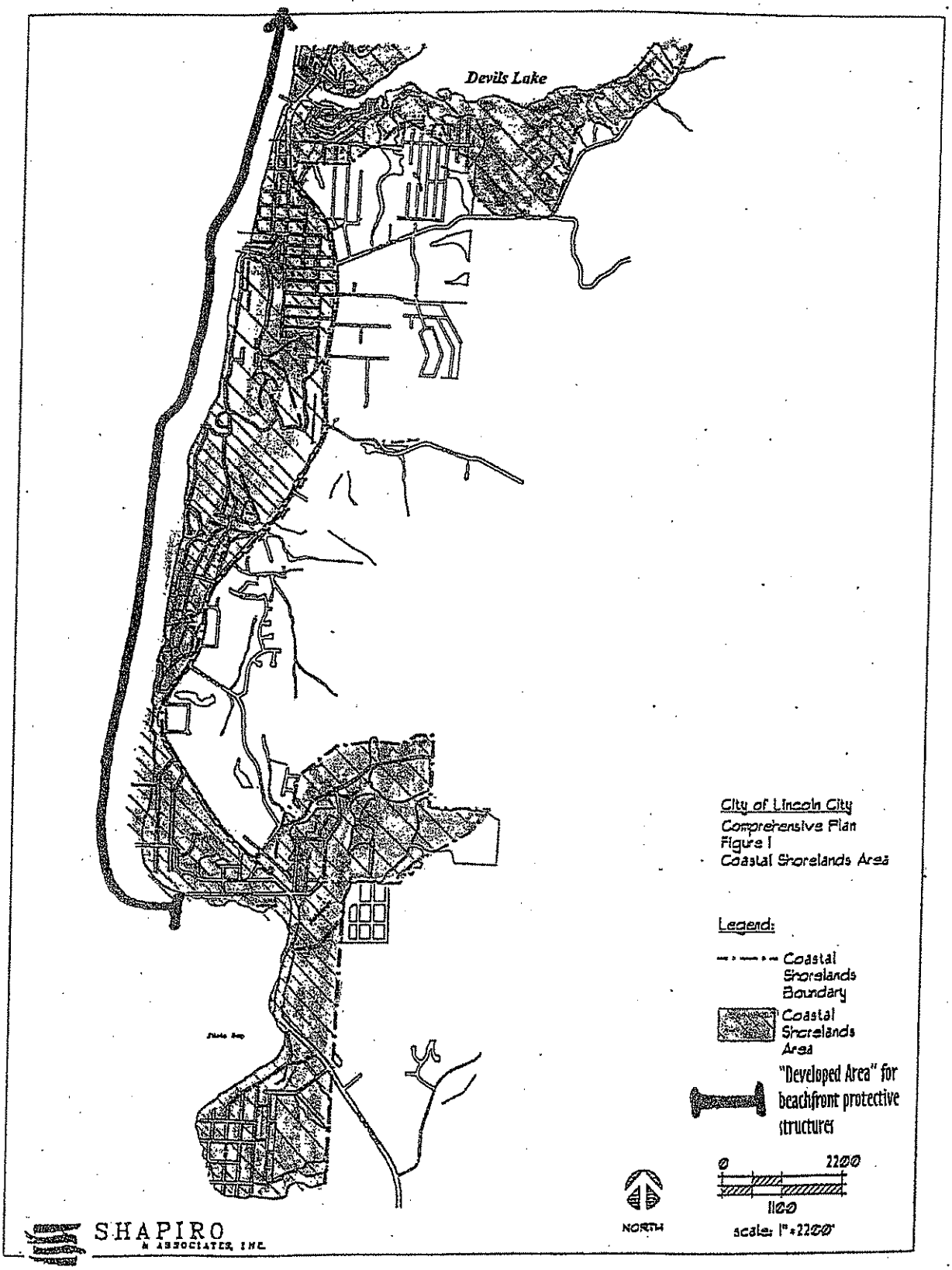
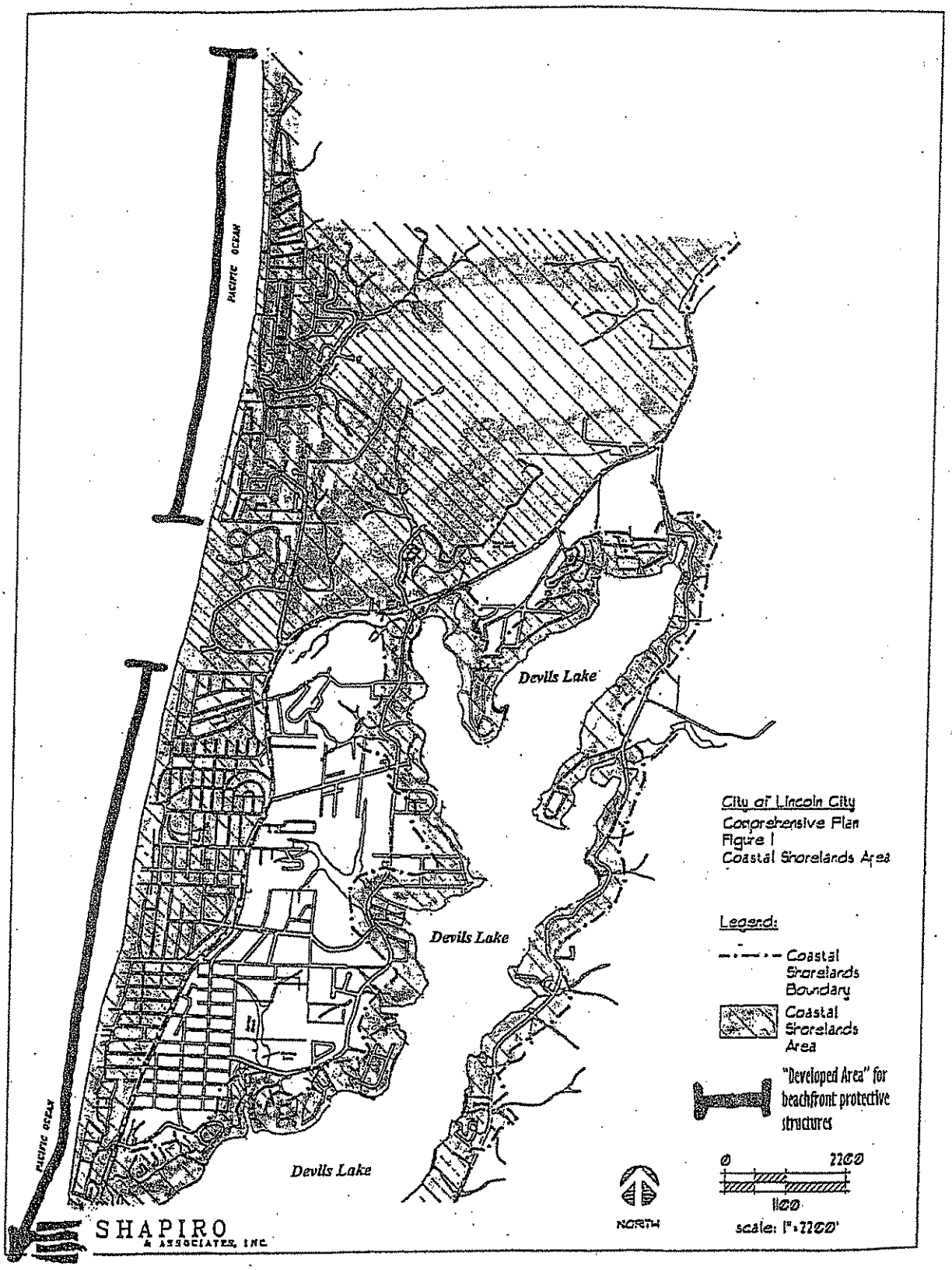


FIGURE 1
SHORELANDS PLANNING AREA



Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Goal

To conserve, protect, and enhance the coastal resources of the city.

Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Policies

1. The City of Lincoln City shall protect, conserve, and enhance significant coastal shorelands resources including significant wetlands, riparian areas, major marshes, fish and wildlife habitats, and aesthetic and scenic areas. The City shall apply the Natural Resources Overlay Zone to areas including significant coastal shorelands resources and shall require Natural Resources Development Review prior to development of any property located within the Natural Resources Overlay Zone.

2. Development within the Coastal Shorelands Area shall conserve the functions and values of natural resources. Conservation shall be achieved through a three-step process that, in prioritized order,

    - Avoids the resource;
    - Minimizes the impact on the resource; or
    - Replaces the resources or mitigates the impacts where impacts are unavoidable.

3. Existing water-dependent and water-related uses identified in the Natural Resources Inventory shall be protected.

4. Significant fish and wildlife habitat areas shall be protected.

5. Public access to coastal shorelands shall be preserved and protected.

6. Dredged material disposal and mitigation sites identified in the Lincoln County Estuary Management Plan shall be used to meet dredged material disposal and mitigation needs for estuarine areas within the Lincoln City city limits. Use of alternative sites not identified in the Lincoln County Estuary Management Plan may also be allowed, subject to approval by Lincoln City, the Division of State Lands and other state and federal resource agencies with permit authority for dredging and fill. Lincoln City shall evaluate any proposed alternative dredged material disposal and mitigation sites during its review of Division of State Lands/US Army Corps of Engineers (DSL/USACE) permit applications for dredging and fill.

7. Coastal shoreland development shall be consistent with the *Lincoln City Estuary Management Plan*, as amended.

8. A classification of dune forms on which Lincoln City is built is contained in inventory material Sand Dune Map. The inventory material is from Beaches and Dunes of the Oregon Coast, OLC & DL, 1975, and Environmental Hazard Inventory, Coastal Lincoln

County, RNKR Associates, 1977. The city is predominantly developed on older stabilized dune formations. Some beach and dune forms are identified as areas of critical environmental concern and, as such, are subject to provisions of Environmental and Shoreland goals and policies. In the Cutler City area, development has occurred on recently stabilized foredunes. The Cutler City area is protected by the Salishan Spit, and active foredune. Control of activities on the spit is under the jurisdiction of Lincoln County. Extensive development occurring along the stabilized foredune in Cutler City will prevent the breaching of this area. In any case, it shall be the City's policy to restrict any attempt to breach any foredune area.

In protecting existing dune forms from further degradation, the City shall review construction and alteration activities in all identified beach and dune areas. Prior to any activity in an ocean beach, coastal bluff or dune area, a site specific geotechnical analysis must be prepared by a registered professional engineer qualified to practice geo-technical engineering, or by a certified engineering geologist. The report shall consider the following in addition to all information necessary to meet the requirements of the Uniform Building Code.

a. The degree to which vegetation removal will occur. If vegetation is to be removed, a re-vegetation and enhancement plan must be submitted which outlines re-vegetation activities to be as great or greater than existing prior to disruption.

b. The type of proposed use and the adverse affect it might have on the site and the adjacent area. Adverse effects include those which could create a hazard to life, public and private property, and the natural environment.

c. The method(s) to be employed to protect the site and the surrounding area from adverse consequences created by the use.

d. The written report must be prepared by the developer and any expense incurred for review and notification by the City shall be paid by the developer.

9. Development in a coastal bluff or dune area shall be permitted only if the geotechnical analysis can demonstrate that the development can be designed to minimize adverse environmental impacts on the site and on adjacent properties by providing protection from geologic hazards, wind erosion, and water erosion caused by ocean flooding and storm waves, and is consistent with the requirements of Shoreland Policies 8, 24, and 25.

10. Residential development and commercial and industrial buildings shall be prohibited on beaches, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave over-topping, and deflation planes that are subject to ocean flooding. Other development in these areas shall be permitted only if the requirements of Policy 8 above are met, and if it is demonstrated that the proposed development: a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flood

and storm waves, or is of minimal value; and b) is designed to minimize adverse environmental effects.

11. Breaching of foredunes shall be prohibited.

12. Lincoln City shall cooperate with the Oregon State Department of Fish & Wildlife and other required agencies to protect significant wildlife habitat in beach and dune areas where identified.

13. No development will be allowed to use existing groundwater sources as a primary water source. Developments may use existing groundwater resources for limited irrigation, after securing all necessary permits from the Department of Environmental Quality and the Department of Water Resources, and the submission of findings prepared by a registered professional engineer qualified to practice geo-technical engineering, or by a certified engineering geologist, that the irrigation will not cause groundwater drawdown to levels which would lead to loss of stabilizing vegetation or intrusion of salt water into the groundwater supply.

14. Devils Lake, which has historically been used as a recreational area for boating and fishing, shall be designated a marine waterway to ensure that it remain protected for water-dependent uses.

15. Lincoln City shall continue enforcement of the standards of the Federal Emergency Management Agency National Flood Insurance Program.

16. Lincoln City shall rely on Lincoln County for management within the Siletz Bay Estuary.

17. Lincoln City shall manage the shoreline development of Siletz Bay, Schooner Creek and Drift Creek consistent with the adjacent estuarine management unit designation.

18. Development of community recreational docking and pier facilities within estuaries shall be limited to the Taft and historic areas of Siletz Bay. The planning commission shall consider the following for any proposals:

    a. The size and shape of docks shall be limited to what is reasonably necessary for the intended use.

    b. Proposals shall be accompanied by alternatives considering various dock and pier designs, mooring buoys, dry land storage and launch ramps.

    c. A finding shall be required that the use is consistent with the resource capability of the area and with the purpose of the estuarine management unit.

19. Lincoln City shall rely on the Division of State Lands Fill and Removal Permit program to

monitor fill and removal activities of greater than 50 cubic yards within identified wetlands. The City shall also require that a permit be obtained prior to any work.

20. Lincoln City shall rely on Lincoln County and the State of Oregon to ensure that the Siletz sand spit protects the bay area, including Taft and the Cutler City areas of Lincoln City.

21. Ocean erosion control structures such as jetties, bulkheads, seawalls, rip-rap, and similar protective structures shall be designed to minimize impacts on water currents, erosion and accretion patterns consistent with ORS 390.605-390.770. The city shall consider sharing in the cost of ocean erosion control structures only if city property is concerned.

22. In addition to all city plan and ordinance requirements, the City shall rely on the State to monitor ocean erosion control structures and assure that city beaches are not degraded by such structures.

23. Where existing structures are threatened by ocean erosion, the City will encourage area-wide local improvement districts or other methods to coordinate protective measures and minimize cost.

24. Development activities of all types identified in an ocean beach, coastal bluff and/or dune areas shall not occur until a review is completed by a registered professional engineer qualified to practice geo-technical engineering, or by a certified engineering geologist. The review shall be submitted to the City in a written report and shall consider, as a minimum, the following:

    a. The type of proposed use and the adverse effects it might have on the site and the adjacent area. Adverse effects include those which could create a hazard to life, public and private property, and the natural environment.

    b. The method(s) to be employed to protect the site and the surrounding area from adverse consequences created by the use.

    c. The written report must be prepared by the developer and any expense incurred for review and notification by the City, shall be paid by the developer.

25. Shoreland protection projects shall not begin before all necessary permits are obtained from the federal, state and local jurisdictions. Shoreland protection projects shall meet all provisions of the Zoning Ordinance and Municipal Code, including erosion prevention and control requirements.

    Non-structural means of erosion control which can be demonstrated to be effective shall be the first order of consideration in protecting shorelands. Structural devices shall only be considered when it is determined that non-structural means cannot be expected to protect property and when the impacts created by the structure, both environmentally and

aesthetically, can be minimized. Structural means of protection shall be subject to a discretionary review and approval process by City staff, in accordance with the Natural Resources Development Review provisions of the Zoning Ordinance.

The development of shoreline protective structures shall be required to meet all requirements of the Natural Hazards requirements of Section 3.112 of the Zoning Ordinance. Repair and minor betterment of existing protective structures shall be exempt from the requirements of this policy. The criteria for review of all shore and beachfront protective structures shall provide that:

a. Visual impacts are reasonably minimized;
b. Necessary access to the beach is maintained;
c. Negative impacts on adjacent property is minimized; and
d. Long-term or recurring costs to the public are avoided.

26. Permits for beachfront protective structures shall only be issued for properties where development existed on or before January 1, 1977 as illustrated in Figure 1. For the purposes of this requirement, "development" means houses, commercial and industrial buildings, vacant subdivisions lots which are physically improved through construction of streets and provisions of utilities to the lot and areas where an exception to this requirement has been approved by the Oregon Department of State Parks.

27. The grading of foredunes is prohibited.

Implementation Measures

1. The City shall identify Coastal Shoreland Areas where public access is appropriate, and provide for improvements and/or maintenance to enhance public access to those areas.

2. The City shall adopt land use designations and standards to protect historic and archaeological sites.

3. The Planning Commission shall work with State and Federal agencies to study ocean resources development proposals. The commission shall recommend appropriate actions to preserve valuable resources and minimize impacts.

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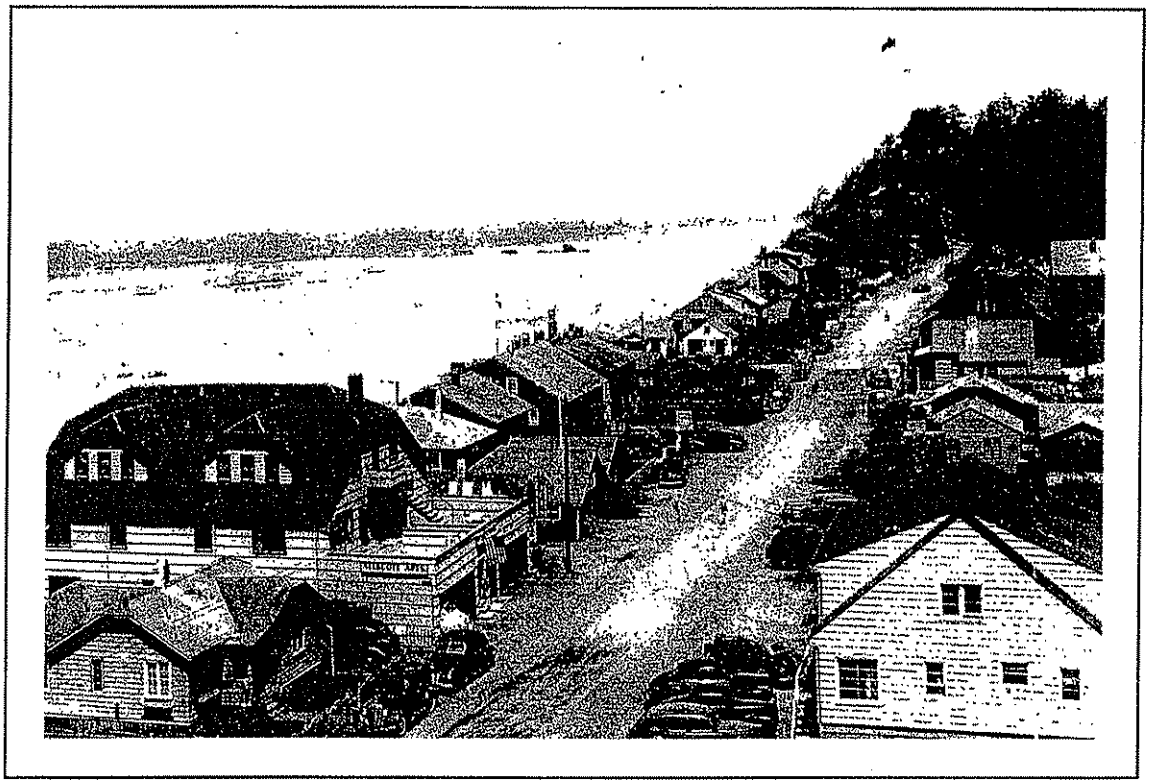
Lincoln City
Estuary Management Plan



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ESTUARY MANAGEMENT PLAN

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[Note: For clarification purposes, staff has added headings and notes to the text of the *Estuary Management Plan*. These additions, which according to available records, were not part of the City Council's adoption of the *Estuary Management Plan* by Ordinance No. 84-01, are shown in [brackets].]

INTRODUCTION

The City recognizes that the Siletz Bay Estuary is primar[il]y located in Lincoln County. The control of activities within the estuary is vested predominantly with the County Planning Department. However, since adverse estuary activities can affect the City's planning efforts, the City does desire to share in the management responsibilities of the estuary. However, the City lacks technical personnel to monitor estuary activities. Therefore, in cooperation with Lincoln County, the City has adopted as a part of their Comprehensive Plan, "The Lincoln County Estuary Management Plan," 1982. The City has adopted those elements and section of the Plan which refer to or have control over activities in the Siletz Bay Estuary where the City exercises land use control.

Conclusion:

1. The Siletz Bay Estuary is located primarily in Lincoln County.

2. The City does wish to monitor land use activities in the estuary.

3. The City can best protect the estuary resources by adopting the County's plan and in particular, sections pertaining to Siletz Bay Estuary.

Goal:

To conserve to protect and to enhance the Siletz Bay Estuary.

Four major estuaries and two minor estuaries are within the jurisdiction of Lincoln County. Of the major estuaries, Salmon River, Siletz Bay and Alsea Bay are of primary importance as recreation areas, while Yaquina Bay is one of three major estuaries on the Oregon Coast with an authorized deep water navigation channel and major port. In many ways, the County's estuaries serve as a focal point for the local economy.

Each year an increasing number of demands are placed on the estuaries by and expanding

economic base and growing population. The ability of the estuary to accommodate these demands remains constant or diminishes. The result is often conflict between the various groups that want to use the resources of the estuary and the agencies responsible for managing those resources.

The responsibility for making decisions about the use of the land and water resources of estuarine areas falls to a wide variety of local, state and federal agencies. Each agency that has some authority uses a plan or written guidelines to make management decisions. The cities and county have comprehensive plans; the Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency, Oregon Department of Fish and Wildlife, Oregon Division of State Lands and other state and federal agencies each have their own regulations. The result is that the process for making decisions and obtaining permits is confusing, uncertain and often frustrating for the individuals involved.

The development of the Estuary Management Plan has been brought about through the combined efforts of local government, concerned citizens, industry and state and federal agencies working within the framework of the Oregon Coastal Zone Management Program. The emphasis of this program is to resolve conflicts over use and development of coastal resources through the development of coordinated comprehensive plans. As an element of these coordinated comprehensive plans, the Estuary Management Plan represents an overall management scheme for the resources of the estuaries which reflects not only local interests, but also incorporates the concerns of affected state and federal agencies. The product of this coordinated process is that the plan has a certain "predictability". An individual, a local city or county legislative body, a state or federal agency will be able to use this plan with the assurance that the management scheme within the plan will have the concurrence of all agencies involved in finalizing a decision.

The final decisions contained in this plan often reflect considerable compromise made by all parties involved. While it was not possible to completely satisfy all participating interests, the concerns and viewpoints of all interests were thoroughly considered. A sincere effort was made to balance the sometimes conflicting needs to preserve dwindling natural resources and provide needed opportunities for economic growth and stability.

Content and Use of the Document

The Estuary Management Plan provides an overall, integrated management scheme for estuarine aquatic areas in Lincoln County. Lincoln County retains overall responsibility for development and coordination of the Estuary Management Plan for estuaries in the county except for Depoe Bay, which is wholly within the jurisdiction of the City of Depoe Bay. City comprehensive plans incorporate relevant portions of the Estuary Plan. Amendments to any element of the plan will be coordinated by Lincoln County with the affected cities, ports, State and Federal agencies.

The plan contains comprehensive provisions for guiding estuarine development and conservation activities, from broad overall policies to site specific implementing measures.

The planning and decision making framework of the estuary management plan is contained within a concept of descending levels of policies. The concept recognizes that one set of policies applied to the entire estuary cannot provide the kind of guidance to individual property owners nor government in making decisions on permitting uses and activities on specific sites. Yet to develop policies only at the site specific level fails to recognize the implications of those policies to the total estuary. Policies, therefore, must begin with the total estuary and end with site specific guidelines. Each level of policy and the size of the area to which those provisions apply is more specific than the preceding level.

In the Estuary Management Plan, three levels of policy are established:

Overall Management Policies

Overall estuary management policies are established for the entire county. These policies are very broad and general in nature and are designed to say, in essence, that "...this is how we expect to use the estuary..." and "...this is what we expect to achieve in using the estuary..."

Management Units

The third level of policy in the estuary management plan is the management unit. This is the most specific policy level and is designed to provide specific implementing provisions for individual project proposals. Each unit is given a management classification (defined in Part IV) of Natural, Conservation or Development. These classifications are based on the resource characteristics of the units as determined through an analysis of resource inventory information. The classification carries with it a general description of intent and a Management Objective. Each management unit objective is implemented by a Permitted Use Matrix which specifies which uses and activities are either permitted, conditional or not allowed in the unit. Many management units also contain a set of Special Policies that relate specifically to that individual unit.

In addition to the three basic policy levels, the estuary management plan also contains a number of other sections, each with a specialized role in guiding overall estuary management.

Estuarine Use Standards

This part of the plan has detailed development standards for 14 categories of uses and activities (structures, dredging, log handling, etc.). These standards will be applied to all new uses and activities within the estuaries as a part of the plan implementation process.

Restoration and Mitigation

This section includes a general description of restoration, its relation to mitigation as required by Oregon Law, and an overall policy concerning restoration. It also contains locations and brief descriptions of potential restoration sites and projects in the estuaries. Also included in this section is a general assessment of estuarine mitigation needs and an identification of sites to be protected in fulfilling the mitigation planning requirements of Goal 16.

Plan Implementation

This section of the plan provides the administrative procedures for implementing the plan's substantive requirements. It describes the procedures for review of individual development proposals and the application of plan standards to such proposals. Also included is a procedure describing how the local review procedures for estuarine development proposals will be integrated with existing state and federal permit processes.

Dredge Material Disposal Plan

The Lincoln County Dredged Material Disposal Plan is a companion document to the Estuary Management Plan. It describes the location and procedures for use of dredged material disposal sites. Dredging needs over the next 20 years were estimated and sites were located to handle the disposal of the material.

Resource Inventories

As part of Lincoln County's overall comprehensive plan, detailed resource inventories of the County's estuarine areas have been adopted. The information contained in the plan's management unit descriptions and resource capability assessments is based on factual base material drawn from these comprehensive resource inventories. The rationale for permitted use decisions and management classifications is contained in these brief factual base summaries; for detailed resource information and a bibliography of documents included in the inventory, the Lincoln County Comprehensive Plan Inventory should be consulted.

Overall Management Policies

1. Siletz Bay Estuary represents an economic resource of regional importance. The overall management of each estuary shall ensure adequate provision for development, consistent with the Overall Oregon Estuary Classification and according to the following general priorities (from highest to lowest):

a) Uses which maintain the integrity of the estuarine ecosystem.

b) Water dependent uses requiring an estuarine location, as consistent with the overall Oregon Estuarine Classification.

c) Water related uses which do not degrade or reduce natural estuarine resources and values.

d) Non-dependent, non-related uses which do not alter, degrade or reduce estuarine resources or values.

2. Siletz Bay Estuary supports a variety of vitally important natural resource values. The overall management of each estuary shall include adequate provision for both conservation and preservation of natural resources.

3. Lincoln County's estuaries represent a recreational resource of both local and statewide importance. Management of each estuary shall protect recreational values and ensure adequate public access to the estuary.

4. Dredging and/or filling shall be allowed only:

a) If required for navigation or other water dependent uses that require an estuarine location or if specifically allowed by the applicable management unit requirements of this goal; and

b) If a need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonable interfere with public trust rights; and

c) If no feasible alternative upland locations exist; and

d) If adverse impacts are minimized.

Other uses and activities which could alter the estuary shall only be allowed if the requirements in (b), (c), and (d) are met. All or portions of these requirements may be applied at the time of plan development for actions identified in the plan. Otherwise, they shall be applied at the time of permit review.

5. Actions which would potentially alter the integrity of estuarine ecosystem shall be preceeded by a clear presentation of the impacts of the proposed alteration and a demonstration of the public's need and gain which warrant such modification or loss.

6. Temporary Alterations: The provision for temporary alterations is intended to allow alterations to areas and resources that the plan otherwise requires to be preserved or conserved. This exemption is limited to alterations in support of uses permitted by the plan; it is not intended to allow uses that are not otherwise permitted by the plan.

Applications of the resource capabilities test to temporary alterations should ensure:
a. That the short-term damage to resources is consistent with resource capabilities of the area; and
b. That the area and affected resources can be restored to their original condition.

[MANAGEMENT CLASSIFICATIONS AND PERMITTED USE DEFINITIONS
Part IV of Lincoln County Estuary Management Plan (Excerpt)]

CLASSIFICATION SYSTEM

In order to maintain a diversity of values and resources, the estuary has been divided into management units. A management unit is a discrete geographic area defined by physical, biological and cultural characteristics within which certain management objectives and priorities are promoted or encouraged.

Each individual management unit is assigned a classification which defines a management objective and provides a general policy framework for the unit. The management unit classification system consists of three management classifications: Natural, Conservation, and Development. The classifications are defined below in terms of the general attributes and characteristics of geographic areas falling into each category. The management objective for each classification is also stated.

1. Natural Management Units. Natural management units are those areas which are needed to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological and evolutionary processes. Such areas shall include, at a minimum, all major tracts of salt marsh, tideflats, and seagrass and algae beds.

   Permissible uses in natural areas shall be undeveloped low-intensity water-dependent recreation; research and educational observation, navigational aides, such as beacons and buoys; protection of habitat, nutrient, fish, wildlife and aesthetic resources; passive restoration measures; dredging for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures; riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities; and bridge crossings.

   Where consistent with the resource capabilities of the area and the purpose of this management unit, the following uses may be allowed: aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks; communication facilities;active restorationo of fish and wildlife habitat or water quality and estuarine enhancement; boat ramps for public use where no dredging or fill for navigational access is needed; pipelines, cables and utility crossings, including incidental dredging necessary for their installation; installation of tidegates in existing functional dikes; temporary alterations; bridge crossing support structures and dredging necessary for their installation.

A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity and values for scientific research and education.

MANAGEMENT OBJECTIVE: To preserve, protect and where appropriate enhance these areas for the resource and support values and functions they provide.

2. Conservation Management Units. Conservation management units shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less biological importance than those in (1) above; and recreational or commercial oyster and clam beds not included in (1) above. Areas that are pPartially altered and adjacent to existing development of moderate intensity which do not possess the resource characteristics of natural or development units shall also be included in this classification.

While the general purpose and intent of the conservation classification is as described above, the application of this classification to specific areas may be adjusted by special policies applicable to individual management units in order to accommodate needs for natural preservation.

Permissible uses in conservation areas shall be those allowed in (1) above except temporary alterations. Where consistent with resource capabilities of the area and the purposes of this management unit the following uses may be allowed: high-intensity water-dependent recreation including boat ramps, marinas and new dredging for boat ramps and marinas; minor navigational improvement; mining and mineral extraction including dredging necessary for mineral extraction; water-dependent uses requiring occupation of water surface area by means other than dredge or fill; aquaculture requiring dredge or fill or other alteration of the estuary; active restoration for purposes other than those listed in 1; and temporary alterations.

A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife

habitats, natural biological productivity, and values for scientific research and education.

Management Objective: To conserve, protect, and, where appropriate, enhance renewable estuarine resources for long term uses and to manage for uses which do not substantially degrade the natural or recreational resources or require major alterations of the estuary.

3. Development Management Unit: In estuaries classified in the overall Oregon estuary Classification for development, development management units shall be designated for navigation and other identified needs for public, commercial and industrial water dependent uses, consistent with the level of development or alteration allowed by the Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigational channels, sub-tidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alteration of the estuary. Permissible uses in areas managed for water-dependent activities shall be navigation and water-dependent commercial and industrial uses. As appropriate, the following uses shall also be permissible in development management units: dredge or fill, as allowed elsewhere in this goal, navigation and water-dependent commercial enterprises and activities; water transport channels where dredging may be necessary; flow-lane of dredged material monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units; water storage areas where needed for products used in or resulting from industry, commerce and recreation; and marinas. Where consistent with the purposes of this management unit and adjacent shorelands designated especially suited for water-dependent uses or designated for waterfront redevelopment, water-related and non-dependent, non-related uses not requiring dredge or fill; mining and mineral extraction; and activities identified in sections (1) and (2) of this subsection shall also be appropriate.

Management Objective: To provide for water dependent and water related development.

Permitted Use Definitions

In addition to the management unit classification, each management unit is more explicitly defined in terms of permitted uses and activities by means of a permitted use matrix. The matrix for each unit lists uses and activities and categorizes them as follows:

Permitted with Standards (P): Permitted as consistent with the management objective of the classification. Permitted uses must conform to the Estuarine Use Standards set forth in the plan and also to any policies specific to the individual management unit. Some permitted uses (most notably dredge and fill activities) must still be subjected to the resource capability test through the state and federal permit

processes. For specific requirements see Part X, Plan Implementation.

Conditional (C): Permitted only after a case review of the proposed use and issuance of a local conditional use permit (in addition to relevant state and federal permits). A conditional use shall be permitted provided that:

a) It is compatible with the management objective and definition of the management classification.

b) It complies with the applicable Estuarine Use Standards set forth in this plan.

c) It complies with the management objectives and policies of the individual management unit.

d) It is consistent with the resource capabilities of the area.

e) The cumulative impacts of the proposed use have been considered.

Not Allowed (N): Not permitted. Activity or use can only be allowed upon adoption of a plan amendment by the governing body.

ESTUARINE USE STANDARDS
[Part V of Lincoln County Estuary Management Plan]

Estuarine Use Standards

The following standards will be applied to all new uses and activities in the Siletz Bay Estuary. All estuarine uses that involve dredging, fill, structures, shoreline stabilization (except vegetative) or other alteration waterward of Mean Higher Water or the line of non-aquatic vegetation are currently regulated either at the state level (State Removal/Fill Law, ORS 541.695), federal level (Section 10 or the Rivers and Harbors Act and Section 404 of the Clean Water Act) or both. Certain other uses such as energy facility siting, aquaculture, exploration for oil, gas, or geothermal energy are further regulated by additional state or federal permits. To minimize duplication of local, state, and federal permits, the estuarine use standards will be applied through local review of the appropriate state and/or federal permits. In addition to the standards set forth herein, all uses and activities must further comply with applicable state and federal regulations governing water quality, resource protection, and public health and safety.

Structures

Definition: Structures include all constructed, man-made facilities which extend into the estuary; fixed or floating.

Structures do not include log rafts or new land created from submerged or submersible lands (see fill). Structural types include:

Docks: A fixed or floating decked structure against which a boat may be berthed temporarily or indefinitely.

Pier: A structure extending into the water from solid land generally to afford passage for persons or goods to and from vessels, but sometimes to provide recreational access to the estuary.

Wharf: A structure built alongside a waterway for the purpose of receipt, discharge and storage of goods and merchandise from vessels.

Piling: A long, slender stake or structural element of steel, concrete or timber which is driven, jetted, or otherwise embedded into the bed of the estuary for the purpose of supporting a load.

Dolphin: A group of piles driven together and tied together so that the group is capable of withstanding lateral forces from vessels or other floating objects.

Jetty: An artificial barrier used to change littoral drift to protect inlet entrances from excessive sedimentation and to direct and confine the stream of tidal flow. Usually constructed at the mouth of a river or estuary to help deepen and stabilize a channel.

Groin: A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shoreline. Generally constructed of rock or other solid material.

Pile Dike: Flow control structures analogous to groins, but constructed from closely spaced piling connected by timbers.

Breakwater: An offshore barrier, sometimes connected to the shore at one or both ends to break the force of waves. Used to protect harbors and marinas, breakwaters may be constructed of rock, concrete, piling or may be floating structures.

1. The siting and design of all structures shall be chosen to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics and patterns of erosion and accretion.

2. Materials to be used for structures shall be clean and durable so as to allow long term stability and minimize maintenance. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.

3. The development of structures shall be evaluated to determine potential conflicts with established water uses (e.g., navigation, recreation, aquaculture, etc.). Such conflicts shall be minimized to the extent feasible.

4. Occupation of estuarine surface area by structures shall be limited to the minimum area practical to accomplish the proposed use.

5. Where feasible, breakwaters of the floating type shall be preferred over those of solid construction.

6. Floating structures shall not be permitted in area where they would regularly contact the bottom at low water (i.e. shall be located waterward of Mean Lower Low Water). Exceptions may be granted for structures of limited area which are necessary as part of an overall approved project where grounding would not have significant adverse impacts.

7. Individual single purpose docks and piers for recreational and residential uses shall be

permitted only when it has been demonstrated that there are no practical alternatives (e.g., mooring, buoys, dry land storage etc.). Community facilities or other structures common to several uses are encouraged at appropriate locations.

8. Piers, docks and similar features for individual recreational or residential uses shall meet each of the following requirements:

a. No dock, pier or similar facility shall extend into any watercourse more than 25' beyond MLLW unless it can be demonstrated that additional extension is essential to accomplish the intended purpose of the structure.

b. No individual private recreational dock, pier or similar facility shall extend into any watercourse more than 5% of the width thereof (as measured perpendicular from MLLW on one side of the watercourse to MLLW on the opposite side) unless it can be shown that additional extension is essential to accomplish the intended purpose of the structure.

9. Docks and similar facilities shall have the long dimension running parallel to the channel unless future development will result in pier construction or moorages being connected, necessitating facility design perpendicular to the channel.

Dredging

Definition: The removal of sediment or other material from the estuary usually for the purpose of deepening a channel, mooring basin or other navigation area.

1. All dredging in the estuary shall be conducted in such a manner so as to minimize:

a. Adverse short-term effects, such as pollutant release, dissolved oxygen depletion and disturbance of important biological communities.

b. Adverse long term effects such as loss of fish habitat and tidelands, loss of flushing capacity, destabilization of bottom sediments, and biologically harmful changes in circulation patterns.

c. Removal of material in wetland and productive shallow submerged lands.

2. Dredging shall be permitted only:

a. For navigation or navigational access; or

b. In conjunction with a permitted or conditionally permitted water dependent use; or

c. As part of an approved restoration project; or

d. For mining or mineral extraction as provided for in the Mining and Mineral Extraction Standards; or

e. For an approved public use, such as bridge crossings, submerged utility crossings, etc.

3. Local governments shall rely on the Division of State Lands to administer the provisions of ORS Ch. 541 requiring the mitigation of adverse impacts of dredging in intertidal and tidal marsh areas.

Shoreline Stabilization

Definition: The stabilization or protection from erosion of the banks of the estuary by vegetative or structural (rip rap or bulkheads) means.

1. Shoreline stabilization procedures shall be confined to those area where:

   a. Active erosion is occurring which threatens existing uses or structures; or

   b. New development or re-development of water dependent or water related uses requires protection for maintaining the integrity of upland structures or facilities.

2. The following, in order, are the preferred methods of shoreline stabilization:

   a. Vegetative or other non structural

   b. Vegetated rip rap

   c. Unvegetated rip rap

   d. Bulkheads

   Structural shoreline stabilization methods shall be permitted only where a higher priority method is not feasible.

3. Materials to be used must be clean and of a non-erodable quality that will allow long term stability and minimize maintenance. Materials which could create water quality problems or which will rapidly deteriorate are not permitted.

4. Minor modification of the bankline profile may be permitted on a case-by-case basis. These alterations shall [be for] the purpose of gaining additional upland area.

5. Shoreline stabilization structures shall be designed and located so as to minimize adverse impacts on aquatic life and habitat, circulation and flushing characteristics, and patterns of erosion and accretion.

6. The use of bulkheads shall be limited to "development" and "conservation" management units.

Fill

Definition: Placement of material in the estuary to create new shoreland area.

1. Fill shall be permitted only in conjunction with a water dependent use which requires an estuarine location and for which no feasible alternatives (e.g. construction on piling) or upland locations exist.

2. All fill projects shall be designed and place[d] so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.

3. Fill materials which could create water quality problems or which will rapidly deteriorate are not permitted.

4. When available from an authorized dredging project, dredged materials shall be preferred over upland materials for approved fill projects.

5. As an integral part of the fill process, new fills placed in the estuary shall be protected by approved methods of bank stabilization to prevent erosion.

6. Local governments shall rely on the Division of State Lands to administer the provisions of ORS Ch. 541 requiring the mitigation of adverse impacts of filling in intertidal or tidal marsh areas.

7. In the design of fill projects, provisions of public access to the estuary shall be encouraged to the extent compatible with the proposed use.

Marina and Port Facilities

Definitions:
Marina: A small harbor, boat basin or moorage dockage for recreational craft.

Port Facilities: Facilities which accommodate and support commercial fishery and navigation activities, including terminals and boat basins and moorage for commercial vessels, barges and oceangoing ships.

1. All structures, fills, dredging or shoreline stabilization measures undertaken in conjunction with marina or port facility development must comply with applicable standards set forth in this plan.

2. Provision must be made in the design of marina and port facilities to ensure adequate flushing for the maintenance of water quality.

3. Open moorage shall be preferred over covered or enclosed moorage except for repair or construction facilities.

4. Multi-purpose and cooperative use of moorage, parking, cargo handling and storage facilities shall be encouraged.

5. In the development of new port marina facilities, maximum feasible public access shall be encouraged, consistent with security and safety requirements.

Aquaculture

Definition: The raising, feeding, planting and harvesting of fish, shellfish or marine plants, including facilities necessary to engage in the use.

1. All structures located in conjunction with aquaculture operations shall be subject to the standards set forth in this plan for structures.

2. Water diversion structures or man-made spawning channels shall be constructed so as to maintain minimum required stream flows for aquatic life in the adjacent streams.

3. The potential impacts of introducing a new fish or shellfish species (or race within a species) shall be carefully evaluated in light of existing aquatic life and potential fish and shellfish production in the stream, estuary and ocean.

4. Aquaculture facilities shall be located far enough from any sanitary sewer outfalls to prevent any potential health hazard.

Mineral and Aggregate Extraction

Definition: The removal for economic use of minerals, petroleum resources, sand, gravel or other materials from the estuary.

1. All mineral and aggregate removal projects shall be conducted in such a manner so as to minimize:

   a. Adverse short term effects such as pollutant release, dissolved oxygen depletion, excessive turbidity, and disturbance of important biological communities.

   b. Adverse long term effects such as loss [of] habitat and tidelands, loss of flushing capacity, destabilization of bottom sediments and biologically harmful changes in circulation patterns.

2. Removal of aggregate materials from the estuary shall be allowed only after a clear demonstration that comparable materials are not available from local upland sources.

3. Unless part of an approved fill project, spoils and stockpiles shall be placed beyond the reach of high water and in such a manner that sediment will not enter or return to the waterway.

4. Riparian vegetation shall be retained to the optimum degree possible. Disturbed shoreline

areas shall be revegetated.

Dikes

Definition: An earthen embankment or ridge constructed to restrain high waters. New diking is placement of dikes on an area which (1) has never been previously diked; or (2) has previously been diked but all or a substantial part of the area is presently subject to tidal inundation and tidal marsh has been re-established.

1. Existing functional dikes and tide gates may be maintained and repaired as necessary to fulfill their original purpose.

2. New dikes or expanded dikes in estuarine areas shall be allowed only:

   a. As part of an approved fill project; subject to the standards for fill; and

   b. If appropriate mitigation is undertaken in accordance with relevant state standards.

3. Dikes constructed to retain fill materials shall be considered fill and are subject to standards for fill.

4. The outside face of new dikes shall be protected by approved shoreline stabilization procedures.

Outfalls

Definition: An outlet through which materials are discharged into the estuary. Outfalls include sanitary (sewer) discharges, storm drainage facilities and industrial waste discharges.

1. As applicable, the standards for dredging, shoreline stabilization and placement of structures as set forth in this plan must be complied with in the installation of outfalls.

2. Outfalls shall not be allowed in poorly flushed areas of the estuary, unless all state and federal water quality standards can be met.

Submerged Crossings

Definition: Power, telephone, water, sewer, gas or other transmission lines which are constructed across the estuary, usually by embedding into the bottom of the estuary.

1. Trenching or other bottom disturbance undertaken in conjunction with installation of a

submerged crossing shall conform to the standards for dredging as set forth in this plan.

2. Submerged crossing shall be designed and located so as to eliminate interference with present or future navigational activities.

3. Submerged crossing shall be designed and located so as to ensure sufficient burial or water depth to avoid damage to the crossing.

Restoration

Definition: Replacing or restoring original attributes or amenities such as natural biological productivity or cultural and aesthetic resources which have been diminished or lost by past alterations or activities. Active restoration involves the use of specific remedial action such as removing dikes, installing water treatment facilities, etc. Passive restoration is the use of natural processes, sequences or timing to bring about restoration after the removal or reduction of adverse stresses.

1. Restoration in areas designated for development shall be undertaken only if it is likely that the project will not conflict with or be destroyed by existing subsequent development.

2. All restoration projects shall be designed so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.

Excavation

Definition: Excavation of shorelands to create new estuarine surface area directly connected to other estuarine waters.

1. Creation of new estuarine surface area shall be allowed only for navigation, other water dependent use, or restoration.

2. All excavation projects shall be designed and located so as to minimize adverse impacts on aquatic life and habitats, flushing and circulation characteristics, erosion and accretion patterns, navigation and recreation.

3. Excavation of as much as is practical of the new water body shall be completed before it is connected to the estuary.

4. In the design of excavation projects, provision of public access to the estuary shall be encouraged to the extent compatible with the proposed use.

Dredged Material Disposal

Definition: The deposition of dredged material in estuarine areas or shorelands.

1. Disposal of dredged materials should occur on the smallest possible land area in order to minimize the quantity of land that is disturbed. Clearing of land should occur in stages on an as needed basis.

2. Dikes surrounding disposal sites shall be well constructed and large enough to encourage proper "ponding" and to prevent the return of suspended sediments into the estuary.

3. The timing of disposal activities shall be coordinated with the Department of Environmental Quality and the Department of Fish and Wildlife to ensure adequate protection of biologically important elements such as fish runs, spawning activity, etc. In general, disposal should occur during periods of adequate river flow to aid flushing of suspended sediments.

4. Disposal sites which will receive materials with toxic characteristics shall be designed to include secondary cells in order to achieve good quality effluent. Discharge from the sites should be monitored to ensure adequate cell structures have been constructed and are functioning properly.

5. Revegetation or other stabilization of disposal sites shall occur as soon as is practicable in order to stabilize the site and retard wind erosion.

6. Outfalls from dredged material disposal sites shall be located and designed so as to minimize adverse impacts on aquatic life habitats and water quality.

7. General priorities for dredged material disposal sites shall be (in order of preference):

   a. Upland or approved fill project sites

   b. Approved offshore disposal sites

   c. Aquatic areas

The Lincoln County Dredge Material Disposal Plan should be consulted for information concerning specific disposal sites and further policy recommendations.

Water Handling of Logs

Definition: Water handling of logs is the combined process of log dumping, storage, transportation, millside handling and takeout as logs are placed into the water and moved to a final processing site.

1. Water handling of logs shall be conducted in such a manner to insure that violations of water quality standards do not result from such activities.

2. New free fall log dumps shall not be permitted. All new log dumps and shipside unloading shall employ easy letdown devices.

3. The inventory of logs in the estuary for any purpose shall be the lowest practical number for the shortest practical time considering log availability and market conditions.

4. The inventory of logs in areas where grounding will occur shall be the lowest practical number for the shortest practical time considering log availability, [and] market conditions.

5. Best practical bark and wood debris control, collection and disposal methods shall be employed at log dumps, shipside unloading areas, raft building areas and millside handling and takeout areas.

[MANAGEMENT UNITS
Part VI of Lincoln County Estuary Management Plan (Excerpt)]

MANAGEMENT UNIT 1 - SILETZ

Description

Management Unit 1 includes the intertidal area north of the mouth of Schooner Creek, and all of the subtidal main channel from the mouth up to the old Highway 101 bridge crossing at Kernville. This is a predominantly subtidal area (with the exception of the intertidal sand area adjacent to the shoreline at Taft). Major uses in this unit include shallow draft recreational boating and sport angling. Piers, docks and boat launching facilities are located at Taft and on the spit at Salishan. A small marina is located at Kernville.

Classification: Conservation

This is a partially altered area and is designated conservation in order to provide for water dependent uses requiring minor alterations.

Resource Capability

Management unit 1 is divided between the marine and bay subsystems as described in the ODFW report Natural Resources of Siletz Estuary. The Taft shoreline area is within the marine subsystem. Management recommendations for this area indicate that the area could sustain moderate development activities (i.e. those not involving major intertidal dredge and fill or excessive occupation of surface area). Likewise, the intertidal shore area near Kernville is described by the report as "highly altered" and capable of accommodating additional recreational development.

Management Objective

Management unit 1 shall be managed to provide for water dependent recreational opportunities and facilities, consistent with the conservation of natural resources.

Special Policies

1. Bridge crossing construction will be permitted only for expansion or replacement of the existing crossings at Schooner Creek and Kernville.

MANAGEMENT UNIT 2 - SILETZ

Description

Management unit 2 includes Schooner Creek from the Highway 101 crossing up to the head of tide. This is a small tidal creek with some small tracts of high marsh and intertidal sand area in the lower portion. Uses in this unit include sport angling and some minor recreational boating activity. The City of Lincoln City sewage treatment plant and outfall are located within this unit. Some minor alterations are present in the form of a bridge crossing and shoreline rip-rap.

Classification: Conservation

This is an area of less biological importance than units 3 and 5, and is designated conservation to allow for minor alterations in conjunction with recreational or public uses.

Resource Capability

The unit is identified as the Schooner Creek riverine subsystem in the ODFW natural resource report. The lower portions of the unit exhibit characteristics of a marine influenced environment, with some minor algal beds near the mouth, and sand shore and low sedge marshes above. The upper portions of the unit above the sewage treatment plant are typically riverine in character. The low marshes and aquatic beds near the mouth are sensitive areas and should be protected from major disturbances. According to the ODFW's management recommendations "a boat ramp or a few public docks" would be consistent with resource capabilities in this area.

Management Objective

Management unit 2 shall be managed for low-intensity uses which require only minor alterations.

Special Policies

1. Bridge crossing construction will be permitted only for replacement or expansion of the existing crossings.

MANAGEMENT UNIT 3 - SILETZ
Description

Management unit 3 consists of all of the intertidal and tidal marsh area along the east shore of the estuary from the mouth of Schooner Creek south to the upland area at Kernville. This management unit contains a number of resource characteristics of major significance, including major tracts of tide flats, salt marsh and seagrass and algal beds. The area between Cutler City and Kernville known as Snag Alley, is an important waterfowl habitat. Uses in this unit are limited to some shallow draft recreational boating and other recreational uses such as hunting and

angling. Alterations in the unit area limited to one small fill at Cutler City and several areas of rip-rapped shorelines.

Classification: Natural

This unit includes major tracts to tideflats and tidal marsh and is classified natural to protect important resource values.

Resource Capability

This unit is a portion of the bay subsystem of the Siletz estuary. This area contains the greatest diversity of habitats, including a large portion of the estuary's marsh and intertidal flat habitats. Due to the importance of this are to productivity of the estuarine system, alterations should be minimized. Those alterations proposed should be reviewed for consistency with the resource capabilities of this area, particularly the area's values for primary productivity.

Management Objective

Management unit 3 shall be managed to preserve and protect natural resources and values.

Special Policies

1. Bridge crossing construction will be permitted only for maintenance or replacement of the existing crossing at Drift Creek.

MITIGATION AND RESTORATION
[Part VII of Lincoln County Estuary Management Plan (Excerpt)]

Lincoln County estuaries have been substantially altered over the past century to provide for navigation, shoreline development and agriculture. Upriver watershed activities have also contributed significantly to changes in the natural functioning of the estuaries. While it is not possible or desirable to return the estuaries to their pre-nineteenth century condition, restoration of certain habitat and cultural values is an important estuary management objective.

Necessary new development projects in estuarine areas will have some adverse environmental impacts, regardless of how carefully the projects are designed and planned. The adverse effects of such development can be compensated for (or mitigated) by the creation, restoration or enhancement of other estuarine areas.

RELATIONSHIP OF RESTORATION AND MITIGATION

Restoration refers to restoring prior or original attributes of the estuary that were lost as a result of past alterations. Examples of restoration projects include removing fills; marsh creation; shoreland vegetation planting to control erosion and re-establish riparian zones, breaching dikes to restore or improve tidal flushing; and dredging and construction measures to re-establish former depths, shoreline configurations and flushing and circulation patterns.

Mitigation refers specifically to offsetting or compensating for adverse impacts of proposed dredging and filling through creation, restoration and enhancement of estuarine areas.

Restoration and mitigation are connected in that certain restoration activities can serve as mitigation for adverse impacts of development. For example, restoration of an abandoned diked marsh to full aquatic production by removing or breaching the dike would generally be acceptable mitigation for filling a tidal marsh in some other area for water dependent development.

Statewide Planning Goal 16 has explicit requirements concerning mitigation. Implementation requirement 4 states:

"Adverse impacts to estuarine resources from dredge or fill activities permitted in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of an estuarine area(s). The objective shall be to improve or maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, unique features and water quality."

Implementation requirement 5 of Goal 16 states:

"When dredge or fill activities are permitted in intertidal or tidal marsh areas, their effects shall be

mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained. Comprehensive plans shall designate and protect specific sites for mitigation which generally correspond to the types and quantity of intertidal area proposed for dredging or filling or make findings demonstrating that it is not possible to do so."

The Oregon Removal-Fill Law (ORS 541.605-541.695) provides the Division of State Lands (DSL) with the authority to require mitigation for dredging or filling waters of the state. For estuarine areas, DSL must require mitigation for alteration of intertidal and tidal marsh areas as outlined in Goal 16. DSL may also require mitigation for alteration of productive sub-tidal areas. Certain activities which have negligible adverse impacts can be exempted from the mitigation requirement. DSL coordinates its permit issuance and mitigation requirements with affected local, state and federal agencies.

Overall Restoration Policy

All restoration projects should serve to revitalize, return, replace or otherwise improve estuarine ecosystem characteristics.

Examples include restoration of natural biological productivity, fish or wildlife habitat or other natural characteristics or resources which have been diminished or lost by past alterations, activities or catastrophic events. In selecting projects, priority should be given to those projects which provide substantial public benefits and which restore habitat types, resources or values which are in shortest supply as compared to past abundance. Particular emphasis should be given to aquatic and riparian habitat restoration.

RESTORATION NEEDS

Siletz Bay

Siletz Bay has been substantially altered by landfills and diking primarily around the Kernville-Millport Slough area. Only a little more than two acres of tidelands have been filled, but substantical [sic] areas of tidal marsh have been both filled and diked. As is the case with most Lincoln County estuaries, both the major resource losses and the primary opportunities for restoration involve tidal marsh.

MITIGATION

The mitigation provisions of Goal 16 require that appropriate sites be designated to meet anticipated needs for mitigation. These sites are to be protected from uses which would pre-empt their availability for restoration or enhancement activities. Mitigation sites have been selected

from among the restoration sites identified in the preceding discussion. All of these sites have been evaluated as potential mitigation sites based on the following criteria:

1. Biological Potential. Sites have been evaluated in terms of their similarity of habitat or potential to areas likely to be altered or destroyed by future development activities; or, alternatively, sites were chosen which may provide resources which are in greatest scarcity compared to their past abundance or distribution. This evaluation has been based on an analysis of each site relative to a general assessment of probable forseeable [sic] mitigation needs in each estuary, as well as past alterations or losses.

2. Engineering or Other Technical Constraints. Sites have been evaluated in terms of the type and magnitude of technical limitations which need to be overcome to accomplish restoration or enhancement. Sites with fewer constraints were considered more appropriate for use as mitigation sites.

[MITIGATION NEEDS AND SITES]

Siletz Bay

The overall management plan for Siletz Bay does not provide for major dredge or fill activities. Any intertidal dredge or fill activities would be minor in nature and would likely occur in the narrow intertidal shore areas at Taft, Kernville or at sites further upriver. Tidal marshes are in protective designations and no dredge or fill activities will take place in these area.

There are no known opportunities for restoration or enhancement of intertidal flat or shore habitats in Siletz Bay. Because of past alterations and relative scarcity of tidal marsh, mitigation actions to restore or enhance marsh areas are desirable. Given the limited extent of dredge and fill activities contemplated in Siletz Bay, it is felt that the following site provides more than adequate opportunity for mitigation of expected adverse impacts.

Site	Location	Protective Mechanism
Millport Slough	8-11-10 t.l. 802, 601, 500, 701,	
	C-S Overlay Zone	
(restoration #3)	602, 700, 600	
	(wetland area)	

[LOG STORAGE AND TRANSPORTATION
Part VIII of Lincoln County Estuary Management Plan

NOT PART OF LINCOLN CITY ESTUARY MANAGEMENT PLAN]

[FUTURE DEVELOPMENT SITES
Part IX of Lincoln County Estuary Management Plan

NOT PART OF LINCOLN CITY ESTUARY MANAGEMENT PLAN]

PLAN IMPLEMENTATION
Part X [of Lincoln County Estuary Management Plan]

The Lincoln County Estuary Management Plan will be implemented at the local level by the various units of local government with comprehensive planning and zoning responsibilities. The management plan will become an element of the applicable local comprehensive plans, and through these plans it will be incorporated into the Oregon Coastal Management Program.

For certain requirements of Statewide Planning Goal 16, no explicit implementing measures or standards are included in the management plan. Local governments will rely on certain state and federal regulatory authorities and programs to meet these requirements. (These programs and the goal requirements they fulfill are described in the following section on State and Federal Agency Coordination). However, it should be noted that the administration of this plan and all implementing measures contained herein (e.g. application of use standards, conditional use criteria, etc.) is the responsibility of the appropriate local jurisdiction.

LOCAL REVIEW PROCEDURE

Permitted Uses

For uses and/or activities which are "Permitted with Standards" (i.e. those activities or uses which are designated "P" in the appropriate permitted use matrix) no local permit is required. These uses and activities will be reviewed by the local jurisdiction for consistency with applicable Estuarine Use Standards through the Division of State Lands public notice process. The procedure will be as follows:

1. Upon receipt of the Public Notice, the Planning Department shall review the proposed use or activity for consistency with applicable Estuarine Use Standards set forth in Part V of the Lincoln County Estuary Management Plan.

2. If the Planning Department finds that the proposed use or activity is consistent with all applicable Estuarine Use Standards, the department shall notify the Division of State Lands to that effect prior to the expiration of the Public Notice. As a part of this review process the Planning Department shall impose any conditions or restrictions necessary to ensure compliance with applicable Estuarine Use Standards.

3. If the Planning Department finds that the proposed use or activity is inconsistent with any applicable Estuarine Use Standard, the department shall notify both the Division of State Lands and the applicant prior to the expiration date of the Public Notice. This notification shall cite the standard(s) which has not been met and state with particularity the reasons for the inconsistency.

4. If the information contained in the Public Notice is not sufficient for the Planning Department to reach a decision on the consistency of the proposed use or activity, the department shall notify the applicant to that effect prior to the expiration date of the Public Notice. This notification shall cite the standards(s) needing to be addressed and state with particularity the information needed to arrive at a decision.

5. Any finding of consistency made through this review process may be subject to revocation by the Planning Department if it is ascertained that the application included any false information or if it develops that and conditions of approval have not been complied with or are not being maintained.

6. Any decision made by the Planning Department through this review process may be appealed in accordance with the provisions of article 10 of the Lincoln County Zoning Ordinance #34, as amended.

Conditional Uses

Uses and/or activities which are "conditional" (i.e. those uses or activities which are designated "C" in the appropriate permitted use matrix) may be permitted upon authorization by the Planning Department or Planning Commission in accordance with the standards and procedures set forth in Section 3.120 and Article 6 or the Lincoln City Zoning Ordinance.

In addition to conformance with the procedures and standards of Section 3.120 and Article 6, conditional use authorization shall require the following findings:

1. That the use or activity is compatible with the management objection [sic] and policies of the management classification.

2. That the use or activity compiles with all applicable Estuarine Use Standards as set forth in Part V of the Lincoln County Estuary Management Plan.

3. That the use or activity compiles with all the management objective and special policies of the individual management unit.

4. That the use or activity is consistent with the resource capabilities of the management unit.

5. That the cumulative impacts of the proposed use or activity have been considered.

Application of Standards

The Estuarine Use Standards set forth in Part V of the Estuary Management Plan and the

conditional use requirements set forth in Part IV of the Estuary Management Plan are to be applied to estuarine developments on a case by case basis by the appropriate local governing body (i.e. city or county), through the review processes described above.

Unless fully addressed elsewhere in this plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation on the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow land disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.

The specific nature and circumstances of a proposal will be measured against each applicable standard or criterion. Findings of fact will be developed relative to compliance with each applicable standard or criterion, based on an analysis of the proposal. The Planning Department may require an applicant to provide such information and technical analysis as may be needed to determine compliance with any and all applicable standards, including but not limited to the following:

1. Effects on physical characteristics such as: flushing and circulation; erosion and accretion patterns; salinity, temperature and dissolved oxygen characteristics.

2. Effects on biological characteristics such as: benthic habitats and communities; anadromous fish migration routes; fish and shellfish spawning and rearing areas, primary productivity; resting; feeding and nesting areas for migrating and resident shorebirds; wading birds and other wildfowl; riparian vegetation; wildlife habitat.

3. Effects on other established uses in the area.

4. Alternative project designs and/or locations which have been considered.

5. Steps which have been taken to minimize or avoid adverse impacts.

The impact assessment need not be lengthy or complex, but it should enable reviewers to gain a clear understanding of the impacts to be expected. It shall include information on:

1. The type and extent of alterations expected;
2. The type of resources affected;
3. The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and
4. The methods which could be employed to avoid or minimize adverse impact

In the process of gathering necessary factual information for the application of standards, the planning department may consult with any agency or individual able to provide relevant technical expertise.

STATE AND FEDERAL AGENCY COORDINATION

As described above, the Lincoln County Estuary Management Plan is designed to provide for the review of proposed uses and the application of performance standards in conjunction with the Division of State Lands waterway project permit review procedure (which in turn is integrated into the Corps of Engineers Section 10 and Section 404 review procedures).

Through this process, all state and federal resource agencies which participate in the review of waterway permits will be apprised of actions taken and findings made under the provisions of the management plan.

Similarly, local governments will be able to take advantage of the resource agencies' participation in this process for acquiring technical information and assessments relative to the review of waterway projects.

Reliance on State and Federal Standards. In order to streamline the permit process and avoid unnecessary duplication in the review of estuarine development proposals, the management plan will rely on the requirements of certain state and federal agency programs and requirements to provide specific implementing measures for certain Goal 16 requirements. The goal requirements and the programs being relied on to fulfill them are as follows:

(Note: The major programs and agency responsibilities affecting estuarine development are listed, and described following this section.)

Goal Requirement	Agency Program(s) Relied On*
A. Provide findings that dredge, fill or other degradation is only allowed upon demonstration of public need.	Corps of Engineers, Section 10 (33 CFR 320.4) Division of State Lands, Fill & Removal Law (ORS 541.625(2) a-e).
B. Provide findings that, where permitted, structural bank stabilization or dredging activities in conjunction with aquaculture, public facilities, and/or active restoration measures are consistent with the resource capabilities of a "Natural" management unit.*	Corps of Engineers, Section 10 (22 CFR 322.5)
C. Provide findings that, where permitted, fill, structural bank stabilization or dredging activities in conjunction with marinas, minor navigational improvements, mining and mineral extraction, bridge crossings, and water dependent uses requiring occupation of surface area by means other than fill are consistent with the resource capabilities of a "Conservation" management unit.*	Corps of Engineers, Section 10 (22 CFR 322.5)
D. Provide findings that, where allowed, fill, bank stabilization or dredging activities in conjunction with mining extraction, public facilities, bridge crossings, research and education observations or protection of habitat and other natural values are consistent with resource capabilities of "Development" management unit.	Corps of Engineers, Section 10 (22 CFR 322.5)
E. Clearly present the impacts of a proposed alteration to the estuary with a demonstration of the public's need and gain which warrant the modification or loss.	Corps of Engineers, Section 10 (33 CFR 320.4)
F. Provide findings that the proliferation of single purpose docks and piers is being restricted by encouraging community facilities and considering other alternatives.	Corps of Engineers, Section 10 (33 CFR 320.4)
G. Require mitigation for dredge or fill in tidal marsh or intertidal areas.	Division of State Lands Fill & Removal Law (ORS 541.626)
H. Maintain water quality and minimize man-induced sedimentation.	Department of Forestry, Oregon Forest Practices Act and Administrative Rules, (ORS 527.610-527.730) Various programs of the Soil and Water Conservation Commission, the local Soil & Water Conservation District and the Soil Conservation Service Department of Environmental Quality, Section 208 of the Clean Water Act as amended in 1972 (PL 92-500)

Division of State Lands, Fill and Removal Law (ORS 541.605-541.665)

* In the event that these State or Federal regulations change so as to no longer satisfy these goal requirements, equivalent implementary [sic] measures will be required. Plan policies moderate compliance with Goal 16 implementation provisions; appropriate implementing standards must be referenced and/or developed as part of the plan to maintain conformance with plan policies.

Federal and State Agency Programs and Responsibilities

The following lists the major state and federal agency programs which relate to estuarine development activities. The specific program provisions which will be relied upon to meet Goal 16 requirements are cited and the relevant standards from each are briefly described. Also included in the listing are those agency programs which, while not specifically relied upon to meet goal requirements, may generate technical information useful to local government in evaluating estuarine development proposals.

1. CORPS (40 CFR 230.4-1) Disposal of Dredged or Fill Material

a. Testing water column effects;

b. Testing effects on benthos;

c. Evaluation exemption;

1) If naturally occurring sediment larger than silt;

2) Beach nourishment;

3) Discharge is substantially same as disposal site substrate.

2. CORPS (40 CFR 230.4-2) Disposal of Dredged or Fill Material

a. Corps prohibits discharge when it would cause a violation of such appropriate standards at the perimeter of the disposal site after consideration of the mixing zone.

3. CORPS (40 CFR 230.5) Disposal of Dredged or Fill Material

a. The permitting authority should use the following, in sequence, for evaluating whether a particular discharge should be allowed:

1) Minimize adverse impacts through evaluation in 230.10 and 230.11 below;

2) Use general permit if applicable and all conditions are met;

3) Examine practicable alternatives;

4) Delineate candidate disposal sites consistent with the criteria and evaluation in 230.11 below;

5) Evaluate the various physical and chemical components;

6) Identify and evaluate any special or critical characteristics of a candidate disposal site and surrounding areas which might be affected by use of such site, related to their living communities or human uses;

7) Evaluate chemical contamination or physical incompatibility of discharged material;

8) Conduct appropriate chemical tests if appropriate;

9) Identify appropriate and practicable changes to the project plan to minimize environmental impact of discharge.

4. CORPS (40 CFR 230.10) Disposal of Dredged or Fill Material

a. Restrictions of Discharge

1) No discharge of dredged of fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

2) No discharge of dredged or fill material shall be permitted if it:

a. Causes or contributes to violations of any applicable state water quality standard;

b. Violates any applicable toxic effluent standards;

c. Conflicts with the Endangered Species Act;

d. Violates requirements in the Marine Protection Research and Sanctuaries.

3) No discharge of dredged or fill material will be permitted that causes or contributes to significant degradation of waters of the U.S. Effects contributing to significant degradation include:

a. Adverse effects on human health or welfare;

b. Adverse effects on life stages of aquatic life and wildlife;

c. Adverse effects on aquatic ecosystem diversity, productivity and stability;

d. Adverse effects on recreational, aesthetic and economic values.

4) No discharge of dredged or fill material will be permitted unless appropriate steps have

been taken to minimize adverse impacts of the discharge on the aquatic ecosystem.

5. CORPS (40 CFR 230.11) Disposal of Dredged or Fill Material

Permitting authority must document the potential short term and long term effects of a proposed discharged on the environment. The determination must include findings on:

a. Physical substrate;

b. Water circulation, fluctuation and salinity;

c. Suspended particulate/turbidity;

d. Contaminants;

e. Aquatic ecosystem and organisms;

f. Proposed disposal site;

g. Cumulative impacts; and

h. Secondary impacts.

6. EPA (40 CFR 231.(A) Disposal of Dredged or Fill Material

Prohibit or otherwise restrict a site whenever the discharge of dredged or fill material is having or will have an "unacceptable adverse effect" on municipal water supplies, shellfish beds and fishery areas, wildlife or recreational beds. And there is a showing that all the activity associated with the fill in necessary.

7. CORPS (33 CFR 320.4) Permits for Activities Affecting Navigational Waters

Required consideration for all Corps reviews of dams and dikes; structures; working, alteration or modification of navigable waters; construction of fixed structures on Outer Continental Shelf; discharges into waters of the United States; and ocean dumping.

1) Public interest review;

a) Extent of public and private need.

b) Alternative location and methods.

c) Public and private beneficial and detrimental effects.

d) Cumulative effects.

2) Wetlands;

a) Cumulative impacts;

b) No permit issued unless District Engineer concludes the benefits outweigh damage to wetland;

3) Applicant is urged to modify the proposal to eliminate or mitigate damage to resources;

4) Water quality

5) Historic, scenic and recreational values;

6) Effects on limits of the territorial sea;

7) Interference with adjacent properties or water resource projects.

8) Activities in marine sanctuaries

- No permit issued until applicant certifies that the activity is consistent with the purposes of Title III of the MPRSA.

9) Floodplains

8. CORPS (22 CFR 322.5) Permits for Activities Affecting Navigational Waters

a. Permits for structures or work in or affecting navigable waters of the United States as required under Section 10 of the Rivers and Harbors Act include:

1) Non-Federal Dredging for Navigation

Permittee must meet same conditions as federal dredging projects with respect to turbidity, water quality, containment of material, nature and location of approved spoil disposal areas, extent and period of dredging, and "other factors relating to protection of environmental and ecological values."

2) Structures for Small Boats

In the absence of overriding public interest, favorable consideration will generally be given to applicants from riparian owners for permits for piers, boat docks, moorings, platforms, and similar structures for small boats. Particular attention is given to prevent possible obstructions to navigation.

Cooperative or group facilities are encouraged.

3) Aids to Navigation

Must conform to U.S. Coast Guard requirements for marking, lighting, etc.

4) Canals and other Artificial Waterways Connected to Navigable Waters of U.S.

Canals or similar artificial waterways are subject to same regulations as other natural waterways of the U.S.

5) Power Transmission Lines

Section 10 permits are required for power transmission lines crossing navigable waters. Regulations prescribe minimum clearance.

9) CORPS (33 CFR [sic] 323.4) Permits for Activities Affecting Navigational Waters

a. Management practices that should be followed to the "maximum extent practicable" in the discharge of permitted dredged or fill materials.

1) Discharges of dredged or fill material should be avoided or minimized through the use of practical alternatives;

2) Discharges in spawning areas during spawning season should be avoided;

3) Discharges should not restrict or impede the movement of aquatic species;

4) Should minimize impacts from impoundments;

5) Wetland discharges should be avoided;

6) Heavy equipment in wetlands should be placed on mats;

7) Discharges into breeding and nesting areas for migratory waterfowl should be avoided; and

8) All temporary fills should be removed in their entirety.

10. CORPS (22 CFR 323.4-2) Permits for Activities Affecting Navigational Waters

a. Provided conditions in "B" below are met, permitted discharges include:

1) Non-tidal rivers, streams and their impoundments including adjacent wetlands that are located above the headwater;

2) Natural lakes, including their adjacent wetlands, that are less than 10 acres in surface area and that are fed or drained by a river or stream above the headwaters. In the absence of adjacent wetlands, the surface areas of a lake shall be determined at the ordinary high water mark;

3) Natural lakes, including their adjacent wetlands, that are less than 10 acres in surface area and not a part of a surface river or stream. In the absence of adjacent wetland, the surface area of a lake shall be determined at the ordinary high water mark; and

4) Other than non-tidal waters of the United States other than isolated lakes larger than 10 acres (see 3) above) that are not part of a surface tributary system to interstate waters or navigable waters of the United States (see Sub-section 323.2(a)(5)).

b. For purposes of Section 404, the following conditions must be satisfied for any discharge of dredged or fill material in waters described above:

1) That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species;

2) That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;

3) That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and

4) That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State Wild and Scenic River System.

11. CORPS (33 CFR 325.9) Permits for Activities Affecting Navigational Waters

District Engineers will assure that authorized activities are conducted and executed in conformance with approved plans and other conditions of the permits.

12. CORPS OF ENGINEERS (33 CFR 320.4 (C)) Permits for Activities Affecting Navigable Waters

"The applicant will be urged to modify his proposal to eliminate or mitigate any damage to (wildlife) resources and, in appropriate cases, the permit may be conditioned to accomplish this purpose."

13. U.S. FISH AND WILDLIFE SERVICE/NMFS (40FR 231 5.2.A. (4)) Fish and Wildlife Coordination Act

"Non-water dependent structures, facilities, or activities generally will be considered by the Service to be unacceptable uses of the public waters unless it has been demonstrated that the proposed use is required in the public interest...and no alternative site mutually acceptable to the Service and the applicant is available. Although in many cases a restaurant, motel, trailer park, golf course, or other service facility may be more attractive to its customers if it has water frontage, this attraction does not necessarily require encroachment into navigable waters and wetlands. A set-back location that preserve public access to the water usually can provide as good or better water view, assure greater safety from storm hazards, and otherwise accord more fully with both the private and public interest."

14. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231.4.1.B(2))

"...wetlands and shallow water habitats have such high ecological and social values as to admit their destruction or degradation only when there is no question that the public interest demands it."

15. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 2.2.B(1)(b)) Fish and Wildlife Coordination Act

"The Service, through taking of every appropriate, useful action, has the following long-range objective...Ensuring that all authorized works, structures, and activities are (1) judged to be the least ecologically damaging alternative or combination of alternatives (e.g., all appropriate means have been adopted to minimize environmental losses and degradation..." (40 FR 231 2.1 C.). For water-dependent works "The service usually recommends that the site occupied involves the least loss of area on the least valuable of the alternative sites..."

16. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 3.1 (B(2)) Fish and Wildlife Coordination Act

"It is the Service position that it is proper to assess the total impact of the total development, including any part to be located on uplands and any secondary effects."

"The totality of existing and projected cumulative impact of all developments affecting a waterway or group of related waterways and the dependent resources thereof also must be considered."

17. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 5.2A(6)) Fish and Wildlife Coordination Act

"The Service will object to or request denial or Federal permit for any proposed project not properly designed or located to avoid preventable significant damages to fish, wildlife, and/or other environmental values."

18. U.S. FISH AND WILDLIFE SERVICE/NMFS (40 FR 231 5.31(1)) Fish and Wildlife Coordination Act

Regarding excavation and filling, "any permits issued ...will be recommended to be conditioned to prohibit activities in fish and wildlife nursery areas and during periods of migration, spawning, and nesting activity."

19. U.S. FISH AND WILDLIFE SERVICE (46 FR 15) Mitigation Rules

In January, 1981 the USFWS promulgated regulations for mitigating the adverse impacts of land and water developments on fish, wildlife, their habitats and uses thereof.

USFWS recommends mitigation programs consistent with fish and wildlife resource values, Resource Category 1, who's [sic] goal is "no loss of existing habitat value" is consistent with mitigation language in Goal 16.

20. DSL (ORS 541.625) Fill and Removal Law

a. The Director shall issue a permit if he determines the removal will not be inconsistent with the protection, conservation and best use of the water resource.

b. The Director shall issue a permit if it would not interfere with state policy to reserve waters for navigation, fishing and public recreation.

21. DSL (ORS 541.625(2)(a-e)) Fill and Removal Law

a. Director shall consider

1) Public need

2) Conservation, public health and safety

3) Conforms with existing public uses

4) Consistency with land use

5) Whether for stream bank protection

22. DSL (ORS 541.626) Fill and Removal Law

The Director shall require mitigation as a condition of any permit for filling or removal of intertidal marsh.

23. ODFW (ORS 496.012) Wildlife Policy

Manage wildlife to provide the optimum recreational and aesthetic benefits by:

a. Maintaining all species of wildlife;

b. Developing and managing lands and waters in a way that will enhance production and public enjoyment of wildlife;

c. Permit orderly and equitable utilization of available wildlife;

d. Develop and maintain public access;

e. Regulate wildlife populations compatible with primary uses and public use.

24. ODFW (ORS 506.036) Jurisdiction of Fish and Wildlife Commission

The Commission has exclusive jurisdiction over all fish, shellfish and all other animals living intertidally on the bottom, within the waters of this state.

The Commission also has the duty of protection, preservation, propagation, cultivation, development and promotion of all fish under its jurisdiction in state waters.

25. ODFW (ORS 506.109) Food Fish Management Policy

Manage food fish for optimum economic, commercial, recreational and aesthetic benefits by:

a. Maintaining them at optimum levels;

b. Developing and managing lands and waters for optimum use;

c. Permitting optimum and equitable use;

d. Developing and maintaining access;

e. Regulating populations;

f. Preserving fishing industry with sound management policies.

26. ODFW (ORS 509.505) Placing Inwater Matter Injurious to Shellfish

It is illegal for any person, municipal corporation, political subdivision or governmental agency to deposit or allow to escape into, or cause or permit to be deposited or escape into any public waters of this state, any substance of any kind which will or shall in any manner injuriously affect the life, growth or flavor of shellfish in or under such waters.

SILETZ BAY

Dredging Needs

Dredging activities in Siletz Bay have occurred in several locations in the past, including the Taft area and the Siletz Keys-Kernville area. Dredge spoils have been disposed of in several locations, including wetland areas at Siletz Keys. No dredging activities have been accomplished in the bay during the last eight years. One permit for maintenance dredging has been authorized for the Siletz Keys channels which involves removal of shoal areas in the man-made channels. This project involved the one-time removal of approximately 4,000 cubic yards of silt material. To date, this work has not been accomplished.

Operators in the Kernville area indicate that natural scouring has maintained adequate water depths for the current recreational moorages, and no maintenance dredging activities are anticipated in the forseeable future.

No new projects have been proposed or are anticipated in Siletz Bay which would require significant amounts of dredging. There are no federally authorized projects in the Siletz, and the possibility that any such projects will be considered during the planning period appears remote.

Disposal Sites

Sites 1 and 2 - Siletz Keys

Location: These sites are located on previously filled wetland areas adjacent to the Siletz Keys subdivision. The sites are located on property identified as tax lot 101 (site 1) and tax lot 100 (site 2) on Assessor's Map 8-11-30.

Size: Site 1 is 300' x 200'; Site 2 is approximately 100' x 200'.

Capacity: Approximately 15,000 cubic yards at 5 feet, uncompacted.

Physical and Biological Characteristics: These sites are vacant portions of lands created by the Siletz Keys landfill in the late 1960's. The land is generally level at site 1; site 2 is a low area surrounded by earthen dikes. Vegetation consists of scotch broom, lupine and other grasses and shrubs. Small birds and small mammals likely use the areas, and some waterfowl may use areas of site 2 during the winter months.

Zoning: R-1 (single-family residential)

Plan Designation: Suburban residential.

Ownership: Louise Calkins and Herbert Palmberg

Method of Dredging and Filling: Clamshell dredge and truck hauling.

Design Criteria: Site 1 is a relatively flat site, and dikes would need to be constructed with on site material to contain the spoils. Site 2 is a low area with existing dikes which are adequate to contain dredged material.

Environmental Constraints: These sites are both located on previously filled wetland areas. Some habitat for small mammals and birds will be lost if these areas are filled with dredged material, though if the sites are re-vegetated, this habitat could be re-established. These sites are adjacent to estuarine tidal marsh areas, so care must be taken to adequately contain spoils and properly site outfalls to avoid any adverse impacts on these wetlands.

APPENDIX A: DEFINITIONS

ACTIVE RESTORATION: The use of specific remedial action such as removing fills, breaching dikes, removing tidegates etc. to restore or replace original estuarine attributes. (see RESTORATION)

AQUACULTURE: The raising, feeding, planting and harvesting of fish, shellfish, or marine plants, including facilities necessary to engage in the use.

BENTHIC: Living on or within the bottom sediments in water bodies.

BOAT LAUNCHING: A facility designed for the launch, take out and/or tie up of recreational or smaller commercial craft. Such use may include commercial, public or individual private facilities. Boat launching does not include large scale marine railway facilities designed for marine industrial boat building and repair facilities.

BREAKWATER: A barrier, sometimes connected to the shore at one or both ends to break the force of waves. Used to protect harbors and marinas, breakwaters may be constructed of rock piling, concrete or may be floating structures.

BRIDGE CROSSING: A structure spanning a waterway designed to carry automobile, railroad and/or pedestrian traffic across the waterway. Maintenance or replacement of bridge crossings means repair, restoration, or in-kind replacement of a bridge such that the number of travel lanes is not increased.

CONDITIONAL: Refers to a use which may be permitted only after a case-by-case review and local conditional use approval has been granted. (See PART IV)

CONSERVE: To manage in a manner which avoids wasteful or destructive use and provides for future availability.

DIKE: An earthen embankment or ridge constructed to restrain high waters.

DOCK: A fixed or floating decked structure against which a boat may be berthed.

DOLPHIN: A group of piles driven together and tied together so that the group is capable of withstanding lateral forces from vessels or other objects.

DREDGED MATERIAL DISPOSAL: The deposition of dredged material in shorelands or estuarine areas.

DREDGING: The removal of sediment or other material from a water body, usually for the purpose of deepening a channel, mooring basin or other navigation area.

ESTUARY: A semi-enclosed body of water connected with the ocean and within which fresh and salt water mix. The estuary includes (a) estuarine water; (b) intertidal lands; © sub-tidal lands; and (d) tidal marshes. Estuaries extend upstream to the head of tide; their landward extent is Mean Higher High Water or the line of non-aquatic vegetation.

EXCAVATION: Excavation of shoreland to create new estuarine surface area directly connected to other estuarine waters.

FILL: The placement of material in estuarine areas to create new shoreland area or raise the elevation of land.

GROIN: A shore protection structure (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shoreline. Generally constructed of rock or other solid material.

INTERTIDAL: The area between mean lower low water and mean higher high water.

JETTY: An artificial barrier used to change littoral drift to protect inlet entrances from sedimentation and to direct and confine the stream of tidal flow. Usually constructed at the mouth of a river or estuary to help deepen and stabilize a channel.

MANAGEMENT UNIT: A discrete geographic area, defined by biophysical characteristics and features, within which certain uses and activities are promoted, encouraged and protected and others are discouraged, restricted or prohibited.

MARINA: A small harbor, boat basin or moorage facility providing dockage for recreational craft.

MEAN HIGHER HIGH WATER: The average of the higher high waters over a 19 year period.

MEAN LOWER LOW WATER: The average of the lower low waters a 19 year period.

MINERAL AND AGGREGATE EXTRACTION: The removal for economic use of minerals, petroleum resources, sand, gravel or other materials from the estuary.

MITIGATION: The creation, enhancement, or restoration of an estuarine area to maintain the functional characteristics of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality. (See PART VIII)

NOT ALLOWED: Refers to a use or activity which is not permitted. Can only be permitted upon adoption of a plan amendment.

OUTFALLS: An outlet through which materials are discharged into the estuary. Outfalls

include sanitary (sewer) discharges, storm drainage facilities, and other industrial waste discharges.

PASSIVE RESTORATION: The use of natural processes, sequences or timing to bring about restoration after removal or reduction of adverse stresses. (See Restoration)

PERMITTED WITH STANDARDS: Refers to a use which is permitted as consistent with the purpose and management objective of the management unit. Permitted uses must conform to the Estuarine Use Standards set forth in the plan.

PIER: A structure extending into the water from solid land generally to afford passage for persons or goods to or from vessels, but sometimes to provide recreational access to the estuary.

PILING: A long, slender stake or structural element of steel, concrete or timber which is drive, jetted or otherwise embedded into the bed of the estuary for the purpose of supporting a load.

PORT FACILITIES: Facilities which accommodate and support commercial fishery and navigation activities, including terminals and boat basins and moorage for commercial vessels, barges and oceangoing ships.

PRESERVE: To save from change or loss and reserve for a special purpose.

PROTECT: Save or shield from loss and reserve for a special purpose.

RESOURCE CAPABILITY: The ability of a natural resource site to be physically, chemically or biologically altered, or otherwise assimilate an external use, and still fulfill its estuarine resource role as stated in management objective of the individual management unit and the definition of the management classification in which it is located.

RESTORATION: Revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, which have been diminished or lost by past alterations, activities or catastrophic events.

RIPARIAN: Of, pertaining to or situated on the bank of a river or other body of water.

SHORELANDS: The area adjacent to the estuary and its wetlands. The lower boundary of the shorelands is Mean Higher High Water or the line of non-aquatic vegetation; the upper boundary is the shorelands boundary, which is established on the basis of a number of inventory characteristics. Shorelands extend upstream to the head of tide. (See PART VII)

SHORELINE STABILIZATION: The stabilization or protection from erosion of the banks of

a waterway by vegetative or structural means.

SUBMERGED CROSSINGS: Power, telephone, water, sewer, gas or other transmission lines which are constructed beneath estuarine waters, usually by embedding into the bottom of the estuary.

SUB-TIDAL: Below the level of mean lower low water.

TIDAL MARSH: Estuarine wetlands from the line of non-aquatic vegetation down to the end of vegetated flats, which is approximately the lower high water level.

WATER DEPENDENT: A use or activity that can only be carried out on, or in adjacent to the water because the use physically or economically requires access to the water body for water borne transportation, recreation, energy production or source of water. Non-water dependent accessory uses may be permitted in conjunction with a primary water dependent use. In general, such non-water dependent uses should not exceed 10% of the total area of the use. Variations to this standard may be permitted if it is found that additional area is required for non-water dependent uses essential to the functioning of the primary water dependent use(s).

Examples of water dependent uses include, but are not necessarily limited to:

Marinas
Aquaculture
Marine ways
Seafood processing plants
Marine shopping terminals
Charter boat operations
Marine fuel sales

WATER RELATED: A water related use is:

a. a use which derives a cost savings advantage (not associated with land costs or rent) from a location on or near the water; or

b. a use whose location on or near the water is essential to the functioning of adjacent water dependent uses

Examples of water related uses include, but are not necessarily limited to:

Marine supply sales
Bait and tackle shop
Commercial fishing gear storage

Seafood markets

WATER HANDLING OF LOGS: The combined process of log dumping, storage transportation, millside handling and takeout as logs are placed into the water and moved to a final processing site.

WHARF: A structure built alongside a waterway for the purpose of receipt, discharge and storage of goods and merchandise from vessels.

ORDINANCE NO. 2004 - 05

AN ORDINANCE AMENDING NATURAL RESOURCE SIGNIFICANCE DETERMINATIONS, AMENDING SECTION 3.111 OF THE ZONING ORDINANCE RELATING TO THE NATURAL RESOURCE OVERLAY ZONE, AMENDING SECTION 3.112 OF THE ZONING ORDINANCE RELATING TO NATURAL HAZARDS, BEACHES AND DUNES, AMENDING SECTION 3.113 OF THE ZONING ORDINANCE RELATING TO AESTHETIC, HISTORIC AND ARCHAEOLOGICAL SITES, AND AMENDING THE COMPREHENSIVE PLAN TEXT, ALL IN FULFILLMENT OF PERIODIC REVIEW WORK TASKS RELATED TO STATEWIDE PLANNING GOALS 5 AND 17

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The City Council finds:

A. On November 27, 2000 the City Council adopted Ordinances #2000-10 and 2000-11, establishing in the Zoning Ordinance Section 3.111, Natural Resource Overlay Zone, Section 3.112, Natural Hazards, Beaches and Dunes, and Section 3.113, Aesthetic, Historic, and Archaeological Resources, adopting Natural Resource Inventories, adopting Natural Resource Significance Determinations, amending the Comprehensive Plan text and map, and amending the Zoning map.

B. Ordinances #2000-10 and #2000-11 were adopted as a part of the City's Periodic Review Work Program Task VII as required by ORS 197.628.

C. After adoption of Ordinances #2000-10 and #2000-11 the City submitted them to the Department of Land Conservation and Development for approval under the City's Periodic Review Work Program.

D. A number of objections to the ordinances were filed with the Department of Land Conservation and Development.

E. The Department of Land Conservation and Development upheld the objections in several respects and remanded the matter to the City with instructions to amend the provisions of the ordinance in several respects.

F. The Planning Commission, following duly mailed and published notice, held a public hearing on December 2 and 16, 2003, during which the Commission considered adoption of amendments to comply with the Department of Land Conservation and Development's requirements. At the conclusion of the hearing, the Commission voted to recommend adoption of the proposed amendments to the City Council.

G. The City duly notified the Oregon Department of Land Conservation and Development of its consideration of the proposed amendments.

H. The City Council held a public hearing on February 9, 2004 and March 8, 2004 during which the Council considered adoption of the amendments transmitted to it by the Planning Commission.

Section 2. The Natural Resource Significance Determinations adopted by Ordinance 2000-10 are amended as follows:

A. Agnes Creek on the *Lincoln City Significant Wildlife Habitat Inventory and Analysis* is designated Significant Wildlife Habitat.

B. Site #56b on the *Lincoln City Riparian Inventory and Analysis* is designated a Significant Riparian Area.

C. Site #DEL-10D on the *Local Wetlands Inventory* is designated a Significant Wetland.

Section 3. Section 3.111 of the Zoning Ordinance hereby is amended as follows:

A. By amending Section 3.111(2)(h) to read as follows:

"RIPARIAN AREA, SIGNIFICANT: A riparian area that is shown as significant on the Significant Natural Resources Maps in the Comprehensive Plan."

B. By deleting Section 3.111(2)(i) and Section 3.111(2)(j) and renumbering subsequent parts of the ordinance accordingly.

C. By amending Section 3.111(2)(k) to read as follows:

"SIGNIFICANT NATURAL RESOURCE: Wetlands, Riparian Areas, and Wildlife Areas within the Urban Growth Boundary and shown on the Significant Natural Resource Maps in the Comprehensive Plan."

D. By amending Section 3.111(3)(c) to read as follows:

"Limitation on Extent of Significant Riparian Areas. The Significant Riparian Area extends a certain distance upland from the ordinary high water mark and includes everything within the area between the ordinary high water mark and the upper edge of the Significant Riparian Area, to a maximum distance of fifty feet. If the area of transition extends less than fifty feet from the ordinary high water mark then the Significant Riparian Area will be less than fifty feet in width. The Significant Riparian Area may be more than fifty feet if the Significant Riparian Area is adjacent to a Significant Wetland, in which case the maximum fifty-foot distance is to be measured from the upland edge of the wetland. If it is necessary, for purposes of an application, to determine the extent of a Significant Riparian Area, the property owner is responsible for having a qualified professional conduct a delineation to determine the Significant Riparian Area boundaries."

E. By changing the references to "Section 3.111(8)" in Section 3.111(4)(b)(i), Section 3.111(6), and Section 3.111(7) to read "Section 3.111(6)."

F. By revising Section 3.111(4)(b)(iii)(A) to read as follows:

"Replacement drainage facilities, utility facilities, domestic and irrigation water pumps, and minor facilities authorized by the Oregon Water Resources Department (such as stream gauges)."

G. By deleting Section 3.111(4)(b)(iii)(C) and renumbering subsequent parts of the ordinance accordingly.

H. By deleting Section 3.111(4)(b)(iii)(F) and renumbering subsequent parts of the ordinance accordingly.

I. By deleting Section 3.111(4)(b)(iii)(H) and renumbering subsequent parts of the ordinance accordingly.

J. By adding a new Section 3.111(6) to read as follows and renumbering subsequent parts of the ordinance accordingly:

"(6) Natural Resources Development Variance. A variance must be granted per the provisions of Article 8 for all permitted uses not specified in Section 3.111(4), prior to any development occurring within the Natural Resource Overlay Zone. The Planning Commission must determine that the variance request meets all the following criteria in addition to those found in Section 8.020.

(i) Strict adherence to the Natural Resource Overlay Zone standards would effectively preclude a use of the lot or parcel that reasonably could be expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of the landowners in the vicinity; and

(ii) The variance requested, of the possible variances necessary to create a buildable area outside of the Natural Resource Overlay Zone, has the least impact to the natural resource functions; and

(iii) The proposed development, including actions to mitigate impacts to natural resource functions, can be accommodated without substantial negative impact to the applicable natural resource functions.

"(a) Development Guidelines: Variances for proposed development within the Natural Resource Overlay Zone will be considered only when the following development guidelines are met:

(i) The yard setback opposite the Natural Resource area may be reduced by up to one-half of the standard setback, but not to less than three feet.

(ii) The allowed reduction must be the minimum necessary to site the proposed use. At most, exclusions may be reduced to create a buildable area of no more than 1,750 square feet."

K. By deleting Section 3.111(8) and renumbering subsequent parts of the ordinance accordingly.

Section 4. Section 3.112 of the Zoning Ordinance hereby is amended as follows:

A. By amending Section 3.112(2)(e) to read as follows:

"If structures to protect shore lands, beaches and dunes, or flood areas are proposed, Comprehensive Plan "Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources" Policies 7, 8, 9, 21 and 22 also apply."

B. By amending Section 3.112(3)(b) to read as follows:

"Development, except for rip-rap protective structures and natural means of ocean beach protection, in ocean beach and dune areas will be permitted only if the development predictably can be designed so that there will be no significant adverse impacts on the site and on adjacent properties from geologic hazards, wind erosion, and water erosion caused by ocean flooding and storm waves, and is consistent with the requirements of Shoreland Policy 8."

C. By amending Section 3.112(3)(b) to read as follows:

"Grading and breaching of fore-dunes is prohibited."

Section 5. Section 3.113 of the Zoning Ordinance hereby is amended as follows:

A. By amending Section 3.113(3)(e) to read as follows:

"The demolition and the extensive alteration of the exterior facade of a structure identified as historical under Oregon State statutes shall not occur without a public hearing to encourage the protection of the structure. No demolition or alteration shall occur until 120 days after the conclusion of the hearing. During the 120-day period, the City shall through public and private efforts, seek to save the structure. At the termination of the 120-day period if the public or private efforts are not successful in saving the structure, demolition and alteration can occur without further notice."

Section 6. The Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Goal of the Lincoln City Comprehensive Plan hereby is amended as follows:

A. By amending Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Policies 5 to read as follows:

"Existing public ownerships, rights-of-way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged, or transferred. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained."

B. By amending Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Policies 9 to read as follows:

"Development in a coastal bluff or dune area shall be permitted only if the geotechnical analysis can demonstrate that the development can be designed to minimize adverse environmental impacts on the site and on adjacent properties by providing protection from geologic hazards, wind erosions, and water erosion caused by ocean flooding and storm waves, and is consistent with the requirements of Shorelands Policies 8, 21, and 22."

C. By deleting Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Policies 16 and renumbering subsequent parts of the plan accordingly.

D. By deleting Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Policies 18 and renumbering subsequent parts of the plan accordingly.

E. By deleting Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources Policies 24 and renumbering subsequent parts of the plan accordingly.

Section 7. The Natural Resource Overlay Zone Map hereby is amended by deleting all riparian areas other than those designated "significant."

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of March, 2004.

Lori Hollingsworth
LORI HOLLINGSWORTH, MAYOR

ATTEST:

Oneita McCalman
ONEITA MCCALMAN, CITY RECORDER

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN TO ADD A TRANSPORTATION POLICY ENABLING CONTINUED DEVELOPMENT OF THE US 101: SE 16TH – SE 36TH STREET PROJECT IDENTIFIED IN THE OREGON DEPARTMENT OF TRANSPORTATION STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (ODOT STIP); AND AMENDING ORDINANCE NO. 84-01 (AS AMENDED)

THE CITY OF LINCOLN CITY FINDS THAT:

A. The Oregon Department of Land Conservation and Development was notified of the proposed amendment on September 30, 2011; and

B. The Planning Commission considered this matter at an open meeting on October 18, 2011, and recommended approval; and

C. The City Council held a duly-noticed public hearing on amendment of the Comprehensive Plan on November 14, 2011; and

D. The proposed Comprehensive Plan text amendment conforms to and is consistent with the City's *Comprehensive Plan* Policies and Statewide Planning Goals for the reasons set forth in Exhibit "A"; and

E. The proposed Comprehensive Plan text amendment is consistent with all applicable provisions of the Zoning Ordinance including, but not limited to, required initiation, processing and noticing requirements.

NOW, THEREFORE, THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan of Lincoln City is hereby amended to add the following policy to the Transportation Goal:

> "Lincoln City supports constructing a highway improvement project on US 101 in the segment between approximately SE 16th and SE 36th Streets as provided for by the funding identified in the Oregon Department of Transportation's 2010-2013 Statewide Transportation Improvement Program (STIP). This project is intended to restore capacity and reduce congestion by reducing conflicts between vehicles traveling through this segment of US 101 and those turning onto and off of the highway. The project is also intended to improve bicycle and pedestrian facilities along this segment of US 101, but it will not add new travel lanes to US 101 other than a center turn lane. Based on current traffic volumes, traffic volume forecasts, and current Oregon Highway Plan Mobility Standards, this segment of US 101 will need additional travel lanes in the future. However, funding is not available at this time to construct additional through travel lanes. Developing additional capacity on US 101 will only occur through a collaborative process between

Lincoln City and ODOT and reaching mutual agreement about funding and design issues."

Section 2. The Findings Related to Goals stated in Exhibit A, attached hereto and incorporated by reference as if fully set forth, are adopted in support of this ordinance.

Section 3. To the extent possible, this ordinance shall be construed and interpreted in such a way as to give effect to all its provisions.

Section 4. The City Council delegates to the City Recorder the authority to make any required corrections due to scrivener's errors, including but not limited to cross-references.

Section 5. If any portion of this ordinance is determined invalid by a court of competent jurisdiction, with all appeal rights exhausted or the time for appeal having expired, then the invalid portion shall be deemed severed from this ordinance and the remainder shall continue in full force and effect.

Section 6. This ordinance shall take effect thirty (30) days from the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14th day of November 2011.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

Attachments:
Exhibit A: Findings Related to Goals

ORDINANCE NO. 2011-15
EXHIBIT A

FINDINGS RELATING TO CONFORMITY WITH THE STATEWIDE PLANNING GOALS AND THE LINCOLN CITY COMPREHENSIVE PLAN

CPA 2011-03
CITY OF LINCOLN CITY

A. Statewide Planning Goals

This section describes the specific Statewide Planning Goals that are applicable to the specific amendment proposed here. The other Statewide Planning Goals are not applicable to this proposal.

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to this proposal were made available for public review and purchase. Staff was available to interpret and explain the technical information. Hearing notice was published in the local paper in accordance with notice requirements. The amendment is consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, were adopted by the City Council of Lincoln City after public hearing and have been reviewed on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. The proposal is to change the Lincoln City Comprehensive Plan according to the process and based on the criteria provided in the Municipal Code.

(3) Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will

provide expanded opportunity for new business and jobs. The proposed policy encourages improvement of the highway. The stretch of highway adjoins areas with commercial and industrial zoning, including substantial areas of undeveloped land. Improving the highway will improve access to these properties and thereby help to promote economic development. The proposed policy is consistent, therefore, with Goal 9.

(4) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will reduce congestion by increasing capacity and therefore will make this stretch of highway more orderly and efficient. The proposed policy encourages improvement of the highway. Therefore, the amendments are consistent with Goal 11.

(5) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will reduce congestion by increasing capacity and therefore will make this stretch of highway safer and more convenient. The proposed policy encourages improvement of the highway. Therefore the proposed amendment is consistent with Goal 12.

B. Comprehensive Plan Goals

This section describes the specific Comprehensive Plan goals that are applicable to the specific amendment proposed here. The other Comprehensive Plan goals are not applicable to this proposal.

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of this application in accordance with the Lincoln

City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the application by the City Council (a citizen board), establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment the area and serve as a framework for urban and rural development."

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will reduce congestion by increasing capacity and therefore will make this stretch of highway more orderly and efficient. The proposed policy encourages improvement of the highway. The proposed amendment is consistent with the goal.

(4) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Much of this traffic comes from tourism. Improving this stretch of highway will help to make the city more attractive to tourists. The proposed policy encourages improvement of the highway. The proposed amendment is consistent with the goal.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The stretch of Highway 101 referred to in the proposed policy frequently is congested to such an extent that people are reluctant to use it. Improving this stretch of highway will reduce congestion by increasing capacity and therefore will make this stretch of highway safer and more convenient. The proposed policy encourages improvement of the highway. The proposed amendment is consistent with the goal.

ORDINANCE NO. 2012-08

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN TO UPDATE TEXT AND POLICIES RELATING TO NATURAL HAZARDS; AND AMENDING ORDINANCE NO. 84-01 (AS AMENDED)

THE CITY OF LINCOLN CITY FINDS THAT:

A. Lincoln City notified the Oregon Department of Land Conservation and Development of the proposed amendment on July 3, 2012; and

B. The Planning Commission considered this matter at an open meeting on August 21, 2012, and recommended approval; and

C. The City Council held a duly-noticed public hearing on amendment of the Comprehensive Plan on August 27, 2012; and

D. The proposed Comprehensive Plan text amendment conforms to and is consistent with the City's *Comprehensive Plan* Policies and Statewide Planning Goals for the reasons set forth in Exhibit "A"; and

E. The proposed Comprehensive Plan text amendment is consistent with all applicable provisions of the Zoning Ordinance including, but not limited to, required initiation, processing and noticing requirements.

NOW, THEREFORE, THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan of Lincoln City is hereby amended to update the Natural Hazards Goal, as follows:

NATURAL HAZARD

The Oregon Coast can be a treacherous environment in which to reside or invest. Active environmental and geological constraints as well as severe winter storms create situations hazardous to persons and property.

RNKR, Associates, Corvallis, Oregon in their work Environment Hazards, Coastal Lincoln County, Oregon, 1979 identified a wide range of hazards. The complete RNKR study and detail map are available at City Hall for inspection and review. Because the city can no longer verify the accuracy of this study and map, the information is advisory only and not a basis for requiring geotechnical analysis or mitigation. The city recommends that developers seek professional advice in developing properties shown on the map as being prone to these natural hazards.

Priest, G. R., and Allan, J. C., 2004, *Evaluation of coastal erosion hazard zones along dune and bluff backed shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County* (Oregon Department of Geology and Mineral Industries, Open-File Report O-04-09) identifies high, moderate, and low coastal erosion hazards associated with

oceanfront properties. In some instances, building in coastal erosion zones can be acceptable through the employment of certain safety precautions. The city requires a report, as required in the Lincoln City Municipal Code, to determine these precautions prior to development.

CONCLUSION:
Areas in Lincoln City that are vulnerable to natural hazards require analysis and precautions prior to development to protect life and property. The City requires geotechnical analysis and allows development within coastal erosion zones defined by Priest, G. R., and Allan, J. C., 2004, if adequate protective measures can prevent or minimize damage. The city recommends, but does not require that developers seek professional advice prior to working in hazard areas indicated on the RNKR map.

Natural Hazard Goal

The City shall control development in hazardous areas to protect life and property from natural disasters and hazards.

Natural Hazard Policies:

1. Developments of all types in coastal erosion hazard zones, except for minor projects, beachfront protective structures, and natural means of beach protection, shall not occur until a qualified engineering geologist completes a review. The municipal code defines exempt projects and requirements for geotechnical review.

2. Development in coastal erosion hazard zones shall comply with the recommendations of a qualified engineering geologist, and if required by the building code, a structural engineer.

3. The city recommends that developers of property shown in hazard areas identified by RNKR, Associates, Corvallis, Oregon in their work Environment Hazards, Coastal Lincoln County, Oregon, 1979 seek and follow professional advice regarding the hazard and mitigation, including:
    a. the degree the hazard affects the use in question;
    b. recommended method(s) to minimize the potential losses associated with the hazard;
    c. the environmental consequences the development will have on surrounding properties.

3.The city defers to the State of Oregon for regulating structures to protect shorelands, beaches, and dunes or flood areas. Shoreland Policies 4, 22, and 23 apply.

Section 2. The Findings Related to Goals stated in Exhibit A, attached hereto and incorporated by reference as if fully set forth, are adopted in support of this ordinance.

Section 3. To the extent possible, this ordinance shall be construed and interpreted in such a way as to give effect to all its provisions.

Section 4. The City Council delegates to the City Recorder the authority to make any required corrections due to scrivener's errors, including but not limited to cross-references.

Section 5. If any portion of this ordinance is determined invalid by a court of competent jurisdiction, with all appeal rights exhausted or the time for appeal having expired, then the invalid portion shall be deemed severed from this ordinance and the remainder shall continue in full force and effect.

Section 6. This ordinance shall take effect thirty (30) days from the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of Sept. 2012.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

Attachments:
Exhibit A: Findings Related to Goals

ORDINANCES 2012-08 AND 2012-09
PROVISIONS RELATING TO DEVELOPMENT
IN NATURAL HAZARD AREAS

EXHIBIT A

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to this proposal were made available for public review and purchase. Staff was available to interpret and explain the technical information. The city sent notice to all affected property owners regarding the public hearings on the proposed zoning ordinance amendments and the local newspaper published hearing notices in accordance with notice requirements. The amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered amendment to Chapter 17.47 of the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Both the Comprehensive Plan goals and policies and the municipal code are being amended to ensure consistency with regards to these changes. The amendments are consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendments is located within the city's urban growth boundary. The area currently is designated and zoned for urban development. No agricultural lands will be affected by the amendment. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed zoning ordinance amendment is located within the city's urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The amendments allow exemptions for inconsequential activities in coastal erosion hazard areas; however, as revised the ordinances retain the new requirements from the previous natural hazards zoning ordinance amendment and reinforce them by adding them to the comprehensive plan policies. The amendments, consequently, help to preserve the bluff, which is an important natural, scenic, and historic resource, and which adjoins the significant open space of the beach. The amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

Although the amendments remove the requirement for geotechnical analysis based on hazards identified in the RNKR Associates, 1978 study, the ordinance continues to reference the study and recommends developers seek professional advice for properties near the indicated hazards. The amendments allow exceptions to the regulations for inconsequential development and remove the obligation for the developer to bear all costs in the review of required geotechnical reports. The amendments retain and make part of the comprehensive plan policies the requirements for bluff setback and geotechnical reports for properties subject to coastal erosion. They, therefore, are consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

Amendments update Chapter 17.47 to clarify regulations regarding how hazards are defined and which hazards require geo-technical reports for development. Although the amendments remove the requirement for geotechnical analysis based on hazards identified in the RNKR Associates, 1978 study, the ordinance continues to reference the study and recommends developers seek professional advice for properties near the indicated hazards. The amendments allow exceptions to the regulations for inconsequential development and remove the obligation for the developer to bear all costs in the review of required geotechnical reports. These amendments to the city's regulation of natural hazards, beaches, and dunes retain the requirements for bluff setback and geotechnical reports for properties subject to coastal erosion, focusing regulations where needed. The comprehensive plan amendment incorporates changes from this and the previous zoning code amendment into the natural hazard policies. The amendments, therefore, are consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The bluff, beaches, and dunes provide unique active and passive recreation opportunities for Lincoln City residents and millions of tourists. The amendments continue regulation and protection of bluff, beaches, and dunes, therefore, are consistent with Goal 8.

Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

Protecting people and property from natural hazards and preserving the bluff, beaches, and dunes are all important to the Lincoln City economy. The amendments allow exemptions from the ordinance for minor, inconsequential development and ensure the city is not requiring geotechnical analysis unnecessarily. The amendments to update the comprehensive plan and strengthen Chapter 47, therefore, are consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

By identifying hazards and requiring geo-technical reports for residential properties in hazard zones, the amendments promote safe and sound housing. The amendments allow exemptions from the ordinance for minor, inconsequential improvements to housing and ensure the city is not requiring geotechnical analysis unnecessarily. The amendments, therefore, are consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

Regulations that protect people and property from natural hazards also protect public infrastructure. Public infrastructure (e.g. streets and utility lines) is exempt from the ordinance requirements to allow for repair and reconstruction of existing services, as necessary. The amendments, therefore, are consistent with Goal 11.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

Regulations that protect people and property from natural hazards also protect public infrastructure. The amendments exempt maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the previously disturbed area. The amendments, therefore, are consistent with Goal 12.

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendments have no direct impact on use or conservation of energy, or on the land use, to the extent that development is deemed appropriate and safe by site specific geo-technical analysis. The amendments, therefore, are consistent with Goal 13.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The amendments have no direct impact on the land use, except that they clarify and provide exemptions to requirements for development in hazard zones. The amendments, therefore, are consistent with Goal 14.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The amendments clarify and update regulations on areas adjacent to a designated estuarine resource (i.e., Siletz Bay). The exemptions to ordinance requirements are for minor, inconsequential development. The amendments, therefore, are consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. The shorelands include some areas prone to hazards. The amendment to the comprehensive plan more accurately delineates hazard areas, by referencing the 2004 Priest and Allan study and making the RNKR data advisory only. The amendment to the zoning ordinance ensures the regulations are based on the best data available and are reasonable and enforceable. The amendments strengthen the ordinance, and therefore, are consistent with Goal 17.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to

human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendments retain the stringent Goal 18 restrictions for development of beaches and dunes, and clarify where they apply. The amendments are consistent with Goal 18.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The amendments strengthen regulations for hazard areas adjoining the ocean and, therefore, are consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which compliment the area and serve as a framework for urban and rural development."

Public services and utilities generally are in place already in the areas affected by this ordinance. The amendments exempt repair and reconstruction of streets and utilities from the regulations. The amendments are consistent with this goal.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The amendments do not affect land use, other than ensuring that development in areas of natural hazards complies with recommendations based on site specific geo-technical reports. The amendments are consistent with this goal.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The comprehensive plan amendment clarifies hazard areas based on best available data. The zoning ordinance amendment allows exemptions for inconsequential activities, ensuring that the ordinance is reasonable and enforceable. The amendments retain recent changes to the zoning ordinance that protect life and property by requiring site-specific geo-technical analysis and recommendations for development of properties in areas of natural hazards, and by restricting development in inappropriate areas (e.g., beaches and active dunes). The amendments are consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

By identifying hazards and requiring geo-technical reports for residential properties in hazard zones, the zoning ordinance and comprehensive plan promote safe and sound housing. The amendments allow exemptions for minor, inconsequential improvements to housing and ensure the city is not requiring geotechnical analysis unnecessarily. The amendments, therefore, are consistent with this goal.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

Protecting people and property from natural hazards and preserving the bluff, beaches, and dunes are all important for the Lincoln City economy. These amendments strengthen Chapter 47, and therefore, are consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

Amendment to Chapter 17.47 exempts from geotechnical analysis maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and allows new construction or maintenance, repair, or alterations to existing structures on a portion of the lot that lies outside the coastal erosion zones. The amendments, consequently, ensure city regulations will not deter projects, inconsequential in terms of natural hazards, that maintain and improve appearance of the built environment on the bluff, which are important components of Lincoln City's exceptional aesthetic quality. The amendments are consistent with this goal.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

Regulations that protect people and property from natural hazards also protect public infrastructure from damage. The zoning ordinance amendment exempts maintenance and reconstruction of public and private roads, streets, parking lots, driveways exempt from the regulations and, therefore, is consistent with this goal.

(10) Energy Goal

"To conserve energy."

The amendments have no direct impact on use or conservation of energy, or on the use of land, to the extent that site-specific geo-technical analysis deems development in hazard areas appropriate and safe. The amendments, therefore, are consistent with this goal.

(11) Overall Environmental Goal

> *"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."*

The amendment to the comprehensive plan ensures the city is using the best available data to regulate development in sensitive environmental areas that are vulnerable to natural hazards. The zoning ordinance amendment ensures the regulations are reasonable and enforceable. These amendments contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The shorelands include some areas prone to hazards. The amendment to the comprehensive plan more accurately delineates hazard areas, by referencing the 2004 Priest and Allan study and making the RNKR data advisory only. The amendment to the zoning ordinance ensures the regulations are reasonable and enforceable. The amendments are consistent with this goal.

ORDINANCE NO. 2014-21

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.12 (ZONING DISTRICTS ESTABLISHED), SECTION 17.12.010 (CLASSIFICATION OF ZONES) ADDING A NEW MIXED USE ZONING DISTRICT FOR FUTURE APPLICATION, (CHAPTER 17.18 - VACATION RENTAL ZONE), AUTHORIZING A VRD AS A PERMITTED USE IN THE VR ZONE WITH NO ACCESSORY USE LIMITATION, AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN GOALS AND MAP TO ADD THE NEW MIXED USE DEVELOPMENT (VR DISTRICT) CATEGORY

The City Council finds:

A. The proposed amendments are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals, as addressed in the Detailed Findings attached as Exhibit "A".

B. The amendment process is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements. The City initiated both the "YES/NO" zone amendments and alternate VRD amendments in 2013.

C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of VRD amendments, (including a means of permitting VRDs without the accessory use limitation), first on April 16, 2013 and again on November 27, 2013; similarly, notice of the proposed VRD amendments was included in two (2) ORS 227.186(4) (Measure 56) notices to all affected property owners.

D. In June 2013 and in January 2014, the Planning Commission considered the "YES/NO" zone and the alternate VRD amendments, respectively, and after public hearings voted to recommend the "YES/NO" zone to the City Council but not recommend the alternate amendments; and

E. The City Council held a public hearing on the proposed YES/NO zone in June 2013 and alternate amendment(s) in February 2014, and after such public hearings left the record open for written testimony. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinances.

F. Council continued deliberations on the "YES/NO" zone amendments for consideration concurrent with the alternate amendments. After due consideration of the entire record, in deliberations, Council elected to select

portions of the various ordinances before them for adoption while rejecting or modifying other portions.

G. Council first directed staff to remove VRD safety standards from the proposed license ordinance amendment and adopt safety standards ahead of other VRD provisions (Ord. 2014-7 adopted May 12, 2014). Council next directed the creation of a new mixed use zone, based on the YES and VROZ overlays proposed, for use by both the City Council and private property owners (Ord. 2014-21). The VR zone is a new mixed use zone which will permit VRD use without the existing (residential zone) accessory use limitation. The Council announced it will consider City-Initiated rezoning of some of the areas proposed for the "YES" zone overlay to this new mixed use (VR) Zone. Owners are also invited to request rezoning by private application.

H. Council further directed that such mixed use zone be brought forward together with ordinances requiring the City to enforce the existing accessory use limitation in permitting as well as revocation and other enforcement proceedings. The Council rejected the request to repeal the accessory use limitation which has existed un-amended in the Code for more than five years. Similarly, Council decided to retain the existing limitation on VRD approvals where the use authorization is lost upon sale or transfer. Council further directed that a mechanism be created to bring existing VRDs operating in excess of such use limitations back into compliance within a reasonable period of time and without the need to initiate formal revocation or enforcement actions resulting in fines and litigation (Ord. 2014-22).

I. Finally, Council directed that an option to the existing land use process be created to streamline VRD approvals. Accordingly the VRD license ordinance is also amended (Ord. 2014-23) to provide owners with an option of proceeding to a license with a nondiscretionary zoning compliance check with a numeric limitation for accessory use. The existing land use process will not be repealed and will remain available for applicants.

J. On August 25, 2015 Council directed that the record be reopened and an additional public hearing be conducted on Ordinances 2014-21, 2014-022 and 2014-23. Notice was provided to DLCD of the additional hearing. A public hearing was conducted on September 15, 2015 and testimony was received. The Council left the record open for written comments until noon on October 13, 2014. After the close of the record Council further deliberated and proceeded to the question of adoption of the proposed ordinances. The Council scheduled Ordinances for reading on October 27, 2014.

The City Council of Lincoln City ordains as follows:

SECTION 1. Lincoln City Municipal Code, Title 17 (Zoning), Chapter 17.12 (Zoning Districts Established), Section 17.12.010 (Classification of zones) is hereby amended to add an additional mixed use zoning district, Vacation Rental (VR) district, to read as follows:

17.12.010 Classification of zones.

For the purpose of this title, the following zones are hereby established in the city.

Zone Description	Abbreviated Description
Residential Single-family	R-1
Vacation Rental	**VR**
Residential, Multi-family	R-M
Professional Campus	PC
Recreation Commercial	RC
General Commercial	GC
Nelscott Plan District	NP
Planned Industrial	PI
Recreation-Residential	R-R
Park	P
Open Space	OS
Marine-Waterway	M-W
Taft Village Core	TVC
Natural Resource Overlay	NR
Oceanlake Plan District	OP

SECTION 2. Lincoln City Municipal Code, Title 17 (Zoning), is hereby amended to add a new mixed use district, Chapter 17.18, Vacation Rental (VR) to read as follows:

Chapter 17.18 VACATION RENTAL (VR) ZONE

Sections:

17.18.010 Purpose.
17.18.020 Permitted uses.
17.18.030 Accessory uses.
17.18.040 Conditional uses.
17.18.050 Restrictions.
17.18.060 Maximum building height.
17.18.070 Lot requirements.
17.18.080 Signs.
17.18.090 Off-street parking and loading.
17.18.100 Other required conditions.

17.18.010 Purpose & Locational Criteria.

A. The Vacation Rental District (VR) is provided to facilitate lodging alternatives for vacationers in areas in close proximity to the community's attractions and recreation uses. The District is intended to provide a location for family vacation use in a mixed use setting which is less commercial than the Recreation-Commercial zone but which has sufficiently sized public facilities and services to accommodate the intensity of vacation rental use. While the VR zone permits residential use, it is intended for use in discrete geographic areas devoted to vacation rentals or as a transition between commercial zones and purely residential zones, and therefore facilitates the protection and stability of established neighborhoods.

B. The Vacation Rental Zone authorizes Vacation Rental Dwellings as a principal use. Unlike residential zones, this zone permits VRD use and operation without the accessory use limitation, that is, the use is authorized on its own, and need not be incidental and subordinate to the principal use of the residence as the owner's vacation home. This zone would be appropriate for discrete geographic areas where tourist accommodations would not disrupt established residential neighborhoods. Owing to the increased intensity of use, VR areas must be in close proximity to the community's attractions and recreation uses; further such areas must be served with the full complement of public facilities and services, including specifically sewer. This zone is appropriate in proximity to commercial zones, existing multi-family residential development, as well as a transition between commercial zones and established single family residential zones.

17.18.020 Permitted uses.

The following uses are permitted:

A. Single-family dwellings and duplexes, if developed under the standards set forth for single-family dwellings in the R-1 zone;

B. Attached single-family dwellings when developed in accordance with the standards specified in LCMC 17.52.260.

C. Bed and Breakfast accommodations, subject to the standards set forth in LCMC 17.80.060;

D. Vacation rental dwellings, subject to the license requirements of LCMC Chapter 5.14.

E. Manufactured homes when developed in accordance with the standards set forth in LCMC 17.52.250;

F. A mobile home used during construction of a permitted use for which a building permit has been issued, but not exceeding six months;

G. Community gardens and market gardens not larger than 12,500 square feet, in accordance with the standards of LCMC 17.80.080;

H. Public parks, playgrounds and other similar publicly owned recreation areas;

I. Essential emergency communications and warning facilities.

17.18.030 Accessory uses.

The following accessory uses are permitted:

A. Home occupations, subject to the provisions of LCMC 17.52.010;

B. Gardens and animals, subject to the provisions of LCMC 17.80.080;

C. Accessory dwelling units, subject to the provisions of LCMC 17.80.110, except LCMC 17.80.110.B.(11).

D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use.

17.18.040 Conditional uses.

The following conditional uses may be permitted subject to a receipt of a conditional use permit, and subject to the provisions of Chapter 17.60 LCMC:

A. Places of worship;

B. Public or private schools (kindergarten through 12th grade, educational institutions, nursery schools and day care centers);

C. Community meeting buildings, fraternal and social organizations, and recreation centers;

D. Public or private golf courses, except driving ranges or miniature courses operated as a business;

E. Mobile home parks submitted under the provisions of LCMC17.80.040;

F. Temporary real estate offices in legally recorded subdivisions;

G. Cemeteries;

H. Utility substations, but not wireless communications facilities;

I. Radio or television transmitters or towers, but not wireless communications facilities;

J. Government buildings;

K. Hospitals, sanitariums, rest homes, nursing homes and assisted living facilities.

17.18.050 Restrictions.

No development shall occur unless all city services are available.

17.18.060 Maximum building height.

The maximum building height shall be 35 feet, except as provided in LCMC 17.52.190 and 17.52.200.

17.18.070 Lot / Yard other requirements.

The minimum requirements for the VR district shall be as follows:

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Yard[3]	Side Yard	Street Side Yard[3]	Rear Yard	Maximum Lot Coverage[5]
VR	5,000 sq. ft.; 8,000 for duplex or two-family	50' detached; 35' attached	70'	5'[1] 7-1/2'[2]	5'[1] 7-1/2'[2] or 0' for common wall of attached dwellings	5'[1] 7-1/2'[2]	5'[1] 7-1/2'[2]	35%[4]

(1) For one-story structures.
(2) For structures more than one story.
(3) The front and street side yards shall be increased to a minimum of 20 feet in front of a garage/carport and/or driveway entrance to a garage/carport. The increase in setback shall not apply to portions of the dwelling that are below or to the side of the garage/carport or driveway entrance. The increase in setback shall not apply to any portion of the dwelling

above the garage/carport that is cantilevered (i.e., supported only by the wall of the structure from which it projects), provided the lowest point of the cantilever is a minimum of seven feet above grade. On corner lots, the clear-vision area requirement of LCMC 17.52.060 shall apply.

(4) For existing lots between 3,000 sq. ft. and 4,000 sq. ft., maximum lot coverage shall be 40 percent. For existing lots less than 3,000 sq. ft., maximum lot coverage shall be 50 percent.

(5) Includes accessory buildings (garages and outbuildings).

17.18.080 Signs.

Signs shall be permitted as set forth in Chapter 17.72 LCMC.

17.18.090 Off-street parking and loading.

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

17.18.100 Other required conditions.

All single-family dwellings (site-built, modular and manufactured homes) to be constructed or located in residential zones shall use at least two of the following design features to provide visual relief along the front of the home:

A. Dormers;

B. Gables;

C. Recessed entries;

D. Covered porch entries;

E. Cupolas;

F. Pillars or posts;

G. Bay or bow windows;

H. Eaves (minimum six-inch projection);

I. Off-sets on building face or roof (minimum 16 inches).

SECTION 3. Comprehensive Plan Goals (Development Categories) Amendment. The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, (Goals), Development Categories, page 50, is hereby amended to add the following paragraphs reflecting the new VR Zoning District Category, to the end of the existing list, as follows:

16. A Vacation Rental District – (VR) is a mixed use district principally intended for commercial vacation rental use. This district is created to more accurately quantify available residential housing opportunities in the City. The City's inventory of residential lands has been eroded by the conversion of available residential housing stock to commercial vacation rental business use. This District will facilitate the City's efforts to correct such conversion by providing a new zone which will legitimize and accurately reflect the use of the land. This District supports the Plan's economic goals by providing legitimate economic opportunity and supports the Housing goals by helping to provide an accurate inventory of needed housing types.

The VR District is designed to include commercial transition areas or discrete geographic areas in close proximity to natural resource attractions such as the ocean, lake and bay fronts. The VR District is to be composed primarily of single-family dwellings types that are converted or devoted to vacation rental use. This district focuses vacation rental activity into areas with adequate public facilities and infrastructure; such areas may provide a buffer between established residential neighborhoods and more intense commercial, mixed use and multi-family zones. The city council may designate a VR Zone on its own motion or in areas in which the property owners have requested it through the comprehensive plan and zoning amendment process found at LCMC Chapter 17.88. In addition to the required findings set forth in LCMC Chapter 17.88, any zone and plan map change to a VR zone must adequately demonstrate compliance with the purposes and locational criteria of the VR zone.

SECTION 4. Comprehensive Plan Map and Zoning Map Amendment. The Lincoln City Comprehensive Plan and Zoning Map, (Ordinance 84-02, as amended), is hereby amended to add the following new zoning district to the end of the existing Map Legend, as follows:

Vacation Rental – VR

SECTION 5. Findings Adopted.

The findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this

section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 6. Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 7. Savings. Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 8. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 9. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 5-9) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 27th day of October, 2014 (First Reading) and on the ___ day of _____, 2014 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of November 2014.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

BEFORE THE CITY COUNCIL FOR THE CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON

[NOVEMBER 10, 2014]

In the matter of the adoption of two land use Ordinances 2014-21 and 2014-22, concerning the creation of a new mixed use vacation rental (VR) zone [2014-21] and an amendment to vacation rental special provisions [2014-22]: (1) Creating an optional expedited process for commercial VRDs and accessory use VRDs with a 30 night limit; (2) Providing for an optional Administrative Allowance (settlement) for existing VRDs operating in residential zones; (3) Providing for optional quasi-judicial vested rights and nonconforming use determinations; (4) Directing enforcement of the existing accessory use limitation applicable to VRDs in residential zones	)	**LAND USE FINDINGS**
Files: ZOA 2013-01 & ZOA 2013-05 [Council-Initiated]	)	

Based upon the evidence in the whole record, the City Council for the City of Lincoln City makes the following findings of fact and conclusions of law:

I. FINDING REQUIREMENT FOR LEGISLATIVE ACTIONS

Lincoln City Municipal Code, Title 17 (Zoning) Section 17.88.050, Paragraph D. provides:

> In order for the city council to adopt an ordinance for an amendment to this title, comprehensive plan document and/or map, findings must be made, and adopted as a part of said ordinance, that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. It must be found that the amendment complies with and conforms to the comprehensive plan goals, policies and land use map. It may be further necessary to provide evidence that the proposed amendment is in conformance with statewide land use planning goals and policies when a more specific direction is provided by the goals than the comprehensive plan.

Findings concerning conformance of the proposed ordinances with comprehensive plan goals, policies and with applicable provisions of state law are for Council to adopt following the close of the record. Participants do not have the right to review or rebut findings. *Arlington Heights Homeowners v. City of Portland*, 41 Or LUBA 560, 565 (2001) *Sorte v. City of Newport*, 26 Or LUBA 236, 244-45 (1993); *Adler v. City of Portland*, 24 Or LUBA 1, 12 (1992). Council finds and determines that the record contains an adequate factual base for the proposed ordinance provisions.

II. SUMMARY OF FINAL ORDINANCES

Five ordinances were proposed in 2013 (see Nature of Proceedings below). Two ordinances concerned non-land use license ordinance amendments. Three ordinances concerned land use matters (including one ordinance accompanied by a series of zone changes implemented by overlay map). During the course of the public hearings and deliberations the ordinances evolved; Council selected portions of some ordinances, disregarded other portions, and made other modifications. Two ordinances resulted from the public hearing and deliberation process:

The first, Ordinance 2014-21, creates a new Vacation Rental (VR) Zoning District, a mixed use district which will permit vacation rental dwelling (VRD) use without the restriction of the existing accessory use limitation applicable to residential zones. The District is intended for geographic areas in close proximity to community attractions and recreation uses. New VR areas must have the full complement of public facilities and services, specifically sewer service. The zone is created in response to the demand for alternative tourist accommodations for families; the zone also creates a mechanism, in appropriate cases, for owners of residential properties to legitimize VRD operations which have grown beyond the limits of the existing accessory use limitation. Ordinance 2014-21 only creates the new zone for future application; the new zone is not imposed on any specific property by this ordinance.

The second, Ordinance 2014-22, creates an additional nondiscretionary expedited review process for VRDs in commercial zones and VRDs in residential zones (when the applicant elects to limit VRD use in the residential zone to thirty nights per year). This is an optional process which permits a new applicant to bypass the land use process; this is possible because, for purposes of this alternative route to a VRD license, the City Council has established a nondiscretionary numeric limit to implement the discretionary accessory use limitation.

The existing land use process for approval of accessory use VRDs remains unchanged. The operative discretionary limiting terms for VRDs in residential zones, ("accessory use" and "incidental and subordinate to the main use") are not modified by this ordinance. The Council elected to avoid threatened Measure 49 claims by leaving the existing limiting language unaltered. Laws in existence for more than five years are exempt from Measure 49 claims. The accessory use limitation, dating back to 1989, has not been altered in over five years. While, there was a request to repeal the accessory use limitation, the Council emphasized that it is not repealing or changing the law by adding language directing staff to make findings and enforce the existing language of the code in the quasi-judicial land use permitting processes and in individual land use enforcement actions. The language is also added to stress to realtors and management companies that they must not represent to potential purchasers that there is no limit on VRD use in residential areas.

As regards existing VRDs, Ordinance 2014-22 also includes an optional settlement of disputed compliance issues with existing owners in residential zones. The ordinance offers an administrative allowance settlement by special license where the VRD use is limited to one-hundred, eighty (180) nights per year. This offer of a settlement protects such owners from enforcement actions concerning accessory use. The settlement terminates upon the loss of the VRD land use approval and license - which occurs under existing code at sale or transfer of the residential property. This is an option for existing owners who do not wish to be subject to a possible land use enforcement action concerning the limits of accessory use VRD operations.

For those VRD owners who do not wish to settle with an Administrative Allowance, Ordinance 2014-22 allows such owners to obtain a special license with the option to file for a quasi-judicial nonconforming use verification or vested rights determination to prove that they are entitled to more than 180 nights of VRD rental in a residential zone. The ordinance allows up to a year to file. VRD owners and their management companies who do not agree to settle are however subject to land use and license enforcement actions, including fines and revocation, for violation of the accessory use limitation.

Ordinance 2014-22 also does the following: (1) eliminates special landscape criteria for VRDs; (2) expressly lists VRDs as permitted uses in commercial and mixed use zones; (3) increases penalties for unauthorized/unlicensed VRD use and sets a minimum $500 penalty; (4) prohibits commercial VRD use in residential zones (defined as more than incidental and subordinate use or more than 30 nights depending upon

the approval process); (5) clarifies enforcement processes, including revocation.

III. NATURE OF PROCEEDING

The findings herein concern the adoption of two land use ordinances which have evolved through the public hearing process before the Planning Commission and City Council. The ordinances as they have evolved are primarily legislative in character, in that no maps imposing new zoning districts or overlay zones are provided for in the two final proposed ordinances.

The City Council initiated a VRD Consensus Project was initiated in 2011. A contracted consultant (Professor Richard Birke) facilitated a public policy development process through the formation of a VRD Working Group made up of representatives of various stakeholder groups in the community. The role of the working group was to provide a forum for discussion. The Working Group was not to have a superior say in how the policy development process was to turn out. Members did not have 'votes' and were not a 'mini-City Council.' The group was not delegated legislative authority and was constrained from formal action (and in fact was not an official advisory committee) because of the financial interests of the stakeholders. The consultant completed the Lincoln City VRD Consensus Project Final Report and provided the report to Council and Staff in November 2012.

Planning Staff initiated several work tasks to have the Consensus Group Final Report recommendations heard before Planning Commission and City Council. See File CPA-2013-01 and File ZOA-2013-01 including proposed ordinance 2013-VRD establishing YES/NO overlay zones.

The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed YES/NO amendments, including maps on April 16 & 18, 2013; notice of the proposed YES/NO amendments were included in an ORS 227.186(4) [Measure 56] notice to all affected property owners mailed on April 25-26, 2013. Approximately 5590 notices were sent. (Two necessary companion ordinances to the YES/NO zone ordinance -one removing land use text from Title 17 [2013-VRD2] and one adding text to Title 5 [2013-VRD3]) were initiated on September 23, 2013 and processed with the second set of alternative ordinances noted below).

At public hearings on May 21, 2013 and June 4, 2013, the Planning Commission considered the YES/NO Zone amendments and maps as proposed in Ordinance 2013-VRD, and after concluding the hearing,

voted to forward them to the City Council with a recommendation to adopt the proposed amendment(s), with some adjustments to maps.

The City Council held a public hearing on the proposed YES/NO zone amendment(s) on June 24, 2013; at the conclusion of the hearing the Council left the record open for written comments until July 16, 2013. City Council continued deliberations to July 22, 2013, October 28, 2013, January 27, 2014, February 10, 2014, February 24, 2014, March 10, 2014 and thereafter as noted below.

The City Council initiated alternate VRD amendment(s) 2013-ALT1 and 2013-ALT2 by Motion on September 23, 2013. At the same time Council initiated two companion ordinances to the YES/NO Ordinance 2013-VRD (i.e. 2013-VRD2 and 2013-VRD3) (ZOA 2013-05 with Alternatives)

The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed alternate and companion amendment(s) on November 27, 2013; notice of the proposed alternate and companion VRD amendments were included in an ORS 227.186(4) [Measure 56] notice to all affected property owners. Approximately 6248 notices were sent, with notices also being sent to the recently annexed Roads End area. (*However, the land use ordinances under consideration do not regulate properties in Roads End.*)

On January 7, 2014, and January 21, 2014 the Planning Commission considered the alternate and companion VRD amendment(s) proposed. On February 4, 2014, after conclusion of the public hearings, the Commission voted to recommend the companion amendments but not the alternative amendments to the City Council.

The City Council held public hearings on the proposed alternate and companion amendment(s) on February 10, 2014 and February 24, 2014, after which the City Council left the record open until March 5, 2014 and continued deliberations to March 10, 2014.

Council deliberated on the "YES/NO" zone amendments concurrently with the alternate amendments and companion amendments. After due consideration of the entire record, in deliberations, Council elected to select portions of the various ordinances before them for adoption while rejecting or modifying other portions. Deliberations on both the alternative and companion Ordinances, together with deliberations on the original YES/NO zone amendments, were continued and conducted at numerous subsequent meetings including March 24, 2014, April 7, 2014,

April 21, 2014, June 23, 2014, July 14, 2014, August 18, 2014 (cancelled) and August 25, 2014.

Council first directed staff to remove VRD safety standards from the proposed license ordinance amendment and adopt safety standards ahead of other VRD provisions (Ord. 2014-7 adopted May 12, 2014). Council next directed the creation of a new mixed use zone, based on the YES and VROZ overlays proposed (see 2013-VRD and 2013-ALT1). The new zone would be available for Council initiated map amendments and for privately initiated amendments. (Ord. 2014-21).

Council further directed staff to bring the new VR zone forward together with enforcement options and alternatives including direction to City staff to enforce the existing accessory use limitation in permitting as well as revocation and other enforcement proceedings. The Council rejected the request to repeal the accessory use limitation which has existed un-amended in the Code for more than five years. Similarly, Council decided to retain the existing limitation on VRD approvals where the use authorization is lost upon sale or transfer. Council further directed that a voluntary compliance mechanism be created to bring existing VRDs operating in excess of such accessory use limitations back into compliance within a reasonable period of time and without the need to initiate formal revocation or enforcement actions resulting in fines and litigation (Ord. 2014-22).

Finally, Council directed staff to formulate an option to the existing land use process be created to streamline VRD approvals. Accordingly the VRD license ordinance is also amended (Ord. 2014-23) to provide owners with an option of proceeding to a license with a nondiscretionary zoning compliance check with a numeric limitation for accessory use. The existing land use process will not be repealed and will remain available for applicants.

On August 25, 2014 the Council reopened the record for additional public input and set an additional hearing date for September 15, 2014. Additional notice was also sent to DLCD. On September 15, 2014 the Council conducted an additional hearing on proposed Ordinances 2014-21, 2014-22, and (non-land use) 2014-23 and left the record open until September 24, 2014. On September 22, 2014 at the request of the City Manager, the Council extended the period for the record to remain open until noon on October 13, 2014.

On October 13, 2014 the City Council directed staff to prepare the Ordinances for First and Second Reading on October 27, 2014.

The City Council finds and determines that the amendment process is in conformance with the Zoning Ordinance and Comprehensive Plan procedural requirements, including, but not limited to, required initiation, processing, noticing and finding requirements of Chapter 17.88. Specifically, Council initiated all the proposed ordinances pursuant to LCMC 17.88.020.B. Unlike private applicants, Council is not required to submit an application for an amendment to the plan or code. (See 17.88.040). The Planning Commission timely reported recommendations to the City Council on the five proposed ordinances (only three of which were land use ordinances). The City Council postponed action on the proposed ordinances and reopened the hearing and record in response to numerous requests from interested parties not to act hastily and to take additional public input on the proposals. Map amendments are not included in the current proposed ordinances and will be subject to future properly noticed proceedings before the Planning Commission and City Council.

The amendments as they are currently proposed incorporate public sentiment adduced at the Planning Commission and City Council public hearings to enforce the law that currently exists. The Council deliberately advertised and noticed a wide range of options from repeal of the accessory use limitation with the adoption of YES/NO overlays to enforcement of the accessory use limitation with fixed numeric limits for ease of enforcement; the ordinances proposed do not substantially differ from the noticed range of options. Neither ORS 197.610 nor Measure 56 prohibit changes to proposed ordinances through the public hearing process. See *Broderson v. City of Ashland*, LUBA Nos. 2010-038, 2010-056 and 2010-058 (August 12, 2010) (question is whether notices generally describe proposed action, not differences in ordinances). The requirement of LCMC 17.88.050, that the amendments be supported by findings and an adequate factual base in the record is met. Other Comprehensive Plan polices concerning amendments to the Code and Plan are addressed under the respective Comprehensive Plan policies below.

IV. CONFLICT OF INTEREST AND BIAS

Financial Conflict of Interest

As a preliminary matter at the commencement of the 2013 hearings, Council members properly disclosed potential conflicts of interest, namely that three council members had either ownership or employment relationships with hotels and one Council member was a local contact person for a neighboring VRD unit. ORS 244.120(2)(a). These facts

present only potential conflicts of interest because the effect of the proposed ordinances could be to the private pecuniary benefit or detriment of the Council member or a business with which they are associated; any financial impact was by no means certain. ORS 244.020(14) & (16). In order for these relationships or interests to be actual conflicts of interest, the decision would have to be to the private pecuniary benefit or detriment to the Council member or associated business. Again, it cannot be said that any official action on the proposed legislative amendments or even the proposed maps definitely would have such an impact. (See Guide for Public Officials Page 21). Accordingly, the conflicts would only be potential and do not require abstention from participation or voting.

Over time the proposed ordinances have been narrowed and reduced to include fewer options and proposals, including the removal of proposed overlay maps, the only portion of the proposals that was arguably quasi-judicial. One Council member who earlier disclosed a potential conflict no longer has an employment relationship with a hotel. In addition, mere property ownership in the City by Council members is a condition shared by a very large class of persons, and the effect of the proposed legislative ordinances would be the same for the entire class of persons who own property, even if the classes are separated by zoning district. A class exemption removes even the requirement to disclose the alleged conflict. [ORS 244.020(14)(b)]. See *Halvorson-Mason Corp. v. City of Depoe Bay*, 39 Or LUBA 702 (2001). (Two City Council members deemed not to have actual conflicts of interest under ORS 244.020(14) by virtue of being members of class of owners of the PUD, including an undivided interest in ownership of common area; this lack of conflict was found despite the fact the quasi-judicial application concerned permissible uses of the common area of the PUD.) The Council finds and determines that the participation and voting of the Council members is not precluded by Oregon Government Ethics Laws. The Ordinances are primarily legislative in character, and will have no certain financial impact on the Council members or businesses with which they are associated.

Actual Bias

Because the ordinances as originally proposed included arguably quasi-judicial elements (particularly the determination of map boundaries as part of the original 2013-VRD YES/NO overlay), the Council followed some quasi-judicial procedural safeguards. Quasi-judicial proceedings require an impartial decision-maker; accordingly, the script for conduct of hearings included the opportunity to challenge for bias. No bias challenges were alleged during the entire planning commission or city council public hearings on the original proposals or the alternative and

companion proposals in 2013 or in 2014, including hearings concerning arguably quasi-judicial map changes.

However, on August 25, 2014, Council set an additional public hearing date and reopened the record to take additional written testimony on Ordinances 2014-21, 2014-22 and (non-land use ordinance) 2014-23. On September 15, 2014 the Council conducted an additional public hearing to receive testimony on these ordinances. A VRD owner (and realtor), challenged the Mayor for bias. The City Attorney explained the bias procedure and the burden on the person alleging bias. (Bias requires clear and unmistakable proof of disqualifying actual bias). The challenge included an allegation that the Mayor told a potential buyer of a home for sale in the complex where he lives, that VRD usage is limited in residential zones; he allegedly mentioned the 30 nights limit from the proposed ordinance. The allegation was made as hearsay related from another realtor. The allegation included a statement or threat that the Mayor's interference with the sale was "actionable". Exactly how the Mayor was biased in relation to the pending ordinances was not fully explained. It is clear however, that Council was not considering a quasi-judicial rezoning of the mayor's property or property surrounding the mayor. The matter before Council was legislative and concerned created a new zone, and providing for voluntary compliance options and alternatives for individuals possibly violating VRD limitations.

The Council finds and determines that the bias challenge was not well taken and was, in fact, inappropriate given the context of the proceedings. This was an <u>additional</u> public hearing added by Council after numerous meetings where Council deliberated legislative options presented by the multiple ordinances. During those extensive prior deliberations Council had eliminated options from consideration and directed staff to narrow the choices, resulting in ordinances 2014-21 and 2014-22. The ordinances which were the subject of the additional public hearing reflected Council's earlier choice in deliberations <u>not to repeal</u> the existing accessory use limitation. (Council rejected draft 2013-VRD2 which would repeal the limitation, in favor of draft 2013-ALT1 which retained the limitation). In this context, the bias allegation faults the Mayor for participating in the decision-making process as a member of the Council in those earlier deliberations and reporting to a potential buyer the fact that the existing law limits VRD use in residential areas. That the Mayor and Council had earlier considered ordinance VRD2 (repealing the accessory use limitation) and declined to adopt such ordinance as part of these proceedings does not indicate bias just a decision-making process. The challenger simply disagrees with the existing law and also disagrees with the Council's decision in deliberations not to repeal the limitation. A bias challenge is not the

appropriate forum to reflect the Realtor's disagreement with the Council's ongoing decision-making process.

Assuming that an elected official acting in a legislative capacity can be disqualified for bias, the Mayor's alleged statement that the existing code limits VRD rentals in residential zones is merely factual and does not reveal disqualifying bias. The Mayor's statements reveal knowledge of the existing law and the knowledge that the Council had already decided in official deliberations not to repeal that law. Again, even if this were a quasi-judicial decision, the City decision maker is not expected to be entirely free from bias:

> As we have explained on many occasions, local quasi-judicial decision makers, who frequently are also elected officials, are not expected to be entirely free of any bias. To the contrary, local officials frequently are elected or appointed in part *because* they favor or oppose certain types of development. Local decision makers are only expected to (1) put whatever bias they may have to the side when deciding individual permit applications and (2) engage in the necessary fact finding and attempt to interpret and apply the law to the facts as they find them so that the ultimate decision is a reflection of their view of the facts and law rather than a product of any positive or negative bias the decision maker may bring to the process. [*Wal-Mart Stores, Inc. v. City of Central Point*, 49 Or LUBA 697 (2005)]

Further, that the Mayor may favor the enforcement of the existing law is not a basis for a bias challenge: "official involvement in community planning and related governmental activities... are not the kind [of interests] which *Fascano* was intended to guard against." The Oregon Supreme Court characterized the danger the impartiality requirement is intended to address as: "the dangers of the almost irresistible pressures that can be asserted by private economic interests on local government." [citation omitted]

After the challenge, the Mayor indicated he still had an open mind on the issues presented by the ordinances and agreed with the following statement of impartiality, indicating that no final decision had yet been made:

> "I have not prejudged this application and I am not prejudiced or biased by any potential conflict, prior contacts or involvement; I will make this decision based solely on the application of the relevant criteria and standards to the facts and evidence in the record of this proceeding."

The Council voted on the mayor's participation and unanimously voted to permit the Mayor to continue to participate. The Council finds and determines that the bias challenge was inappropriate given the legislative character of the proceeding and that the Mayor's alleged statements to potential purchasers of the existing law and proposed ordinance provisions do not disqualify him from participation or voting. The challenger did not meet the burden of demonstrating bias in a clear and unmistakable manner. The evidence presented by the challenge actually demonstrates that the real estate community is unwilling to acknowledge the existing code limitations on the operation of VRDs in residential areas. The City Attorney stressed at the hearing, as does the Council here, that potential purchasers of residential property should be informed of existing land use restrictions on VRD use; the responsibility to accurately inform purchasers of such limitations also falls on the real estate community.

After Council's disposition of the challenge the bias challenge was essentially repeated at the hearing by the owner of the property that was listed for sale. The Council hearing was inappropriately interrupted by this individual shouting from the audience. [See e.g. ORS 166.025(c)] Despite the manner of the interruption, the Council heard from the objector and ascertained that the matter was the same issue as raised by the Realtor. The hearing then proceeded to receipt of testimony. Finally, the record was left open in these proceedings and the Mayor submitted for the record a letter with the facts as he remembered them relating to his encounter with a potential purchaser in his complex. The facts are very different from the portrayal by the challenger. The Council finds and determines that the facts submitted by the Mayor are more credible. After review of these statements entered into the record, the Council herein reaffirms its finding that the Mayor is not precluded from participation and voting in this proceeding due to alleged bias.

V. FINDINGS OF CONSISTENCY WITH COMPREHENSIVE PLAN AND ZONING CODE

This Section reviews compliance with applicable Comprehensive Plan Policies. The proposed amendments principally concern Land Use Planning, Housing, and Economy policies as well as the Citizen Involvement Program. Comprehensive Plan Elements include the following:

Land Use
Citizen Involvement
Public Services and Utilities
Urbanization
Natural Hazard
Housing
Economy
Aesthetics
Transportation
Energy
Overall Environmental
Shoreland, Beaches, Dunes, Estuary & Ocean Resources
Development Categories

Scope

As stated there were several ordinance options originally noticed for Council consideration. Only the ordinances proposed for final adoption are analyzed here. The ordinances proposed for adoption do not include changing the zoning or plan designation of any particular property. Several objectors point to a lack of studies of the impact of changing where vacation rentals will be located. Council finds and determines that such studies, if they are required, would appropriately accompany requests to apply the new mixed use zone to specific property on the map. There is no impact by merely creating the zone in the text and on the map legend.

Further, and importantly, the Council elected not to repeal the existing accessory use limitation in LCMC 17.80.050 and LCMC 17.08 (definition of accessory use); these existing provisions are already acknowledged land development regulations and have already been determined to be fully consistent with the comprehensive plan and zoning code. The Council does not need to defend the existing acknowledged law. That the request to repeal the law contained no analysis of the impact of the repeal was a significant factor in the rejection. The value of the existing law is more fully explained in the review and analysis of the accessory use limitation set forth in the record, a final copy of which is attached hereto as Exhibit 1, and made a part hereof by this reference. The Council also incorporates herein by this reference the findings and evidence contained in the staff and counsel reports and Council Communications in the record of these proceeding.

Comprehensive Plan Goals

1) Land Use Planning

> *"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."*

The City Council established a land use policy framework and implementing ordinance through adoption of a comprehensive plan and zoning ordinance, respectively. The City of Lincoln City's Comprehensive Plan and implementing land development regulations (including Zoning Title 17) have been acknowledged by the Land Conservation and Development Commission as complying with the Statewide Planning Goals. Review of these amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, establishes conformance with this goal.

Ordinance 2014-21 - Creating a New Vacation Rental (VR) Zoning District. - This ordinance involves the amendment of the zoning text and the combined zoning and comprehensive plan map to add a new District. This ordinance only creates the district and does not apply the District to any particular property.

The Comprehensive Plan Land Use Planning element identifies Zoning as the most common method of land use regulation and control. The plan states:

> Essentially, zoning is a means of ensuring that the land uses of an area are properly situated in relation to one another. It provides adequate amounts of space for each type of development.

Therefore, zoning asks if there is enough land devoted to a specific use and is it in the correct location. The proposed amendment is a modest amendment (nearly identical to the R-1 zone) in that it only creates a new mixed use zone where VRDs may operate without the accessory use limitation. The zone is not applied at this time. The existing Zoning Code states that vacation rentals are permitted uses in commercial zones (including mixed use) and accessory uses in residential zones. Therefore there is already a large amount of land available for this use (although it is limited in residential zones). The proposed amendment maintains this

division and limitation of incompatible uses consistent with the purpose of zoning.

As to what amount of land is appropriate to rezone to VR, that answer can only be adduced after individual rezoning applications are applied for and reviewed. While the need for additional lands can be assumed by currently incompatible levels of VRD use occurring in residential zones (more than authorized accessory use) such illegal use is not the proper measure of need for additional lands to accommodate the use. If such residential lands were properly used for accessory use VRDs, the use may simply be distributed more widely among existing residential lands or redirected to existing commercial lands where unlimited use is currently permitted. Again, future rezoning of lands to VR must be based upon more than simply curing a code violation or the desire to make greater profits. Accordingly, the proposed VR zone creation is consistent with the purposes of the plan in properly situating uses in relation to each other.

Ordinance 2014-22 - This Ordinance involves: (1) optional non-discretionary expedited process for specified accessory and commercial VRD licenses; (2) optional settlement offer to obtain voluntary compliance with the existing accessory use limitations; (3) provision for determination for rights in a quasi-judicial forum; and (4) Enforcement of the existing accessory use limitations of the Code.

This ordinance utilizes zoning controls, noted above, as well as creative code enforcement policies to resolve land use conflicts. Further, the technique of eliminating land use discretion is used to expedite certain desirable applications.

Expedited Review.

The City is adding a new optional process for expedited VRD review in residential zones. If the owner agrees to no more than thirty (30) nights of rentals per year, the applicant goes directly to the license process without the need for the separate land use process. VRDs in commercial zones similarly go directly to the license process, and because they are in commercial zones the number of rental nights is unrestricted. Council legislatively determines that thirty (30) nights of VRD usage per year is accessory to the main use of the seasonal housing (vacation home) by the owner. This objective number (while not the only possible number) is a determination that ensures the purposes of zoning, that is, that this particular VRD use (acknowledged nuisance-causing use) is properly limited and situated in relation to permitted residential uses.

Code Enforcement Alternatives

The Comprehensive Plan sets forth different levels of code enforcement. While the Code talks in terms of light penalties and heavy penalties, ultimately Council is most interested in compliance. As stated in the Comprehensive Plan, Land Use Planning element,

> Code enforcement protects the public health safety and welfare by... ensuring that the community standards embodied by the comprehensive plan and implementing ordinances are adhered to.

Accordingly, because compliance is consistently the goal of code enforcement (whether fines are small or large) the Council finds that obtaining compliance with zoning, including maintaining the appropriate division of uses in relation to one another, is paramount. Specifically, the existing accessory use limitation (discussed below) if properly enforced, serves important comprehensive plan and zoning purposes to protect and stabilize existing residential neighborhoods from incompatible development. Before aggressive formal enforcement with the potential for large fines, the Council is first offering voluntary compliance options.

Settlement.

As regards existing VRDs, the City is proposing to settle with existing owners in residential zones by offering an administrative allowance settlement of 180 nights per year. This proposed settlement protects such owners from enforcement actions concerning accessory use. This proposed settlement terminates upon the loss of the VRD land use approval and license - which occurs under existing code at sale or transfer of the residential property. To reiterate, one currently cannot sell a VRD, use authorization and license; both terminate upon sale or transfer of the property. (There are approximately 26 exceptions based on prior conditional use approvals and the language of the existing code).

Quasi-judicial determination.

As regards existing VRDs, those VRD owners who do not wish to settle may request a license and have the option to file for a quasi-judicial nonconforming use verification or vested rights determination to prove that they are entitled to more than 180 nights of VRD rental in a residential zone. The ordinance allows up to a year to file. While such quasi-judicial determinations are prerequisite to Court actions, owners are not required to file the land use applications by the ordinance. However, VRD owners and their management companies who do not

agree to settle are subject to formal land use and license enforcement actions, including fines and revocation, for violation of the accessory use limitation.

Enforce Existing Accessory Use Limitation.

The proposed ordinance contains a directive to staff to enforce the existing accessory use limitation applicable to vacation rentals in residential zones. Council finds and determines that this directive is included in the ordinance to provide emphasis that Council has elected not to amend the existing code. The existing standard is retained in order to avoid Measure 49 claims. There is nothing wrong with this existing land use discretionary standard; it must simply be enforced using land use processes. Allegations that the standard is unenforceable are expressly rejected.

Simply stated, the existing City code does not allow unrestricted VRD use in residential zones. The existing accessory use limitation in LCMC 17.80.050.B.2 requires that VRD use be "incidental and subordinate to the main use" of the vacation home, the main use being the owner's own use. [See LCMC 17.08.010 (definitions)]. Since 1996, [Measure 56] land use regulations can only be modified or repealed by ordinance. No ordinance has repealed the existing limitation applicable to VRD operations to incidental and subordinate accessory use in residential zones. Enforcement can be accomplished by quasi-judicial license and land use revocation proceedings, as well as other established Code remedies. Specifically, existing Code allows both license and land use revocation of the VRD license/approval for any violation of standards in LCMC 17.80.050.B. which includes the accessory use limitation LCMC 17.80.050.B.(2). [See LCMC 17.80.050.D.(2) and LCMC 17.84.070]

The accessory use limitation is part of an existing and acknowledged land development regulation. As such, the limitation has already been determined to be internally consistent with the zoning code, consistent with the City Comprehensive Plan and consistent with the Oregon Land Use Planning Goals. [*A review and analysis of the existing limitation including its consistency with the existing Zoning Code and Comprehensive Plan, is set forth in Exhibit 1.*]

Further, the accessory use limitation is part of an existing land development regulation which has been in effect for more than five years. As such, this existing limitation is immune from challenge under Measure 49, which permits claims based only on the adoption of new regulations imposing restrictions on residential use in single-family residential zones. Leaving the operative language in LCMC 17.80.050 and LCMC 17.08.010

un-amended protects such existing code limits on VRDs in residential zones from a claim - regardless of whether one believes VRD use is commercial or residential in nature.

Council finds that enforcement of the existing limitation is necessary to reduce land use conflicts caused by such incompatible levels of VRD use in residential zones. While the enforcement of the existing limitation reduces profits and therefore is not popular with VRD owners and management companies, it is the most effective and accessible remedy available to address the compatibility issue. The creation of a new VR zone and settlement proposals in the proposed ordinances are intended to soften the burden of enforcement of the existing accessory use limitation.

Plan Review and Amendment

The Land Use Planning Element of the Comprehensive Plan includes language and processes concerning reviewing, updating and amending various components of the comprehensive plan as well as zoning ordinance text and map amendments. As regards plan text and zoning text amendments, the Plan includes the following:

> (g) Proposed amendments should be considered based upon a finding that one or more of the following standards are met:
>
> (1) Updated data manifests significantly different trends than indicated by previous data;
> (2) New data reflects a new or previously disclosed public need; and
> (3) New community attitudes representing a significant departure from previous attitudes is found to exist by the planning commission or city council; and
> (4) Changes in statutory or case law occur which affects the applicability or appropriateness of applicable portions of the plan text; and
> (5) A demonstrable error or inconsistency is found to exist;

The Planning Director points out that the language of these policies is that they "should" be used for such amendments. This non-mandatory language aside, at least one party has alleged that the City did not follow such procedures. The Council finds and determines that the City has met the non-mandatory procedures outlined in the Plan for review of amendments to the plan and code. The Council initiated the amendments, the Planning Commission and Council conducted public hearings (as more specifically detailed in the Nature of Proceedings and

citizen involvement sections of these findings) and Council adopted findings supporting the decision. Objectors point to the non-mandatory language in "(g) Procedure" which suggests one or more of five listed standards are to be met for an amendment.

Again there are two ordinances. One ordinance creates a new zone, but does not apply it. The other ordinance creates a streamlined approval process and offers a settlement to existing owners who may be operating in violation of existing standards. Both ordinances meet at least one of the standards identified in the plan. The need for the ordinances should however, be obvious. Council initiated the consensus project and these amendments in recognition of the fact that the proliferation of VRDs was creating problems, which needed to be addressed.

During the public hearing process there was a significant public outcry to not make the sweeping changes identified in the YES/NO zone Consensus Group proposal (i.e. to repeal the existing accessory use limitation and open up large YES areas to intense VRD operations and prohibit them in other NO areas). The public outcry included requests to simply enforce the existing law. In addition to this public testimony, the Council was presented with data from the City Manager concerning community attitudes in the form of survey results. The results clearly indicate that the predominant community attitude is not as portrayed by the Consensus Group. Sixty-two (62%) of registered voters with an opinion did not wish to encourage VRD growth. Further, sixty-five (65%) of those responding favored tight limits on vacation rentals in their neighborhoods. Council finds and determines that the public need expressed by the data and community attitudes exhibited by the survey is strongly in favor of enforcement of existing land use limitations to bring about land use compatibility. The offer of a voluntary compliance settlement in the ordinance is in furtherance of that public need. Similarly, the option to set forth and prove your case (either for a quasi-judicial zone or other use or rights determination) furthers the enforcement goals and balances consideration of economy goals. The Council further finds and determines that the Consensus Group's proposed solution to divide the City and separate incompatible uses, acknowledges the existence of the land use compatibility problem. The proposed VR zone is consistent with the existing division between limited VRD operation in residential zones and unrestricted VRD operations in commercial and mixed use zones. Because the VR is not imposed with these ordinances, there is no danger that the appropriate rezoning considerations will be glossed over. Council further finds that the City's proposed solution to enforce the existing limitation and offer voluntary compliance and other measures (like the VR zone) to soften the impact

of compliance - addresses other public needs, such as the economy goals addressed in these findings. The Land Use Planning Goal is satisfied.

(2) Citizen Involvement Goal

> *"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."*

The Comprehensive Plan's Citizen Involvement Program goal is "Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process." The City has developed a Citizen Involvement Program through Resolution 94-33. The public hearing process for the several proposed alternative ordinances, plan text and map changes included mailed, published, and internet posted notice to the public and property owners, and review of proposals by the Planning Commission and the City Council, consistent with the Plan, Goal and Resolution.

The findings set forth under the Nature of Proceedings and Land Use Planning above including the notice and hearing process for the range of proposed ordinances are incorporated herein by this reference. The Council finds and determines that the Comprehensive Plan and Goal 1 policies concerning citizen involvement are fully met by the proposals.

Among the policies under the City's Citizen Involvement Program goal is one that says "Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings." The Planning Commission and City Council meetings are publicized widely with hearing notices mailed to property owners in the affected area, and published in The News Guard weekly newspaper and on the City's website. The City holds public hearings in the evening in order to encourage public attendance. Moreover, for those unable to attend in person, the meetings are televised live and rebroadcast on cable television and are streamed live over the internet. Video of meetings and packet materials is also available on the City's website for review, free of charge. This constitutes a more than reasonable effort to encourage citizens to attend public meetings.

The Plan further provides that "Lincoln City shall encourage a variety of citizen programs such as neighborhood associations and other committees to serve in the interests of the community." During the hearings, the Council heard from several neighborhood associations, including newly officially- recognized associations.

Consensus Group.

Attorney Joan Chambers alleges violation of Goal 1 and the City's Citizen Involvement program as follows:

> "The City Council established a VRD consensus project staffed by a neutral convener. The committee came up with well-reasoned recommendations which the Council has ignored and is now proposing to adopt ordinances that are not consistent with the recommendations of the Citizens and affected individuals who made recommendations in the consensus project final report. In rejecting that report, the City Council is failing to give appropriate consideration to Goal 1 of the City and Statewide Planning Goals."

Contrary to Ms. Chambers assertions the Council did not ignore the consensus committee report. The Committee recommendations were the subject of hearings before the Planning Commission and City Council beginning with the draft ordinance 2013-VRD YES/NO zone overlay processed to Planning Commission and Council. Even after those hearings (and the extremely negative response to the YES/NO proposal) the recommendations of the committee were not ignored but were brought forward again with the companion ordinances VRD2 and VRD3 in the second set of hearings. [VRD2, proposed repeal of the existing accessory use limitation (missing from proposed overlay ordinance) and VRD 3 added to the license ordinance to do away with the land use process.]. These companion ordinances were reviewed at hearings before the Planning Commission and City Council, along with the alternative ordinances. However, the City Council had no duty or obligation to defer to the Consensus Group.

Ms. Chambers objection appears to be that the Council did not abdicate its legislative power to a consultant. Nothing in the City's citizen Involvement Program or Goal 1 requires the Council to abdicate its legislative power to a consultant or to a group of financially interested stakeholders. The Council expressly adopts the findings contained in the Council Communication concerning the flaws with the Consensus recommendation particularly the YES/ NO overlay and repeal:

- The consensus group recommendation to repeal did not address the land use planning goals, comprehensive plan policies, or code provisions furthered by the existing accessory use limitation or the equity (fairness) issues created by the YES/NO zone proposals. The division of the City into YES and NO zones was reflected on proposed overlay zone maps created by the Consensus Group. The

owners in the NO zone came to be referred to as "Losers" and the owners in the YES zone came to be referred to as "Winners." Despite being located in residential zones, YES zone VRDs would have the right to operate unrestricted, the same as commercial VRDs. The YES zone cured violation of the accessory use limitation; NO zone would prohibit all VRDs and existing VRDs in the zone were grandfathered until sale or transfer. Owners of property in the NO zones threatened Measure 49 claims, [and] also protested the fairness of dividing residential zones into winners and losers. While separating high intensity VRD use from established neighborhoods is one means to protect established neighborhoods, the Group overlooked the fact that the Code already separated such high intensity VRD use from residential areas by requiring such use to be in commercial zones. Further, (to be fair) the existing Code allowed everyone in a residential zone only a limited amount of low intensity VRD use as a means to protect residential areas from incompatible uses. No one is a "loser" under this existing regulatory framework, if properly enforced.

- While the Council accepted many of the license and land use recommendations of the VRD Consensus Building Working Group, the Council was clearly not bound by the recommendations of the Group. Council did not delegate any legislative authority to the Consensus Group. The Group was significantly constrained by Oregon Government Ethics Laws as many members of the group had actual financial interests in the operation of vacation rentals (as owners and managers) and therefore could take no official actions due to the basic premise of Oregon Ethics Laws, that a public official, including volunteers, may not use their official positions to obtain a financial benefit for themselves or for businesses with which they are associated. The City website describes the group as "not have a superior say in how this process comes out." "They are merely one more [forum] for discussion. Members do not have 'votes' and they are not a 'mini-City Council.'"

Measure 56

One principal of citizen involvement is reflected in Measure 56, adopted in 1996. Measure 56 is implemented in ORS 227.186 and requires individual notices be sent to property owners when an ordinance proposes to rezone property, including amendments which limit or prohibit land uses previously allowed in the affected zone. Because the formerly proposed NO zone would prohibit VRD use, in April 2013 notice was sent to all impacted property owners in the applicable zones (5590

notices). Similarly, because the alternative ordinances originally proposed a new numeric limit on VRD use in residential zones, notice of the alternative (and companion ordinances) were mailed to all such property owners impacted in November 2013. (6248 notices including Roads End).

Also related to citizen involvement, Measure 56 contained a limit on how land use matters could be addressed by local governments. Applicable to cities, ORS 227.186(2) provides:

> (2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.

Some individuals, principally realtors and managers and owners, asserted in these proceedings that there is no limit on operations of vacation rentals in residential zones. They claim that the accessory use limitation on vacation rental operations in residential zones is no longer in effect. However, the record reflects no repeal of this ordinance provision (contained in LCMC 17.80.050.B.2 (VRD Criteria) and LCMC 17.08.010 (Definitions). To the contrary, the record reflects that the VRD ordinance provisions contained in in Title 17 were last amended in July 2009 by ordinance. The findings supporting Ordinance 2009-02 provide:

> (10) Goal 10: "Housing" The VRD amendments do not by themselves affect residential development. By themselves the VRD amendments do not affect the availability of housing because they relate only to housing that already is allowed and to **a use that is merely accessory to the primary use of the structures they are in as second homes.** Therefore, the VRD amendments are consistent with Goal 10. (**emphasis added**)

The record reflects no Ordinance repealing or modifying the accessory use limitation. There has been no change to the operative language of the code. The existing City code makes VRD use in residential zones an accessory use. The accessory use limitation in LCMC 17.80.050.B.2 requires that VRD use be "incidental and subordinate to the main use" of the vacation home, the main use being the owner's own use. [See LCMC 17.08.010 (definitions)]. No resolution, policy, order, memorandum, edict, opinion, proclamation or other writing can change the existing ordinance. Similarly, staff cannot waiver or excuse compliance with mandatory criteria in the Code. Only an ordinance processed in accordance with the code and state law can make such a change or repeal. The assertion by Realtors, property managers and VRD owners that the Code limitation no longer exists is contrary to the citizen involvement goals and contrary to state statute.

The Citizen Involvement Goal is satisfied.

(3) Public Services and Utilities Goal

> *"To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment the area and serve as a framework for urban and rural development."*

Public services and utilities are generally already in place in the areas affected by the VRD amendments. In the proposed VR zone where intense vacation rental use will be expressly authorized, one of the proposed locational criteria includes the availability of the full complement of public facilities and services, specifically sewer. No actual VR rezoning is proposed with the ordinances. Because the proposed amendments do not change any zoning designation and because any future change will be required to provide adequate public facilities, the proposed ordinances will not adversely affect the availability or arrangement of public services and utilities. The goal is satisfied or does not apply to the proposed amendments.

(4) Urbanization Goal

> *"To promote an orderly and efficient transition of land uses from rural to urban."*

The VRD amendments do not affect the development densities of properties in Lincoln City. Since the amendments will not affect development (the development to which they relate already is authorized and limited by the zoning ordinance) they will not affect the transition of land uses from rural to urban. The proposed voluntary compliance options should operate to bring existing noncompliant development into compliance over time. This goal is satisfied or does not apply to the proposed amendments.

(5) Natural Hazard Goal

> *"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."*

No plan designations or zoning districts are changed by the proposed regulations. No development is authorized by the proposed amendments. The city already has acknowledged ordinance standards

relating to development in these Natural Hazard Areas, and the VRD amendments do not authorize any development inconsistent with these natural hazard standards. This goal is satisfied or does not apply to the proposed amendments.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The Comprehensive Plan Housing Policies provide:

> There are four users which determine Lincoln City housing needs. These are:
>
> 1. The permanent resident seeking shelter at affordable prices.
> 2. The tourist industry seeking seasonal shelter for its employees.
> 3. The elderly population seeking retirement shelter.
> 4. The seasonal resident seeking shelter.
>
> These users work in competition for the limited lands available for housing development.

The Comprehensive Plan recognizes that seasonal residents (i.e. the owners of second homes) compete with other users, such as permanent residents and retirees, for the City's available housing supply. The Plan does not prioritize such second home users over others. Further, the Comprehensive Plan does not identify short term VRD rental (tourist accommodations) as a *residential* housing demand; VRD rental is merely a minor commercial allowance provided to owners of seasonal housing in residential zones. The Housing Element goes on to establish policies to be implemented in the zoning code; these policies seek to guard against adversely impacting available residential housing stocks by encroachment of incompatible development, including business uses.

The Council finds and determines that a vacation home or summer home is housing under the City Code and Plan. The seasonal resident seeking shelter recognized in the Comprehensive Plan is the owner of such vacation or summer home. Such homes are located in residential zones and are compatible with existing residential neighborhoods. A vacation rental operation is quite different from a summer home used by its owner. Under the express terms of the Code a full time vacation rental operation is a tourist accommodation like a motel and is only to be located in a commercial or mixed use zone. Under the Code and Plan

such intense use is incompatible with residential areas. While a vacation home may be housing, under the express terms of the Code, commercial vacation rental operations are not. Oregonians in Action (OIA) comments (discussed more fully at the end of these findings) would appear to equate a vacation or summer home with commercial vacation rental operations. Council finds and determines that under the express terms of the Code, the former is housing, the latter is a business which must be located in a commercial or mixed use zone. The full time provision of overnight accommodations to tourists in a vacation home is not needed housing; it is a commercial business operation. The Code does not permit such operations in residential neighborhoods. Commercial VRDs are permitted only in designated commercial or mixed use zones. Contrary to such assertions, tourist accommodations are not needed housing and tourists are not seasonal residents seeking shelter. The Code and Plan operate together to limit vacation rental use of such seasonal housing in residential zones. That is, the limited (accessory use) allowance in the Code for vacation rental use of such seasonal housing operates to make an otherwise incompatible business use compatible with residential housing. Further, contrary to the OIA assertion that the "proposed ordinances will severely limit the availability of vacation rental dwellings in residential zones", the existing code and plan currently limit vacation rental dwellings in residential zones. The proposed ordinances further the existing Comprehensive Plan housing policies by providing voluntary compliance mechanisms and alternatives to bring about compliance with the existing law.

The City's Housing Goal is "to provide for the housing needs of all citizens." The Housing Element further requires that "The city shall work to stabilize and protect existing residential areas from deterioration and incompatible development." Unlimited operation of VRDs in residential areas converts such residential areas into *de facto* commercial districts. Such intense VRD business operations in residential zones, while creating profit for owners and investors, remove such lands as available housing. Similarly, when property owners deliberately build vacation rentals as business investments in residential zones, such homes are generally far too expensive for normal workforce housing. Such operations are incompatible with existing residential areas and not consistent with the applicable provisions of the City's comprehensive plan to provide housing needs for all citizens.

To reinforce the fact that the VRD allowance in residential zones was not a *de facto* conversion to commercial use, and to lessen exposure to allegations of violation of the statewide planning goals and comprehensive plan policies, the findings supporting adoption of nearly every VRD related ordinance emphasized that the intensity and frequency

of the VRD use in residential zones was "**merely accessory**". For example, findings for Ordinance 2009-02 provide:

> (10) Goal 10: "Housing" The VRD amendments do not by themselves affect residential development. By themselves the VRD amendments do not affect the availability of housing because they relate only to housing that already is allowed and to **a use that is merely accessory to the primary use of the structures they are in as second homes.** Therefore, the VRD amendments are consistent with Goal 10. (**emphasis added**)

As noted, the seasonal home is housing, the vacation rental use is something else entirely. As was noted earlier, the Comprehensive Plan expressly provides:

> 4. The City shall work **to stabilize and protect** existing residential areas from deterioration and incompatible development. (**emphasis added**):

Interpreting the allowance for VRDs in residential zones as being on par with commercial VRDs would be expressly contrary to the Comprehensive Plan's policies, implemented in the Zoning Code to stabilize and protect existing residential areas from incompatible commercial development. The incompatibility of commercial scale VRDs with "existing residential areas" has been the impetus for much of the recent work, including the "Consensus" effort. While some proffer better controls on parking, garbage and noise, or more stringent penalties for unpermitted VRDs as solutions, it cannot be disputed that the **intensity and frequency** of VRD use in a residential zone is a paramount factor as regards incompatibility.

The problem, at core, is that some owners have used their residential VRD properties as if they were in commercial zones, and this frequency and intensity of use has created conflicts with surrounding residents, including noise, garbage and parking issues. What appears to have been overlooked in the current debate is that the allowance for VRD use in residential zones was never intended to be on par with commercial VRD intensity and frequency of use. There is a clear separation of commercial level VRD uses - required to be in commercial zones and minor accessory VRD use in residential zones. The text, context and history of the existing ordinance demonstrate that unlimited vacation rental use in a residential zone is unlawful commercial use, and a violation of the Code. Again, the Code and Plan support that such use is permitted only in a commercial zone, it is authorized only as incidental and subordinate accessory in a residential zone. One cannot pretend that full time commercial VRD use is housing.

Attorney Joan Chambers and others have argued that VRD use is residential and not commercial use. To the correct point, the City Council finds and determines that VRD use in residential neighborhoods at a level that is more than the authorized incidental and subordinate (accessory) use is incompatible with residential neighborhoods and prohibited by the Code and Plan. That the City labels it "Commercial" in the proposed ordinance, is almost immaterial. The City is not relying on an interpretation of commercial to limit vacation rentals in residential zones; the city relies upon the express terms of the code making such use accessory.

The intent to label VRD use as residential likely has to do with Measure 49. Measure 49 only protects residential uses of single family residentially zoned property. As noted, Measure 49 is not implicated because, the existing accessory use limitation is immune from Measure 49 because it has existed for more than five years; further, the proposed amendments, adding an expedited review option, an administrative allowance settlement, and rights or use determination processes are not imposed on residential properties but are available as voluntary options. Nevertheless, the Council finds and determines that under the City of Lincoln City Plan and Code, vacation rental use, other than authorized incidental and subordinate accessory use, is commercial and not residential in nature.

Yogman v. Parrot 325 OR 358 (1997) is not a judicial determination that vacation rental use is residential use and not commercial use. In *Yogman* a property owner sought to enforce a restrictive covenant prohibiting "commercial enterprise" in the subdivision. The prohibition did not specifically address vacation rentals. The Court found the limitation ambiguous and refused to interpret the prohibition to include vacation rental use, applying the maxim to interpret such prohibitions strictly against the covenant. Similarly, in *City of Portland v. Carriage Inn* the City attempted to prohibit transient occupancy in an apartment building based upon the interpretation that such use was not residential use. Again, based on the language (this time of the Portland Code), the Court would not distinguish short-term and long-term residential use without supportive language in the code. *Yogman* and *Carriage House* stand for the proposition that if you are going to write a restrictive covenant or a City code, it is best address overnight tourist accommodations like vacation rentals specifically. (See for example: *Davis v. Jackson County;* (Code language supports finding that vacation rental is a visitor accommodation and therefore a commercial use not permitted in the WR zone - rejecting petitioner's argument that short term rental use is a residential use).

The City of Lincoln City Code is not interpreting the word "commercial" to prohibit VRDs in residential zones, the City is applying the express language of the Code calling out vacation rentals as mere accessory uses in residential zones; vacation rentals are specifically addressed, and have been since at least 1989 and certainly for more than five years. Under the Code the use is expressly permitted in commercial zones and allowed only as an incidental and subordinate accessory use in residential zones. [LCMC 17.80.050B.2.] See the attached Exhibit 1 analysis of the existing code, incorporated herein by this reference, as to how the existing language and context of the Code make the use commercial in nature. By code, the unrestricted business operation of a vacation rental dwelling is authorized only in a commercial zone. Also, by code only a limited authorization exists to operate a vacation rental in residential zones, (similar to a home business authorization).

While the proposed ordinance labels the use commercial (and therefore prohibited) in a residential zone, the prohibition on such use only becomes operative for enforcement purposes when the use exceeds the existing (incidental and subordinate) accessory use limitation of the code (or the limits in new voluntary options). The Council finds and determines, based on the text and context of the Code, that the City is not restricting or limiting a residential use of real property when the City restricts or limits vacation rental use in residential zones. Further, as the City has, for more than five years, limited such VRD use in residential zones to incidental and subordinate accessory use of a second or vacation home, the current ordinances do not change that restriction. Even if such use was deemed residential the restriction is immune from attack under Measure 49.

(7) Economy Goal

The Economy Element provides:

> To assure a healthy economy as Lincoln City grown, there will be a need to provide more "quality" job opportunities.

The Plan further provides:

> Tourism will continue to function as the basic industry in Lincoln City. An anticipated increase in the retirement population will serve to contribute to the ... economic base of the community. New employment opportunities are projected to occur in service related industries. Tourism and service jobs are labor intensive and relatively "clean industries", however some of the positions are seasonal, the wages are minimal and are subject to sudden changes

in economic conditions.

To achieve a more stable economy, the city should strive to improve tourism, as well as attempt to diversify the economic base.

The Economy Element identifies Tourism and the Retirement Community as continuing sources of service related employment opportunities for citizens of Lincoln City. Both are estimated to increase. To a certain extent, the unconstrained growth of vacation rentals has caused acknowledged nuisance-like impacts on established residential areas occupied by retirees; some retirees have indicated they have moved from areas of the city due to these compatibility conflicts. (Retirees look for quiet enjoyment of their home; retirees generally do not seek to retire to a hotel room type atmosphere.) Accordingly, a balance between these two competing economies is required. This required balance is addressed in the Economy Goal:

Economy Goal

To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.

A great deal of testimony was given about the economic benefits of vacation rentals. The Council does not dispute that vacation rental use of second homes has economic value to the City. The community benefits from economic activity by tourists. However, the economic engine of the tourism industry is not the sole consideration; such economic activity is to be balanced against the economic engine of the full time retiree. As was stated during public hearings, retirees have economic impact all year long not just on weekends or during the peak season.

Accordingly, the proposed ordinances seek to maintain the balance identified in the economy goal. The ordinances seek to create mechanisms to bring noncompliant VRD operations back into conformance with the Code and Plan. Such compliance will reduce or eliminate incompatible development driving away full time retired residents, an important aspect of the local economy. Similarly, the ordinances propose to facilitate legitimate increased levels of operations of vacation rentals by creating a new mixed use zone, which, after appropriate justification, can be applied to new properties in the City.

In addition, as noted, the goal of the Economic Element is to provide more "quality" job opportunities. Further the goal is to achieve balance

and diversity in jobs. The Tourism industry has acknowledged seasonal, minimum wage jobs, which are very vulnerable to changing economic conditions. In the economic study submitted by City Manager Hawker, the extreme seasonality of the vacation rental industry is verified.

> The fundamental problem with our economy is the extreme seasonality and it certainly appears that the growth in the number of VRD's has made the seasonality worse. The seasonality of our economy is the reason we have such low annual median income and many businesses suffer. Many of the jobs that depend on visitors have less income during the off and shoulder seasons than during the peak season. The jobs at a disadvantage due to the seasonality are employees who work for restaurants, who clean rooms and who staff our businesses. The impacts are pervasive on the community, its institutions and its residents. The business community should understand that growing the shoulder and off seasons is the only way to improve the situation. Growing the peak without growing the other seasons as much or more does nothing to help, and just makes the problem worse. (September 22, 2014 memo page 2)

On several instances, individuals have come forward to speak of the economic harm that will be caused by the proposed ordinances. Most of the time it is not the proposed ordinances which are identified as the cause of the harm, rather it is the enforcement of the existing accessory use limitation which is identified. As was previously noted, the City is not changing the operative language of the code which has existed for over five years concerning the accessory use limitation on VRD use in residential zones. Accessory use is defined as incidental and subordinate to the main use, in the case of a VRD, the owner's own use of the vacation home. Enforcement of this existing law does not require an amendment to the Code.

The Code amendment [Ordinance 2014-22] includes a settlement offer for existing vacation rentals in residential zones. It is an option, not a requirement. The settlement would permit operation of a VRD for up to 180 nights a year, until transfer of the VRD, when the VRD authorization is lost (the loss on transfer is a requirement of the existing law, not the proposed settlement option in the amendment).

One individual testified that he will lose between $22,500 to $35,000 per year in income if he is forced to reduce rental of a VRD in a residential zone from an average 255 nights per year to 180 nights per year. He did mention that he did use his house himself and that sometimes his children use it. This testimony demonstrates the classic accessory use

violation scenario where the tail is wagging the dog. The accessory use (vacation rental business) has become the main use and the main use (owner's own use) has become the minor or accessory use. This is a code violation and can result in revocation of the license and land use approval - that is no authorized VRD use of the property.

The proposed settlement offer in ordinance 2014-22 will further the economic goal by legitimatizing operations at the above-referenced location by virtue of the settlement until sale or transfer. While some economic loss will occur to this owner (and presumably to service industry employees based on work performed at this location) other VRD owners, such as existing commercial VRDs located in commercial zones in the immediate area, will presumably pick up the rental activity. Similarly, the service industry workers would also pick up work associated with the rental at another location. Of course the alternative to settlement is an enforcement action under the existing code, which may mean no authorized use.

In addition to the settlement offer noted above, the proposed new VR zone in ordinance 2014-21, provides the above owner with an option to process a rezone request to permit legitimate operations. That is, rather than operate in violation of the accessory use limitation of the code (placing already vulnerable service workers in an even more vulnerable position), the owner can request to legitimize the commercial level of VRD operations under the code - assuming the demonstration of need is made and all other applicable policies are addressed. To argue against the proposed amendments, is therefore contrary to the economic element and argues for continued violation of the accessory use limitation, which implements and serves valuable plan and zoning code policies. Nothing in the Economic Element or Economy Goal requires the City to tolerate unlawful conduct "in the name of the economy" when City zoning code and comprehensive plan land use and housing compatibility policies are being violated by the conduct.

Finally, Economic Development Policies provide:

> 2. Lincoln City shall periodically analyze the commercially and industrially zones lands. The analysis shall include a summary of economic activities within the City including residential development in commercially or industrially zoned properties. The report shall make projections of future commercial land needs based on economic activities, residential development, and the supply of available commercial and industrial lands. If current demands exceed supply, the Planning Commission shall hold a public hearing as soon as possible to consider lands which may be

suitable for conversion to commercial or industrial uses.

As previously noted, tourist accommodations, such as full time vacation rental operations are expressly permitted uses in commercial zones. That the evidence in the record of this proceeding shows encroachment of full time vacation rental overnight accommodations into residential zones (in violation of the accessory use limitation of the code) may indicate that there is a shortage of commercial properties. The creation of a new VR mixed use zone (deemed commercial under LCMC 17.80.050B.2.) which will be available for use if need is demonstrated by future studies in the context of rezoning requests is therefore consistent with the above policy. Notwithstanding that use of residential lands for commercial VRD operations may indicate a need, such use is in violation of current zoning and the comprehensive plan policies which protect residential areas from incompatible uses. Accordingly, the enforcement directive and voluntary compliance mechanisms in the proposed ordinances further the housing policies and this policy (because the option to request rezone to VR is preserved even if a settlement is elected). If and when an owner elects to request a rezone of residential property to VR to facilitate full time VRD operations, (an intensity and frequency of overnight accommodation use on par with hotels and motels), the need for such new commercial use must be addressed with the application.

(8) Aesthetic Goal

> *"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."*

The VRD amendments in the proposed ordinances do not address the aesthetic quality of development permitted under the existing zoning ordinance. Previously passed ordinances direct VRDs constructed pursuant to the commercial construction standards of the Oregon Structural Specialty Code to appropriate locations in commercial and mixed use zones, because such buildings are typically out of character with the bulk and scale or residential developments. Since the existing zoning ordinance has been found to be consistent with the comprehensive plan, including this goal, this goal is satisfied or not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The VRD amendments, including creating the new VR zone contain locational criteria requiring the full complement of public facilities and services in order for the zone to be applied. The zone is not applied with these amendments. Other proposed amendments do not include any provisions authorizing any development and accordingly they do not, of themselves, create any additional transportation impacts on the existing transportation system. Therefore, this goal is satisfied or not applicable.

(10) Energy Goal

"To conserve energy."

"Policy 8. The City shall locate high-density development within walking distance of services and shopping areas."

The proposed VRD amendment creating the VR zone contains locational criteria for future use placing tourists in close proximity to recreational opportunities and attractions. By directing tourists to such areas and authorizing additional VRD usage (above the existing limited residential authorization), energy savings can be realized. This savings is based on the notion that the length of vehicle trips to daily goods, services and attractions would be reduced, and even eliminated by walking, if tourists were located closer to those destinations and services. The other amendments proposed have no adverse effects on the energy goal and simply facilitate compliance with other plan policies and objectives with voluntary compliance options. Therefore, the goal is satisfied.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

Policy: Lincoln City shall develop programs to resolve conflicts between the preservation of sensitive wildlife habitats and conflicting uses.

The City compiled an inventory of natural resources, including wetlands, riparian areas, fish and wildlife habitat, and aesthetic and scenic areas. Resources deemed to be significant were evaluated to determine whether, and to what extent, to allow conflicting uses. The City adopted a

protection program, the Natural Resources Overlay, which balances protection and land use. Non-significant resources are not protected by the City.

The VRD amendments will not, of themselves, have any adverse effects on the natural environment. The proposed amendments will facilitate compliance with other goals and policies concerning incompatible development in residential zones. If justified by need and consistent with locational criteria, future application of the new VR zone will direct intense vacation rental use to locations well suited to the intensity of use, (e.g. full complement of public facilities and services). The proposed amendments will not adversely impact the natural environments of the City and do not authorize any additional development in any zone. This goal is satisfied.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

> *"To conserve, protect, and enhance the coastal resources of the city."*

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal shorelands include some areas of residential zoning, and also include areas that have been designated as significant aesthetic resources. The proposed VRD amendments do not themselves authorize any changes in development in the coastal shorelands area since they relate only to development already allowed under the zoning ordinance. The ordinances provide for voluntary mechanisms to bring existing development into compliance with existing limitations on vacation rental use. The new VR zone is not being applied to any particular property (only created) and does not alter any of the existing and acknowledged protective measures for the above-referenced resources. Therefore the VRD amendments are consistent with this goal.

(13) Development Categories

The VR Zone is added to the Comprehensive Plan as a new development category. The new category recognizes the reality that vacation rental operations in residential zones have grown beyond the authorized incidental and subordinate allowance for such use and into full blown

commercial operations, incompatible with residential neighborhoods. The category seeks to provide a new location to concentrate such uses and thereby reduce or eliminate conflicts with such residential neighborhoods. The new category is consistent with the existing separation of such incompatible uses between commercial mixed use and residential zones.

The proposed VR amendment works together with other proposed amendments to facilitate compliance with other goals and policies concerning incompatible development in residential zones. If justified by need and consistent with locational criteria, future application of the new VR zone will direct intense vacation rental use to locations well suited to the intensity of use, (e.g. full complement of public facilities and services). The proposed amendments are internally consistent with this section of the plan.

VI. STATEWIDE PLANNING GOALS.

(1) Goal 1: "Citizen Involvement" The proposed ordinances and other documents were made available at no cost on the City's website and were also available for public review and purchase at the counter. Assistance was available to explain the proposals and technical information. Hearing notices were published in local papers in accordance with notice requirements. Mailed notices were twice sent to impacted property owners pursuant to Measure 56. The findings concerning the Comprehensive Plan Citizen Involvement Program as well as the findings under Nature of Proceedings and Land Use Planning are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: "Land Use Planning" This goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual basis for such decisions and actions. The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearings and reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of these VRD amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal. The

Amendments are integrated and consistent with the planning process and policy framework; specifically the amendments further compliance with existing policies to stabilize and protect existing residential neighborhoods from incompatible uses. The amendments acknowledge the Economy Goal by providing for voluntary compliance mechanisms and alternatives to lessen economic impact of compliance on impacted property owners and workers. The findings concerning the Comprehensive Plan Land Use Element are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 2.

(3) Goal 3: "Agricultural Lands" The areas affected by the VRD amendments are located within the City's Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such. No agricultural lands will be affected by the amendments. Therefore, Goal 3 is not applicable.

(4) Goal 4: "Forest Lands" The areas affected by the VRD amendments are located within the City's Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected areas do not contain any designated forest lands. Therefore, Goal 4 is not applicable.

(5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources" The areas affected by the VRD amendments are located within the City's Urban Growth Boundary. The VRD amendments do not include any areas currently zoned Open Space or Park. They do not include the city's one property listed on the National Register of Historic Places, the Dorchester House. The areas subject to the VRD amendments also include some sites adjacent to areas designated as significant aesthetic resources. However, because the amendments relate only to voluntary compliance options for uses already allowed or pertain to creation of a district which does not directly authorize any development inconsistent with the aesthetic nature of the sites, there is no impact on such resources. . The findings concerning the Overall Environmental Element as well as the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Elements are incorporated herein by this reference. Therefore, the VRD amendments are consistent with Goal 5.

(6) Goal 6: "Air, Water and Land Resources Quality" Because the proposed amendments relate to compliance issues associated with uses already allowed under the existing zoning ordinance, the VRD amendments will not serve to increase the waste and process discharges already being generated within the affected areas. Such

discharges include solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. Similarly, the proposed VR district requires the availability of the full complement of public facilities and services before its application. The proposed ordinances do not impose the VR district on any property. The findings concerning the Overall Environmental Element are incorporated herein by this reference. Therefore the VRD amendments are consistent with Goal 6.

(7) Goal 7: "Areas Subject to Natural Disasters and Hazards" The areas affected by the VRD amendments include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the VRD amendments do not authorize (or exempt) any development inconsistent with these natural hazard standards. The findings concerning the Natural Hazard Element are incorporated herein by this reference. Therefore the VRD amendments are consistent with Goal 7.

(8) Goal 8: "Recreational Needs" The areas affected by the VRD amendments do not include any areas zoned for open space or park use, nor do they of themselves authorize any development inconsistent with the recreational needs of the community, region, or state. Therefore, the VRD amendments are consistent with Goal 8.

(9) Goal 9: "Economic Development" The VRD amendments do not affect the availability of land suitable for industrial and commercial development. The existing Zoning Code, implementing the Comprehensive Plan directs full time commercial vacation rental operations into commercial and mixed use zones. The proposed amendments continue this structure by creating an additional mixed use zone, for future application. At the time of the future application the need for this additional mixed use (deemed commercial for VRD purposes) will need to be demonstrated. Similarly, the creation of voluntary compliance mechanisms to remove violations in residential areas, consistent with the current plan and code, will not adversely impact commercial and industrial lands, as such unlimited VRD use is already authorized in these zones. The effect on economic development in Lincoln City, will be that owners of vacation rentals who are operating illegally in violation of existing code and plan policies will make less money. The economy overall will not suffer as such use will undoubtedly shift to locations where the use is expressly authorized by the Code. The proposed voluntary compliance mechanisms and

available new zone create an avenue for existing owners operating in violation of the law to bring their properties into compliance. The already vulnerable service workforce in the city can only benefit from the legitimization of such operations. The findings concerning the Economy Element are incorporated herein by this reference. Therefore, the VRD amendments are consistent with Goal 9.

(10) Goal 10: "Housing" The VRD amendments do not by themselves affect residential development. By themselves the VRD amendments do not affect the availability of housing because they relate only to housing that already is allowed and to a use that is merely accessory to the primary use of the structures they are in as second homes. The amendments include compliance mechanisms to bring existing development into compliance with existing code which implement important Comprehensive Plan policies to protect and stabilize residential neighborhoods. The findings concerning the Housing Element and Land Use Planning Element are incorporated herein by this reference. Therefore, the VRD amendments are consistent with Goal 10.

(11) Goal 11: "Public Facilities and Services" Existing City water and sewer infrastructure and treatment facilities will not be affected by the VRD amendments, nor will their ability to serve surrounding properties be affected, because the VRD amendments do not authorize any uses not already allowed by the zoning ordinance. The new VR Zone is not applied with these proposals, and contains a requirement that the full complement of public facilities and services (including sewer) be available before application. The findings concerning the Public Services and Utilities Element are incorporated herein by this reference. Therefore, the VRD amendments are consistent with Goal 11.

(12) Goal 12: "Transportation" The VRD amendments are consistent with the City's *Comprehensive Plan* and *Transportation Master Plan* because they concern compliance mechanisms to bring existing uses into conformance with the existing limitations of the zoning code, which itself implements the *Comprehensive Plan* and because they do not adversely affect any transportation facility since they relate only to uses already allowed. Further the new VR zone is not applied to any particular property and requires the full complement of public facilities and services as part of any future application. The findings concerning the Transportation Element are incorporated herein by this reference. Therefore, the VRD amendments are consistent with Goal 12.

(13) Goal 13: "Energy Conservation" The VRD amendments do not change any land use patterns and development already allowed and therefore will not have any effect on Energy Conservation. . The findings concerning the Energy Element are incorporated herein by this reference. Therefore, the VRD amendments are consistent with Goal 13.

(14) Goal 14: "Urbanization" The proposed VRD amendments do not increase or decrease densities allowed, and accordingly do not tend to promote the expansion of the Urban Grown Boundary. The new VR District is not applied with this proposal, but includes locational policies for use of the District as a transition between commercial uses and residential districts, therefore not in proximity to the urban growth boundary. The findings concerning the Comprehensive Plan Land Use Element, Housing Element and Urbanization Element are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 14.

(15) Goal 15: "Willamette River Greenway" The affected areas are not located within the Willamette River Greenway. Therefore, Goal 15 is not applicable.

(16) Goal 16: "Estuarine Resources" The affected areas of the VRD amendments include some areas adjacent to a designated estuarine resource. However, the VRD amendments, by themselves, do not authorize any development, only provide voluntary compliance mechanisms for bringing existing development into compliance with limitations in the zone. Similarly the new VR District is not applied to any particular property and does not alter any protective regulations concerning Estuarine Resources. The findings concerning the Comprehensive Plan Land Use Element are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 16.

(17) Goal 17: "Coastal Shorelands" The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal shorelands include some areas of residential zoning, and also include areas that have been designated as significant aesthetic resources. The proposed VRD amendments do not themselves authorize any changes in development in the coastal shorelands area since they relate only to compliance issues for

development already allowed under the zoning ordinance. Similarly the VR district is merely created by the proposals and not applied to any particular property. The VR District does not alter any of the regulations governing the protection of the identified resources. The findings concerning the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference. Therefore, Goal 17 is met or not applicable.

(18) Goal 18: "Beaches & Dunes" The affected areas of the VRD amendments are not located within a beach or active dune area. The findings concerning the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference. Therefore, Goal 18 is met or not applicable.

(19) Goal 19: "Ocean Resources" Because the affected areas of the VRD amendments are solely on the dry land areas of the city, and because the VRD amendments will not by themselves authorize any development, the VRD amendments will not affect the nearshore ocean and continental shelf. The findings concerning the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference. Therefore, the VRD amendments are consistent with Goal 19.

Findings Concerning Specific Allegations by OIA:

Oregonians in Action (OIA) alleged the proposed ordinances violate (1) the Housing Element of the Comprehensive Plan; (2) the Housing Inventory; (3) Needed Housing Provisions of 197.307; (4)Economic Element of the Comprehensive Plan; (5) Need for Commercial Land -also in the Economic Element; (6) Goal 9 and; (7) OAR 660-009-0025 .

Roads End. OIA's comments are submitted on behalf of Jon Chandler, a resident of Roads End. The Council clarifies as follows: The July 2013 annexation of approximately 246 acres of residential land in Roads End did not rezone the Road's End area to City residential zoning. The area maintains County residential zoning. By 2014 settlement agreement the City agreed not to initiate rezoning of Roads End for five years. Roads End vacation rentals are therefore not limited by the existing accessory use limitation applicable to City residential zones. Accordingly, the settlement offers to existing VRD owners with City residential zoning, the alternative expedited process for new VRDs with city residential zones, and most other provisions of the proposed ordinances do not impact Roads End. The only references to Roads End in the proposed ordinances are essentially to exclude Roads End from City land use provisions. If

created, the new VR zone will be available for Roads End residents to request, but it is not being proposed to be applied to Roads End, (or any other area) with ordinances 2014-21 or 2014-22. The Housing impact of the Roads End annexation is to increase the amount of single family residential land in the City.

The Council finds and determines that the proposed ordinances do not violate the OIA referenced Plan, Goal and statutory provisions cited. The Council incorporates herein all applicable findings set forth above. In addition, the Council finds and determines as follows:

Housing Element. The City does encourage a wide range of housing types, including seasonal housing (a/k/a summer, second, or vacation homes) as acknowledged in the Plan. Second homes located in residential zones are compatible with residential neighborhoods. Second homes in residential zones enjoy only a limited authorization to engage in rental activity. The limitation is that the rental activity must be incidental and subordinate to the owner's own use of the vacation home. The limited allowance for rentals helps second home owners afford their homes and the limitation also keeps the rental use compatible with the residential neighborhood. The existing code contains the above restrictions and such provisions are not being amended. The existing provisions implement important comprehensive plan policies designed to protect and stabilize residential areas from incompatible uses.

OIA appears to equate second homes with unlimited vacation rental operations. OIA states the proposed ordinances will severely limit vacation rental dwellings in residential zones. There is a big difference between a second home (recognized as housing by the plan) and a full time commercial vacation rental operation (a business). Full time vacation rental activities are simply not authorized in residential zones. Such uses are expressly required by existing law to be located in mixed use or commercial zones.

The City Council has announced that the City will enforce the existing limitation in the Code applicable to VRDs in residential zones; enforcement is required to address violations of the Code, which in turn violate Plan policies to protect and stabilize residential neighborhoods. To ease the economic impact of enforcement of the restrictions, Council has offered some voluntary compliance options and alternatives for property owners who will be impacted. Accordingly, opposing the proposed ordinances simply reduces compliance options and alternatives for property owners facing enforcement actions. Council therefore finds and determines that the existing Code and Comprehensive Plan (not the proposed ordinances) limit vacation rental activity in residential zones.

Second homes in residential zones are not limited, by existing code or by the proposed ordinances, but are in fact encouraged in the proposed ordinances to engage in a limited (accessory) amount of rental activity to recover costs and make the homes affordable. The effect of the proposed ordinances will be to reduce and mitigate illegal commercial operations in residential zones and distribute the rental activity to properly operated accessory locations in residential zones or to VRDs in commercial or mixed use zones, where unlimited operations are expressly permitted.

Contrary to the conclusion offered by OIA, there is no requirement that the City demonstrate that the new VR zone can accommodate the amount of VRD usage that will be lost if operators are forced to comply with the existing law. Excessive operations in residential zones violate the Housing Element and the City Code and there is no requirement that the City find other locations for such rentals. Moreover, as noted, there are ample commercial and mixed use properties that can legally operate at a high level and many more residential properties that can accommodate new or additional accessory use. The pending ordinances only offer compliance options and alternatives, the violations stem from the existing, unaltered provisions of the code. If such owners wish to demonstrate the need for a VR zone, they have the option to propose such an amendment; in the alternative they can select a settlement option or defend an enforcement action.

Housing Inventory. The 1990 Housing Inventory does in fact indicate a need for 83 acres of single family second homes. However, the 2014 annexation of Roads End alone added 246 acres of residential land to the City (predominantly second homes). Notwithstanding the alleged need twenty-five years ago, the proposed ordinances will not change the amount of land devoted to second homes. The existing law limits vacation rental operations in second homes in residential areas to accessory use. This accessory use allows owners to recover some of their costs. Full time commercial VRD operations must be in commercial or mixed use zones. Use of second homes in residential areas for full time commercial VRD operations is unlawful. The Council is not compelled by the 1990 need for additional seasonal housing, to tolerate chronic violation of a zoning accessory use limitation or for that matter chronic misrepresentation of the zoning limitations applicable to VRDs by financially interested parties. Even without the adoption of the proposed ordinances, enforcement of the existing zoning limitation will likely discourage the violation of the accessory use limitation in existing VRDs in residential areas and will likely discourage the construction of new commercial level VRD operations in residential areas. These results are consistent with the Plan and code polices designed to protect residential

areas from incompatible levels of VRD use. Adoption of the proposed ordinances will only lessen the severity of the impact on existing owners by providing options and alternatives. Not adopting the ordinances will not stop enforcement of the existing law; it will only remove voluntary compliance options and alternatives. Finally, the Ordinances do not discourage second homes. Commercial level of use of residential VRDs is essentially an illegal method of financing second homes. Legal methods have been and continue to be available.

Needed Housing. The findings above under Housing Element and Housing Inventory are incorporated herein by this reference. Second homes and commercial vacation rental operations are not the same. Second homes are permitted uses in residential zones. The 1990 need for additional second home acreage appears to have been met. But even if one assumes second homes are needed, that does not mean that vacation rental operations are needed housing. Under City Code such operations are a permitted business use in commercial zones and some mixed use zones. The minor allowance to owners in residential zones to engage in limited rentals to help recover costs, does not convert full time commercial vacation rental operations into needed housing. The facts, in the record are that vacation rental operations in residential zones have increased operations in violation of the code and plan policies to the point that they have eroded existing neighborhoods and become de facto commercial zones, with periods of intense activity and then vacancy. Further new construction in residential areas is being geared toward this high profit commercial rental activity, in violation of the Code and Plan policies. During the hearings, when the Housing Element mandate to provide for the housing needs of all citizens was mentioned, a Realtor testified that these [VRD] homes were built as large high occupancy vacation rentals and are simply too expensive for working people in the City. The Realtor's point was that the workforce really wasn't the target market for these homes; Council's point was - Exactly! Commercial VRD operations belong in commercial zones. Housing for all citizens belongs in residential zones. The point was made. If the Council does not enforce the limitations in the existing Code and Plan, the development interests and others will simply ignore the limited allowance for vacation rentals in residential zones, and new construction will more likely than not be directed toward this high profit commercial use instead of the required mix of housing types for the needs of all citizens. The housing studies in the record bears out the conclusion that the effect of VRDs is to reduce the available mix of housing available in the city of Lincoln City. In light of the housing studies, it is no small perversion of the needed housing statute, (a statute designed to protect against discrimination against low income housing) to argue that second home

owners should be permitted to violate zoning restrictions designed to protect and stabilize existing neighborhoods in order to afford their second homes and lifestyles conducted elsewhere.

Contrary to the conclusion offered by OIA, the proposed ordinances do not "greatly restrict" single family second homes. Second homes remain permitted uses in residential zones. Similarly, the limitation in the existing code on the use of second homes as vacation rentals is unchanged by the proposed ordinances. The City has not removed any available land for second homes by proposing voluntary compliance mechanisms and options to code enforcement actions in the proposed ordinances. In fact, with the addition of 246 residential acres in Roads End to the City in July 2014, the City has increased greatly the number of second homes located in the City. Finally, there is no requirement that the City apply the new VR zone (without cost or risk to second home owners) to provide for additional commercial VRD use to offset the loss of or to cure the illegal operations of VRDs in residential zones.

Economic Element. OIA alleges that the proposed ordinances limit the availability of housing for VRDs and is therefore contrary to the requirement to goal to support tourism. The existing law limits VRDs in residential zones, not the proposed ordinances. The proposed ordinances propose options and alternatives to code enforcement actions. As noted above under the Economy Goal, support of the Tourist industry does not require allowing violation of code provisions and important plan policies protecting residential neighborhoods in the Housing element.

Contrary to the conclusion offered by OIA, the City is not required to show that it has not decreased the opportunity for VRDs, or simply moved them around. Nothing in the Economy Element requires the City help mitigate losses to persons violating the existing code due to enforcement. Nevertheless, the City Council has offered voluntary compliance options and alternatives to such violators to reduce the economic impact on owners and service workers alike.

Commercial Land Need. OIA alleges that the proposed ordinances move VRDs from residential zones to commercial zones without any attempt to identify the impact on commercial zones or the new VR zone. OIA states the "City must identify the impact of that new use on the need for additional commercial land needed to satisfy the city's requirement for a 20 year supply of commercial land." Vacation Rental use is a permitted use in commercial zones, which includes numerous mixed use zones, including the new VR. Accordingly, the use is not new, but is in fact where such intense VRD uses were intended and required to be located. Further the City has not removed the allowance for accessory VRD use in

residential zones. (Something the Consensus Group had proposed for NO zones). Further, it appears there may be a surplus of commercial lands identified in the Comp Plan inventory. Pg 9-22).

Contrary to the conclusion offered by OIA, the City is not required to map new VR zones or do an analysis of a new use in commercial zones because the use is not new. As previously stated, the proposed amendments create voluntary compliance mechanisms and alternatives for property owners who are located in residential areas and are exceeding the existing code allowance for vacation rental activity.

Goal 9. Contrary to the conclusion offered by OIA, and consistent with the findings above on commercial need, the City is not violating Goal 9 because the VRD use is not a new use being added to commercial zones. The use is an existing permitted use. The City is not in the proposed ordinances "severely restricting" the city's residential zones from using the homes as VRDs. The existing code, which is not being amended, restricts vacation rental use of second homes in residential zones. The proposed ordinances only create voluntary compliance mechanisms and alternatives for property owners facing enforcement actions. The existing Code and Plan policies require commercial vacation rental operations to be located in commercial or mixed use zones. Only a limited allowance is provided for in residential zones.

OAR 660-009-0025(3) economic development opportunities. The City is creating a new zone VR , but not applying the zone to any particular property. Such application must await future application and demonstration of consistency with applicable city comprehensive plan policies and state law. Nevertheless OAI concludes that the City will consume existing commercial and industrial lands with this new zone. Further OIA again concludes the City is moving existing uses out of R-1 and into commercial zones, again failing to realize that such uses are already permitted uses in these zones and failing to recognize that the uses remain available (albeit at a residentially compatible level) in all residential zones. Contrary to the conclusion offered by OIA, the City is not violating the above-referenced OAR by creating a new zone and not applying it and by offering voluntary compliance mechanisms and alternatives to residential owners who are facing enforcement actions under existing law.

Supplemental Findings:

During the hearings and in the correspondence in the record there are allegations that the proposed ordinances constitute a regulatory taking resulting in the city having to pay compensation to landowners.

In Hall v. State ex rel Oregon Dept. of Transp., 355 Or. 503 (2014), the Oregon Supreme Court recently clarified the test applicable to different kinds of takings claims. As regards regulatory takings the Court stated:

> Other types of government actions also can result in a *de facto* taking. When, for example, a government regulation —rather than a physical occupation or invasion—restricts a property owner's right of possession, enjoyment, and use, a taking can occur if, as a consequence, the property retains no economically viable or substantial beneficial use. *Dunn*, 355 Or. at 348, 328 P.3d 1261; *Coast Range Conifers*, 339 Or. at 146–47, 117 P.3d 990; *Boise Cascade Corp. v. Board of Forestry*, 325 Or. 185, 197–98, 935 P.2d 411 (1997).

The proposed ordinances:

- create a new mixed use zone for future application;
- provide for an optional expedited route to a new limited VRD license in a residential zone;
- maintain the existing land use process for accessory use approval;
- provide an optional settlement offer for existing VRDs who may or may not be operating in excess of accessory use limitations;
- provide a license with the option to apply for a vested rights/nonconforming use determination; and
- provide that the existing accessory use language in the Code be enforced in both future land use permitting and future land use enforcement actions.

The ordinances provide options and alternatives to property owners. There is no new regulation, only the stated intent to enforce the existing code. Any taking allegation based on the existing code will have to await exhaustion of the applicable land use processes and appeals identified (including vested rights or nonconforming use determination). Further the standard for taking of this sort, as clarified by the court this year, is not mere diminution in value but rather the more restrictive "no economically viable or substantial beneficial use." (Hall found that the same restrictive standard applies to "condemnation blight" cases - where condemnation is threatened.)

The issue of VRD regulation was previously litigated in *Cope v. City of Cannon Beach*, 115 Or. App. 11, 14-15 (1992). In *Cope* the City ordinance prohibited rentals in certain residential zones of less than 14 days and provided for an exception process akin to a vested rights determination process. The Court stated:

> Petitioners argued to LUBA and in their first assignment to us that the restriction constitutes a taking without just compensation. LUBA rejected that argument on the ground that the ordinance contains a "hardship relief" provision under which an affected property owner may apply to continue a rental use by showing that investments made exclusively to develop that use cannot be adequately recouped under the other provisions of the ordinance. Therefore, LUBA held, the taking argument is not ripe. We agree. *See Joyce v. Multnomah County,* 114 Or.App. 244, 835 (1992).
>
> Petitioners contend, however: "The so-called 'hardship relief' provided in the challenged ordinance is available only to owners of property where the physical improvements have committed the property to short term rental use, a standard nearly impossible to meet." The argument proves too much because, if the property is not committed to short-term rental use, the prohibition could not arguably eliminate all other viable economic uses, such as living in one's own dwelling. Therefore, there *could* be no taking of property that does not meet the threshold criterion for hardship relief that petitioners describe.

The case points out that vacation rental use is not the only use available for single family homes in residential zones. There are other viable uses such as "living in one's own dwelling." Further the City of Lincoln City has not proposed outlawing VRDs in the City. To the contrary, every residential lot may enjoy some limited VRD use.

Expressly to avoid Measure 49 (diminution in value) claims, the City is not changing the existing operative language of the Code related to the accessory use limitation. While the City does not believe Measure 49 applies because the use is commercial and not residential use, the City has taken the additional precaution of not amending the accessory use language (as was originally proposed) just to avoid the volume of possible Measure 49 claims. The existing language has been in place for more than five years and is immune to any Measure 49 challenge.

The Council elected not to repeal the existing accessory use limitation as was requested. The limitation was retained because it served valuable zoning and comprehensive plan policies to protect and stabilize

residential neighborhoods. In *Cannon Beach,* the Court upheld the ordinance against challenges the ordinance violated the Tourism based Economy Policies of the Plan. The Court pointed to the City's findings, which are equally applicable here:

> The city's findings recite, *inter alia,* this interpretation of those plan policies:
>
> "Cannon Beach has determined it will provide for a moderate level of controlled growth (The Economy Policy 1).
>
> "Tourism is the main element of the city's economy. The city has determined that future economic development must maintain a balance between tourism and the stability of its residential areas (The Economy Policy 2) because tourism has the capability of adversely affecting the city's small town character and its residential areas.
>
> "A loss of the city's small town character and the integrity of its residential neighbors will adversely affect the economic health of the community. It is the charm of the city's commercial and residential areas that attracts persons to Cannon Beach not only as a tourist destination but also as a retirement community.
>
> "The rental of dwelling units for transient occupancy is a commercial use associated with the city's tourism industry. The city has determined that this commercial use in residential areas will adversely affect the character of residential areas and is thus inconsistent with its stated policy of finding a balance between tourist development and the maintenance of residential areas."
>
> *Cope v. City of Cannon Beach,* 115 Or. App. 11, 15-16 (1992).

Findings Concerning Other Allegations:

In the correspondence entered into the record (including specifically September 15, 2014 and October 13, 2014) individuals made various constitutional challenges and other allegations concerning the proposed ordinances.

The Council finds and determines that the proposed ordinances do not violate the referenced constitutional provisions and the Council incorporates herein all applicable findings set forth above. In addition, the Council finds and determines as follows:

The proposed ordinances:

- create a new mixed use zone for future application;
- provide for an optional expedited route to a new limited VRD license in a residential zone;
- maintain the existing land use process for accessory use approval;
- provide an optional settlement offer for existing VRD owners who may or may not be operating in excess of accessory use limitations;
- provide a license with the option to apply for a vested rights/nonconforming use determination; and
- provide that the existing accessory use language in the Code be enforced in both future land use permitting and future land use enforcement actions.

The allegations are numerous:

- Measure 49 claims can be filed based on new law that "significantly changes the interpretation" of a previous law.

The new ordinances do not amend the definition of accessory use, currently defined as incidental and subordinate to the main use. Although Council initiated an ordinance to clarify and further define the accessory use limitation with a nondiscretionary standard, the threat of Measure 49 claims altered Council's proposal to simply retain the existing language. The new Code clearly indicates staff is to apply and interpret the existing language in future land use enforcement actions and in future land use permit decisions. This emphasis is made to signify Council is not changing the existing language in order to avoid Measure 49 claims. Accordingly, the existing accessory use language will be interpreted by the Director or other authorized decision maker in the context of such future land use actions.

The findings for these ordinances contain an analysis of the existing accessory use language in the code as well as the zoning and comprehensive plan context of the existing law. These findings have two purposes. First, given the request to repeal the existing accessory

use language and replace it with the YES/NO overlay maps, the interpretation and analysis reveals that enforcement of the existing code is the only available means to attain land use compatibility consistent with comprehensive plan policies while avoiding Measure 49 claims. In short, the existing code language, if properly enforced, implements the plan and code policies and goals. The Council's decision to reject the YES/NO approach and retain the accessory use limitation is well supported. Second, the interpretation of the language in the zoning code and comprehensive plan context is necessary in these ordinances in order to justify and support Council's decision to offer the expedited VRD license path. In the findings, supported by the Council's analysis, the Council finds and determines that thirty (30) nights of VRD rental in a residential zone is incidental and subordinate to the main use of the premises as the owner's vacation home. As stated in previous findings and staff reports, this is not the only number of nights which is incidental and subordinate to the main use, but the Council must support its decision to offer this nondiscretionary OPTIONAL route to a VRD license. The findings, interpretation and analysis support the Council's decision that 30 nights is incidental and subordinate.

The opponents of these ordinances do not argue that 30 nights does not meet the incidental and subordinate standard. There is nothing wrong with the "incidental and subordinate" land use standard as set forth in the existing law. It is not an interpretation of the language that opponents object to, it is any enforcement of the existing standard. However, enforcement of the existing language can occur without the options and alternatives created by these ordinances. In accordance with established land use enforcement mechanisms, including but not limited to LCMC 17.80.050 D.2., any violation of standards in LCMC 17.80.050.B. subjects the VRD approval to revocation. LCMC 17.80.050.B.2 is the accessory use limitation. The ordinances contain alternatives and options to lessen the burden of enforcement. The interpretation and analysis in the findings of these ordinances support the decision not to repeal the limitation and support the offered optional expedited VRD process. Finally, the existing language in the Code will be applied and interpreted to future land use decisions and future enforcement actions.

- Incidental and subordinate is far from settled - referencing OIA correspondence.

Opponents of these ordinances refer to a number of interpretations of the terms "incidental and subordinate", including a summary of cases

by OIA in the context of state laws governing resource lands. After discounting the City of Beaverton case, ultimately they conclude the law is far from settled. As noted above, it is less an issue of interpretation of the standard and more an issue of enforcement. If opponents are proposing an interpretation it is that the Code language means nothing. Council expressly rejects this interpretation. As noted above, opponents are free to argue their alternative interpretations of the land use standard in the appropriate land use permitting or enforcement process. In its findings, Council supported its decision not to repeal the accessory use limitation and found that thirty nights is incidental and subordinate using the analytical framework of the Beaverton case. As noted, this is not the only number of nights which can be found to be incidental and subordinate.

Beaverton simply looked at the text of the ordinance and the context - that being the implementation of zoning and comprehensive plan policies.
Accordingly, the City's analysis of the existing code in the findings addresses how the existing "incidental and subordinate" accessory use limitation is consistent with the adopted comprehensive plan policies protecting residential neighborhoods from incompatible development and is internally consistent with the zoning code and code purposes. For this reason the request to repeal the limitation in favor of the YES/NO zone was rejected. Also, the City of Beaverton case concerns a local government's interpretation of its own code which implements its comprehensive plan, and is materially different (in terms of deference) from resource land cases where local governing bodies apply state administrative rules protecting resource lands. Nevertheless, as noted, the interpretation of the existing accessory use language will occur in future land use permit decisions and future enforcement actions subject to appeal. This ordinance does not amend the applicable definitions or establish a significantly different interpretation.

It is worth noting that opponents also criticize the use of time (number of rental nights) relative to accessory use, claiming it does not make sense. Certainly, an accessory structure is easy to quantify in terms of size. One can easily examine the accessory structure and compare it to the principal structure and determine it is incidental and subordinate. Use can be more difficult. When measured as a portion of property or a building, e.g. a percentage of a home used for a home business, it can be understood. Accessory use of a portion of a property can, however, change over time; it can creep-up or expand or even take over the main use (owner moves out of the house where

the home business is located). When, as in the case of a VRD, the entire house (not just a portion) is used for the accessory use, the only limitation is time - there is no spacial or size limitation. Given the VRD accessory use is expressly limited to the annual license, time in number of nights per year is the appropriate measure for accessory use. Accordingly, the Council finds and determines that the only limitation on accessory use that makes sense in the VRD context is time.

- IRS considers a vacation home a personal residence, unless rented for 300 days a year.

The Lincoln City TRT Code matches the exemption in IRS regulations, that is, if you rent your vacation home for less than 14 days, no tax is imposed. The IRS considers this small amount of use to be unimportant, insignificant and of little value. If you rent your Lincoln City vacation home for more than 14 days, the rental use of the property becomes taxable as rental income, deductions are limited, and the exact amount of use must be tracked for tax purposes.

- Findings must be made available for comment

As previously noted, the findings are what the Council believes is shown by the evidence in the record. Parties do not have the right to review or comment on findings.

- No evidence short term rental housing reduces availability of residential housing.

Common sense dictates that if residential properties are devoted to high income tourist accommodations, the available residential market for affordable rentals or homes for workers and retirees is reduced. The growth of VRDs located in residential zones in the City is well documented in the record. See Economic analysis and Housing studies in the record.

- Enforcement Action by DLCD not likely.

Staff identified City Council ordinance findings concerning housing goals and policies in virtually every prior ordinance concerning VRDs. These findings expressly state that VRD use is merely accessory and as such will not impact housing supplies. Opponents do not wish to abide by the accessory use limitation and object to staff pointing out that the City faces possible enforcement action by DLCD and citizens

groups. Even if the hearsay statement attributed to DLCD staff is accurate, DLCD staff's belief that they don't expect to be taking any action cannot bind or preclude the agency from taking future enforcement actions authorized by Oregon law. In addition, the risk that citizens will bring land use enforcement actions is not addressed by opponents. Council finds and determines that regardless of whether the Department or citizens bring land use enforcement actions, the Council must enforce the accessory use limitation because it furthers important comprehensive plan and zoning code purposes. The likelihood that Council could possibly "get away with" not enforcing its code does not mean that Council should ignore the adopted provisions of its comprehensive plan and zoning code.

- Goals.

Like the balance between the Economy Goal and the Housing Goal in previous findings incorporated herein, the proposed VR zone facilitates more legal short term rental use consistent with Recreation Needs, in areas where land use compatibility has been addressed in the rezoning decision. Similarly, adequacy of public facilities in the new VR zone, specifically sewer, was addressed by council. While a vacation home used occasionally by an out of town owner may be adequately served by a septic system, full time vacation rental use as would be authorized in the VR zone requires sewer service. The VR zone is based on the idea (like the idea of the YES and VROZ proposals) that a new zone could be created where vacation rentals could be unlimited; however, the VR zone proposal emphasizes review of land use compatibility through the rezone process. The reference to "based on the YES and VROZ overlays proposed" is not a reference to maps. The disruption of established neighborhoods by short term rentals was the issue twenty years ago in Cannon Beach and lead to the enactment of restrictive regulations. Citizens in Lincoln City similarly testified in person and in writing before Council that the quiet enjoyment of their properties has been disrupted by commercial levels of vacation rental operations. The existing code recognizes these nuisance impacts. Citizens testified that in addition to noise, parking and trash, the fact that you never know who your neighbors will be from week to week has an impact on your quality of life and security. Further, VRDs are getting bigger and more intense. One realtor and VRD owner with a large VRD testified that VRDs are often far too large and expensive for residents.

- Existing VRD definition

LCMC 17.80.050.D. concerning enforcement, contains language concerning "with or without an exchange of value or other consideration." As Council is concerned with rental for consideration (or the promise of consideration) the language will be modified accordingly.

- Record

It has previously been noted in the Nature of Proceedings and other sections herein that the record was reopened on all three ordinances on August 25, 2014 for additional public hearing on September 15, 2014 and written comment until noon on October 13, 2014.

- Roads End provisions discriminate against everyone else.

All similarly situated properties (those with City zoning) are treated equally. Recently annexed Roads End does not have city zoning and is therefore not similarly situated.

- Records of Occupancy.

The record keeping requirements are reasonably related to enforcement of the existing accessory use limitation and are complimentary of existing requirements concerning VRD guest registers, TRT tax receipts and IRS records for rental of second homes.

- VRD penalties

A manager or owner that causes or suffers violations identified has a right to a trial before the municipal court or hearing before the VRD license board as applicable.

- More Takings allegations

After making numerous allegations, the above-referenced correspondence (page 11) refers to a White Paper by the *Robinson and Cole LLC* done for the National Association of Realtors. The correspondence sets forth various excerpts including the statement that "land use regulation that is excessively restrictive may constitute a - taking of property for which compensation must be paid...."

The correspondence neglects to mention that the White Paper then references the Oregon Supreme Court opinion in *Cope v. City of Cannon Beach,* 317 Or. 339 (1993) for the proposition that such VRD regulation is not a taking of all economically viable use.

The Oregon Supreme Court's Opinion in Cannon Beach held:

> We next consider whether Ordinance 92-1, by prohibiting transient occupancy, denies property owners economically viable use of their properties. *See Agins v. Tiburon, supra,* 447 U.S. at 260, 100 S.Ct. at 2141 (stating second part of test). We conclude that it does not. On its face,
> Ordinance 92-1 permits rentals of dwellings for periods of 14 days or more. The ordinance also permits the owners themselves to reside in the dwellings. Although those uses may not be as profitable as are shorter-term rentals of the properties, they are economically viable uses.

(See also Court of Appeals opinion quoted earlier in the findings).

Unlike the consensus committee's recommended NO zone, the proposed ordinances do not prohibit short term rentals. Staff is directed to enforce the existing limitations in the Code (the existing accessory use limitation). The existing code allows all residential zones a limited allowance of VRD use. Moreover, such enforcement will occur in future land use enforcement actions or future land use permit decisions. The ordinances proposed add optional mechanisms and alternatives to the enforcement process.

BEFORE THE CITY COUNCIL FOR THE
CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON

[November 10, 2014]

ANALYSIS AND REVIEW OF LANGUAGE AND CONTEXT OF LINCOLN CITY MUNICIPAL CODE, SECTION *17.80.050.B.2.* AND SECTION *17.08.010* RELATING TO THE EXISTING INCIDENTAL AND SUBORDINATE ACCESSORY USE LIMITATION ON OPERATION OF VACATION RENTAL DWELLINGS LOCATED IN RESIDENTIAL ZONES	)	COUNCIL INTERPRETATION GUIDANCE No. **2014-01**

Interpreting Legislative Body:

City Council of the City of Lincoln City.
[The interpretation by the Planning Director in the record is modified herein by the City Council]

Land Use Regulations:

LCMC Section 17.08.010 *Definitions* (the definition of "Accessory Use")
LCMC Section 17.80.050 *Vacation rental dwelling use criteria* (allowing vacation rental dwellings as an accessory use in residential zones and permitted use in commercial zones)

Problem & Question Presented:

Zoning and land use controls are imposed by local governments to prevent conflicts between property owners caused by incompatible uses. Businesses, including uses like overnight accommodations, are generally located in commercial zoning districts to avoid conflicts with residents. Some of these uses, like home occupations, bed and breakfasts and vacation rentals enjoy limited authorization to operate in residential zones. Authorization to operate as an accessory use is a common limitation. Sometimes owners and their management companies violate these use limitations, in favor of more profits, triggering conflicts with surrounding properties. Adversely impacted residents in turn request enforcement action by the City or such private parties may initiate private enforcement actions. Finally, DLCD may become involved in enforcement if the City fails to act.

Vacation rentals, especially those operated as high intensity business operations, have acknowledged nuisance impacts on residential neighborhoods. The VRD problem is that of land use compatibility. Acknowledging the problem, the VRD Consensus Group sought to separate the uses into YES and NO zones. Objections were made based on fairness and Measure 49 claims were threatened. However, what was overlooked was that the existing Code also separated such incompatible uses by requiring high intensity VRD business operations to be in commercial zones. Only limited VRD operations were authorized in residential zones. In this context, the question presented to Council is at what point does the authorized accessory use of a dwelling as a vacation rental in a residential zone cease being merely an incidental and subordinate accessory use and become an incompatible commercial use in a residential zone?

Discussion:

This analysis and interpretation addresses the plain meaning of the definitional words used in the Lincoln City Municipal Code, together with the existing context of the language in the existing code. This interpretation further addresses the guidance presented by the Comprehensive Plan and Zoning Code purposes and other existing code provisions, together with applicable case law and legislative history.

A "vacation rental dwelling" (VRD) is a dwelling unit that is used, rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis. [See LCMC 17.08.010]. The existing zoning ordinance expressly acknowledges that this type of short term rental use can have nuisance impacts on residential neighborhoods [See LCMC 17.80.050A.2.].

Accordingly, the Lincoln City Municipal Code contains an accessory use limitation on vacation rental dwelling use in residential zones. Specifically, LCMC 17.80.050.B.2 provides:

> 2. Accessory or Permitted Use. A VRD is allowed as an accessory use in a residential zone and a permitted use in a commercial zone, provided the VRD meets the applicable standards of this chapter and obtains a license under Chapter 5.14 LCMC.

This accessory use limitation on VRDs has existed in the Zoning Code since at least 1989.[1] It differentiates this short-term rental use from other rental use of residentially zoned property. This accessory use limitation is further specifically defined in the existing code as "incidental and subordinate to the main use" of the property [LCMC 17.08.010]. The accessory use authorization is also expressly subject to an annual license.

Different types of VRDs.

The Code referenced above begins with the word "Accessory" followed by the disjunctive "or" and then the words "Permitted Use'. The Code indicates two mutually exclusive possibilities. Similarly, the first sentence of the section states that VRDs are allowed as accessory uses in residential zones and permitted uses in commercial zones. Given that the Code expresses two alternatives, to treat the Code as authorizing only one type or level of VRD use would be expressly contrary to the language of the Code and would render the words used by the legislative body a nullity. VRDs in commercial zones, as permitted uses, are more like motels in intensity and frequency of use.[2] Accessory Use VRDs in residential zones must be significantly different in terms of intensity and frequency of use; such accessory use is more like a Home Occupation allowance.[3] Accordingly, the plain language of the code supports that

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[1] This limitation is currently contained in LCMC 17.80.050.B.2., which has not been amended for more than five years. The limitation actually has existed in one form or another in the Zoning Code for approximately 25 years. [See prior LCMC 6.050(2)(Ordinance 89-11) as well as prior LCMC 10.050(2),(Ordinance 92-03). Both referenced ordinances provided that "A vacation rental dwelling permit shall be issued as an accessory use ..." (emphasis added). Ordinance 2007-11 clarified that the limitation did not apply to commercial zones by expressly limiting the accessory use language to residential zones.

[2] See staff report Ordinance 2002-02 "Single family homes in the commercial zones are required to obtain a business occupation tax permit, and the rental of these homes are treated similar to the operation of a motel."

[3] See May 11, 2009 City Attorney Council Memorandum making the comparison to home occupation.

there are at least two types of VRDs: Limited Accessory Use VRDs in Residential Zones and Permitted Use VRDs in Commercial Zones.[4]

Accessory Use defined. [5]

"Accessory structure" or "accessory use" means a structure or **use incidental and subordinate to the main use** of property and located on the same lot as the main use, including any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve. [LCMC 17.08] **(emphasis added)**

An accessory use, like an accessory structure, must be "incidental and subordinate to the main use" of the property. The main (principal) use of the property is a permitted use which is a different use from the incidental and subordinate accessory use. The textbook example is a home office. Some codes would allow an accessory home office with a limitation that it be a small percentage of the gross floor area - e.g. ten percent under the State Building Code. The main use is the residential use of the home by the owner; the accessory use is the subordinate or minor office use. As relates to vacation rental dwelling use, the language of the existing Code clearly dictates that there are two uses - both a main use and an accessory VRD use. The main use must be the permitted residential use of the dwelling as a second home by the owner; the VRD use is the subordinate or minor use. In the home office example above, if the owner builds another residence and moves out of the house, the office use becomes the dominant use, even if the owner occasionally stays there. Similarly, if the VRD use is the main use of the vacation home (there is little or no use by the owner) the code limitation is violated.

Incidental and subordinate.

The common and ordinary meaning of the word "Incidental" means: "1. happening as a minor part or result of something else." "Minor" in turn means: "not very important or valuable; "**small in number, quantity, or extent; " "not very serious"** (**emphasis added**). Stated another way: "inferior in importance, size, or degree: comparatively unimportant."

Similarly, "subordinate" means "of or characteristic of a low rank or importance;" "inferior" or "secondary." "Secondary" meaning "not as important or valuable as something else."

Accordingly, the existing code definitional limitations on accessory use dictate that an accessory use VRD in a residential zone must be very different from a permitted use VRD in a Commercial Zone, the difference being the intensity and frequency of the use. An accessory use VRD must be both incidental and subordinate to the main (principal) use. There must be two uses - the main or principal permitted use (typically the owner's use of his/her second home) which is dominant, and the subordinate, incidental minor VRD use. Of the two uses, the VRD use must be the inferior use; the VRD use is minor, meaning it is not very important or valuable, small in number, quantity, or extent, comparatively unimportant. The plain and ordinary dictionary meaning of the words used in the existing code operate to limit the accessory use to a small number. These definitional limitations are supported by the context, the context being the code as an implementation measure for the code purposes and comprehensive plan policies.

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[4] In the proposed Ordinance there are three types of VRD licenses, the third simply being a catch-all Special category for the proposed Administrative Allowance or a VRD approved under some other land use process.

[5] This definition has not been altered since its original adoption in 1984 (Ordinance 84-02, Section 1.040)

Context: VRD Code purposes.

The purposes set forth in LCMC 17.80.050 A.1 support the limited allowance for VRDs in residential zones:

> "Vacation rental dwellings are allowed in recognition of the fact that property owners may desire to allow others to use a vacation home on occasions when the owners themselves are not using it . . ."

Clearly the language of the code contemplates that the "owners themselves" are using the vacation home. The principal use of the dwelling was always contemplated to be the owner's own use of the vacation home; VRD use was only to be occasional.[6] Accordingly, a vacation home in a residential zone is not to be operated at an intensity or frequency similar to a permitted commercial VRD business in a commercial zone; the VRD use is merely an incidental and subordinate minor use of the owner's vacation home.

Context: VRD Ownership Limitation.

Similarly, the one VRD per person in a residential zone limitation in the Code [LCMC 17.80.050 B.1] supports the limited allowance for VRDs in residential zones.

> ... a person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that has a vacation rental dwelling,...

A person who has a vacation home may, on occasion when they are not using it, rent their home to others; a person with more than one vacation home in the same City is engaged in the business of renting vacation homes. In Lincoln City, the former is authorized in residential zones, the latter is not. (See Administrative Interpretation 2007-01 providing that the dwelling being rented must be the owner's "vacation home" and that it would be illogical to own more than one vacation home in the same City). Multiple ownership of commercial VRDs is appropriate in commercial zones (no limitation on ownership); in residential zones it is this limitation which again reinforces that there are two uses, the main use by the owner as a vacation home and the incidental minor use by others. If a person or business was permitted to own multiple VRDs in a residential zone, the nature of business being what it is, the principal use would be VRD use and the intensity and frequency of use would be to rent the dwelling for as many days as possible to maximize profit, making the use no different than use in a Commercial Zone. The one VRD per owner limitation supports the fact that the allowance for VRDs in Residential zones is only a minor allowance granted to the home owner to help recover costs while providing an alternative tourist accommodation, not to maximize profits as in a business zone.

Context: R-1 Zoning Code purposes and other authorized uses.

The purposes of the R-1 Zones and other similar authorized uses in the zoning code, similarly support the limited allowance for VRDs in residential zones. LCMC 17.16.010 provides:

> **17.16.010 Purpose.**

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[6] See Ordinance 89-11: The "Vacation Rental Dwelling Permit" is in recognition of the desire of many people to rent their vacation home on occasions when they, themselves, are not using it. (emphasis added)

> To promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the zone. The R-1 zone is intended to provide primarily for single-family dwellings.

The purpose of the R-1 zone is to protect and stabilize residential characteristics of the zone. Authorizing VRDs at the same level as allowed in commercial zones (with an intensity and frequency of use similar to motels) would not protect residential zones. This "protect and stabilize" language is similar to language in the comprehensive plan (discussed later). The accessory use limitation in the current code furthers this policy by limiting VRD use in residential zones to a small amount (in terms of frequency and intensity of use).

Similarly, the list of Permitted and Accessory uses in R-1 zones demonstrates a context of consistent safeguards against high levels of intensity or frequency of commercial use. Guest houses are not to be rented [at all] or otherwise conducted as a business; home occupations are limited to 25% of the floor area, and may have no outward appearance of a business; bed and breakfasts must be owner-occupied (main use) and are limited to rental of two rooms (i.e. a small amount) [See LCMC 17.16.020 and LCMC 17.16.030].

Similarly, and specifically related to overnight accommodations (other than motels and hotels), the Code [LCMC 17.52.210.G] expressly authorizes only a limited amount of Recreation Commercial uses in large scale Planned Developments (100 acres or more). The Code permits overnight accommodation cabins and structures (not including motel and hotel uses listed separately) as authorized in such large scale mixed use planned developments only if the impacts of such commercial uses are "internalized and mitigated through master planning and coordinated on-site management." Such other overnight accommodations are limited by LCMC 17.52.210.G(2)(b) to 15% of the gross site area of the large scale residential planned development. There is no allowance for such RC uses in smaller planned developments. Accordingly, commercial operations of overnight accommodations (like VRDs) are permitted in residential zones only in large master planned communities when the impacts of such RC uses are internalized and mitigated through master planning and on-site management, and even then they are limited to only 15% of the gross land area. Accordingly, in large planned developments, Commercial (RC) such use is tightly constrained by master planning, on-site management and a percentage of land area. The accessory use limitation similarly acts to constrain VRD use outside of such large master planned communities; because such communities have not had the benefit of master planning to internalize impacts, accessory use authorization for VRD use must be less intense than master planned communities.

Context - VRD Ordinance Goal Findings. The City's Housing Goal is "to provide for the housing needs of all citizens." The Housing Element further requires that "The city shall work to stabilize and protect existing residential areas from deterioration and incompatible development." Unlimited operation of VRDs in residential areas converts such residential areas into *de facto* commercial districts. Such intense VRD business operations in residential zones, while creating profit for owners and investors, remove such lands as available housing. Similarly, when property owners deliberately build vacation rentals as business investments in residential zones, such homes are generally far too expensive for normal workforce housing. (A realtor testified to this effect during the hearing). Such operations are incompatible with existing residential areas and not consistent with the applicable provisions of the City's comprehensive plan to provide housing needs for all citizens. To reinforce the fact that the VRD allowance in residential zones was not a *de facto* conversion to commercial use, and to lessen exposure to allegations of violation of the statewide planning goals and comprehensive plan policies, the findings supporting adoption of

nearly every VRD related ordinance emphasized that the intensity and frequency of the VRD use was "**merely accessory**". Findings for Ordinance 2009-02 provide:

> (10) Goal 10: "Housing" The VRD amendments do not by themselves affect residential development. By themselves the VRD amendments do not affect the availability of housing because they relate only to housing that already is allowed and to **a use that is merely accessory to the primary use of the structures they are in as second homes.** Therefore, the VRD amendments are consistent with Goal 10. (**emphasis added**)

Similarly, findings concerning adequacy of public facilities, energy conservation and protection of natural resources find that the most code amendments concerning VRDs will have little or no impact on the listed goal resources. To interpret the allowance for accessory use VRDs in residential zones as unconstrained, and on-par with VRDs in commercial zones, would be contrary to this legislative history and the language of the ordinance.

Context - Acknowledged Comprehensive Plan

The Comprehensive Plan Housing Policies provide:

> There are four users which determine Lincoln City housing needs. These are:
>
> 1.The permanent resident seeking shelter at affordable prices.
> 2.The tourist industry seeking seasonal shelter for its employees.
> 3.The elderly population seeking retirement shelter.
> 4.The seasonal resident seeking shelter.
>
> These users work in competition for the limited lands available for housing development.

The Comprehensive Plan recognizes that seasonal residents (i.e. owners of second homes) compete with other users, such as permanent residents and retirees, for the City's available housing supply. The Plan does not prioritize such users over others. Further, the Comprehensive Plan does not identify short term VRD rental as a *residential* housing demand; VRD rental is merely a minor commercial aspect of seasonal housing in residential zones. The plan goes on to establish policies to be implemented in the zoning code; these policies seek to guard against adversely impacting available residential housing stocks by encroachment of incompatible development, including commercial uses. As was noted earlier, the Comprehensive Plan expressly provides (**emphasis added**):

> 4. The City shall work **to stabilize and protect** existing residential areas from deterioration and incompatible development.

Interpreting the allowance for VRDs in residential zones as being on par with commercial VRDs would br expressly contrary to the Comprehensive Plan's policies, implemented in the Zoning Code to stabilize and protect existing residential areas from incompatible commercial development. The incompatibility of commercial scale VRDs with "existing residential areas" has been the impetus for much of the recent work, including the "Consensus" effort. While some proffer better controls on parking, garbage and noise, or more stringent penalties for unpermitted VRDs as solutions, it cannot be disputed that the **intensity and frequency** of VRD use in a residential zone is a paramount factor as regards incompatibility.

The problem, at core, is that some owners have used their residential VRD properties as if they were commercial VRDs, and this frequency and intensity of use has created conflicts with surrounding residents,

including noise, garbage and parking issues. What appears to have been overlooked in the current debate is that the allowance for VRD use in residential zones was never intended to be on par with commercial VRD intensity and frequency of use. The text, context and history of the existing ordinance demonstrates that such unlimited use is unlawful, and a violation of the Code. Such use is subject to enforcement action, including land use and license revocation proceedings, injunction and fines. In sum, a residential VRD, approved as an accessory use, is incidental and subordinate to the Main (Principal) use of the property as the Owner's vacation home. The VRD use is minor, meaning it is not very important or valuable, and the use is small in number, quantity, or extent.

Accessory Use / Accessory Structure Case law

A noted above, the definitional terms "Incidental and Subordinate" are not mathematically precise, but they are constrained by the common dictionary definitions of the words and the context in which they are used. In this case, the words are used in the context of implementing the comprehensive plan policies and zoning code purposes for protection of single family residential lands. This is not a new or remarkable concept in land use.

In 1985, just a few years before the 1989 adoption of the VRD regulations, the Land Use Board of Appeals upheld the City of Beaverton's interpretation of the terms "incidental and subordinate" in *Leonetti Furniture Manufacturing Co. v. City of Beaverton*, 13 Or LUBA 59 (1985). Leonetti was selling his Industrial property to Costco. Costco argued that their wholesale use was permitted in the Industrial zone and that their retail sales were allowed as an accessory use. Costco's actual retail sales were about 40 – 49% of their wholesale sales. Costco argued the terms "incidental and subordinate" can only mean just less than one-half, and therefore their accessory retail use was allowed. Beaverton rejected this interpretation. Using the definition of the terms and the purposes of the zone, Beaverton found that accessory use was a use that was "**extremely minor in nature compared to the main permitted use.**" LUBA similarly turned to the purposes of the Code and acknowledged that Beaverton's interpretation was reasonable and consistent with the City's Development Code. Costco's interpretation, that it could only mean "just less than one-half" was rejected.

Evolution of the Problem - Creep

An Accessory Structure is examined to determine if the structure is incidental and subordinate to the principal structure. Unless the structure is physically expanded, the determination is static. By contrast, an Accessory Use is more susceptible to change over time (i.e. it is easier to notice an expanded building as opposed to increased use). Nevertheless, frequency of use and intensity of use may change over time making accessory uses more susceptible to "creep" - an incremental increase in frequency or intensity of use until the inferior accessory use has become the dominant use, or it simply replaces the dominant use. This is often referred to as the "tail wagging the dog."

The "tail wagging the dog" was recently addressed in a pair of recent cases (one from the Land Use Board of Appeals and one from the Oregon Court of Appeals). The cases address at what point certain "incidental and secondary" uses at a winery (food service and events) overtake the winery's primary activity (processing and selling wine), or at what point the tail wags the dog. (*Resource lands are often subject to litigation as to the extent of incidental and subordinate accessory uses*).

At issue in the winery cases was a county conditional use permit allowing an existing winery to construct a new building to contain a tasting room, a commercial kitchen, and other facilities, and to host a total of 44 "events" per year. Among the events were 40 single-day events and four three-day events. This, coupled

with a commercial kitchen that was authorized to operate as a restaurant in conjunction with the events, caused both LUBA and the Court of Appeals to conclude that the incidental and subordinate "event" activities came "dangerously close" (to use the words of the Court of Appeals) to the incidental and subordinate activities overtaking the primary activity.

The legislature reacted to the case [SB 841] by clarifying some of the activities would be permitting and creating a land use process to ensure that events were subordinate to the wine production. The legislature capped the number of events at 18, a small number.

The incidental and subordinate language of accessory use definition is capable of more than one local government interpretation. The City Council is not bound by any prior interpretation of the language of the ordinance in any quasi-judicial decision. [Bemis v. City of Ashland 48 OR LUBA 42 (2004)]. Further Council may clarify such language when Council believes it has been erroneously or inconsistently applied. Even though subject to interpretation, there are parameters which clearly cannot be exceeded. For example, interpreting the language of the ordinance to permit an accessory use to operate more than the main use (more than 50%) would clearly violate the plain meaning of the word "subordinate". The language of the ordinance includes more than just the word subordinate; it includes both the words "incidental and subordinate." Given the language of the ordinance, the context of the zoning code, the comprehensive plan and zoning code focus on the protection of residential areas from incompatible activities, and consistency with land use goals, the "small in number, quantity or extent" when compared to the main use interpretation of the existing language of the code is clearly defensible.

Title 17 contains no fixed numeric limitation on the number of nights a vacation rental may be rented. That does not make the restriction unenforceable; it merely makes it a land use restriction, subject to quasi-judicial land use enforcement proceedings. As with the winery legislation noted above, every enforcement action alleging violation of this standard will trigger, or have the potential to trigger, a land use decisional process. Enforcement proceedings can ask and answer the question, is the operation of the vacation rental incidental and subordinate to the main use. Is the VRD use small in number, quantity or extent?

The Small TRT Number

The City Code does contain a small numeric limit on VRD usage. The City's Transient Room Tax (Chapter 3.04) exempts Vacation Rental Dwellings rented 14 or fewer days per year from the requirement to pay TRT to the City. Both the land use ordinance (LCMC 17.80.050.B.7) and the license ordinance (LCMC 5.14.130) require compliance with the TRT ordinance. Section 3.04.050 (**emphasis added**) provides:

> **3.04.050 Exemptions.**
>
> The tax shall not be imposed on the following, which shall be the only exemptions permitted:
>
> A. Any occupant for more than 30 successive calendar days (a person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient);
>
> B. Any occupant whose rent is of a value less than $2.00 per day;
>
> C. Any person who rents a **private home, vacation cabin, or like facility** from any owner who rents such facilities for a total of **less than 15 days per year** who does not advertise the dwelling for rent or list it with an agent as a vacation rental;

D. Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home or home for aged people, or to a public institution owned and operated by a unit of government;

E. Any churches, synagogues or nonprofit tax-exempt charitable organizations in furtherance of their charitable or religious purposes;

F. State and federal employees on government business, where payment for the rooms is made by the government directly to the operator;

G. Any occupant whose rent is paid by the city.

The 15 day or more trigger for TRT payment is also the Internal Revenue Service trigger for when the primary function of the home is that of a rental property. (Publication 527). (It is no longer minor and incidental). Neither the land use provisions of Chapter 17.80 (Special Uses) nor Vacation Rental License provisions of Chapter 5.14 exempt vacation rental activity of less than 15 days from compliance with the land use or license requirements of the Code. This provision does not appear to be dictated by Charter or state TRT statutes. Reading the Lincoln City Municipal Code as one integrated document, the numeric limit in the TRT ordinance associated with short term rental of a private home could correspond with the limitation in Title 17 to incidental and subordinate VRD use in residential zones. (The definitional allowance for advertising or listing VRDs can be seen to apply to VRDs in commercial zones, not those in residential zones; therefore there is no inconsistency.)

Conclusion.

If the Code is to be interpreted in land use permitting and enforcement actions on a case by case basis, the most defensible position based upon the language and context is that incidental and subordinate is not "just less than half", but is a number that is not very important or valuable, and is minor in relation to the main use. That is, the VRD allowance in residential zones is small in number, quantity or extent. The TRT ordinance allowance of 14 or fewer VRD rental days per year would certainly meet this criteria. (Not much different than the winery allowance established by the legislature for subordinate events at 18 days). This number is minor, meaning it is not very important or valuable, and it is small in number, quantity, or extent.

Because the City Council can, in the legislative context, establish a number, the Council can take into account other factors impacting the residential housing stock in the City. Owners of homes in flood zones have recently been advised that Federal subsidy for flood insurance is ending. Second homes, including seasonal vacation homes recognized by the Comprehensive Plan, will have increasing flood insurance rates for a number of years until the subsidy is removed. Accordingly, provided the number of days remains "incidental and subordinate" (small in number, quantity or extent), Council can set a nondiscretionary number which meets the accessory use criteria to remove land use discretion. Because of Measure 49 allegations, imposition of the number as the only alternative is ill-advised. (Not because of the likelihood of success of such Measure 49 claims but because of the sheer number of claims possible). Accordingly, Council has proposed not to impose a number but to create an option for owners where owners of residential lands can agree to a 30 night limit on VRD rentals and skip the land use decisional process. Council is in fact determining that 30 nights is a number of rental nights that is incidental and subordinate, small in number, quantify or extent. Council is not determining that 30 nights is the only number. Except for this optional nondiscretionary standard, and any voluntary compliance

settlements, land use decision makers will continue to be required to apply the incidental and subordinate accessory use standard in land use permitting and enforcement. Each such decision is required to follow land use decisional processes and must be supported by appropriate findings and interpretations of the discretionary land use criteria.

COPY

ORDINANCE NO. 2016-21

AN ORDINANCE OF THE CITY OF LINCOLN CITY REVISING TRANSPORTATION RELATED POLICIES IN THE COMPREHENSIVE PLAN AND AMENDING THE MUNICIPAL CODE TO BE CONSISTENT WITH THE 2015 TRANSPORTATION SYSTEM PLAN; AMENDING COMPREHENSIVE PLAN ORDINANCES NO. 78-32 AND 84-02, AS AMENDED; REPEALING ORDINANCE 2011-15, AND AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLES 12, 16 AND 17, CHAPTERS 12.04, 12.28, 16.12, 16.16, 17.52, 17.56, 17.76 AND 17.88.

The City Council finds:

A. After a three year planning process, the City Council adopted the 2015 Lincoln City Transportation System Plan on October 26, 2015. The city needs to amend its comprehensive plan and Ordinances to implement the new transportation plan.

B. The amendments in this Ordinance are to make the Lincoln City Comprehensive Plan and Municipal Code consistent with the 2015 Transportation System Plan and recommendations from the 2012 Lincoln City Walking and Biking Plan. They are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A."

C. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.

D. On February 9, 2016 the City duly notified the Oregon Department of Land Conservation and Development of its consideration of the proposed amendments and mailed notice of the amendment to property owners citywide.

E. The Planning Commission, on March 15, 2016 considered the amendments contained within this Ordinance. The Planning Commission voted to transmit the amendments to the City Council with a recommendation that the Ordinance be adopted.

F. The City Council held a public hearing on April 11, 2016, and continued deliberations to its August 22 meeting, during which the Council considered the proposed amendments, the Planning Commission recommendation, and public testimony.

G. All persons had opportunity to provide written and/or oral testimony on the proposed Ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The Lincoln City Comprehensive Plan section on Transportation (pages 32-35) is amended to add the following vision statement after the Conclusions on page 32, and to remove and replace the existing goal and policies with the following goals and policies from the 2015 Transportation System Plan (TSP), Volume 1:

Vision Statement

The design of transportation infrastructure promotes safe, comfortable travel, shows respect for the city's resources, and showcases the beautiful natural environment. All transportation modes flow smoothly and safely to and throughout the city, meeting the needs of residents, businesses, visitors, and people of all physical and financial conditions. Connectivity facilitates travel between and within the pearls, where walking and biking environments complement mixed-use development. The transportation system is reasonable and appropriate for the year round population and inviting to the city's tourists.

Goal 1: An equitable, balanced and well-connected multi-modal transportation system.

Policy 1.1: Ensure that the transportation system provides equitable access to all modes and all persons.

Policy 1.2: Enhance system efficiency with new or improved transportation connections that give travelers more options to reach their destinations safely and directly.

Policy 1.3: Ensure the transportation network meets standards for accessibility by implementing the city's Americans with Disabilities Act (ADA) transition plan and requiring new facilities to address the needs of all users.

Goal 2: Convenient facilities for pedestrians and bicycles.

Policy 2.1: Provide, and require as part of new development, walking and biking improvements (e.g., street lighting, bike parking) that encourage higher levels of walking and biking.

Policy 2.2: Improve walking and biking connections to community amenities.

Policy 2.3: Enhance way finding signage for those walking and biking, directing travelers to bus stops, beaches, and key routes and destinations.

Policy 2.4: Promote walking, bicycling, and sharing the road through public information.

Policy 2.5: Ensure the city's land development Ordinances support appropriate connectivity between land uses to facilitate pedestrian and bicycle trips.

Policy 2.6: Implement pedestrian and bicycle facility improvements identified in the *Lincoln City Walking and Biking Plan* along local roadways. Give highest priority to improvements on high-use roadways, followed by improvements to medium-use and low-use roadways, as defined in the TSP.

Policy 2.7: Improve pedestrian and bicycling conditions on US 101, including, but not limited to, providing walk ways and bike lanes as part of resurfacing, utility, and development projects on the highway. Where US 101 cannot accommodate bike lanes or similar bicycle facilities, provide these types of bicycle facilities on alternate and parallel routes, as identified in the City Transportation System Plan.

Policy 2.8: Ensure that pedestrian and bicycle throughways are clear of obstacles and obstructions (e.g., utility poles, grates).

Policy 2.9: Provide and support trail extensions and connections in the city, such as the Head to Bay Trail.

Policy 2.10: Track bicycle activity regularly, such as through a volunteer-based annual counting program, at key locations in Lincoln City in order to identify needs for bicycle facilities and amenities on an ongoing basis.

Policy 2.11: Require all new development, except single-family residential development, to provide bicycle parking facilities.

Policy 2.12: Support local organizations in providing events and activities promoting walking and bicycling.

Goal 3: Transit service and amenities that encourage a higher level of ridership.

Policy 3.1: Provide and support improvements for non-motorized transportation (e.g., sidewalk and bicycle connections, shelters, benches) to complement transit service and encourage higher levels of transit use.

Policy 3.2: Locate transit stops in locations that are safe and convenient for users.

Policy 3.3: Promote tourist-based transit options (e.g., trolley).

Policy 3.4: Coordinate with transit providers to support needed coverage, quality, and frequency of bus services.

Policy 3.5: Establish and maintain a system of transit-oriented public parking lots in the city.

Goal 4: Efficient travel to and through the city.

Policy 4.1: Develop and preserve north-south arterial corridors in the city to provide alternative routes to US 101 for local trips.

Policy 4.2: Develop and preserve east-west collector corridors through the city to improve connectivity across US 101.

Policy 4.3: Implement improvements that enhance mobility at high-priority locations.

Policy 4.4: Design and manage the road system consistent with adopted mobility standards or targets. State of Oregon and Lincoln County mobility standards apply to facilities under their respective jurisdictions.

Policy 4.5: Improve wayfinding through the city.

Goal 5: Safe and active residents.

Policy 5.1: Improve safety for walking, biking, and driving trips in the city by prioritizing improvements to high collision and high risk locations.

Policy 5.2: Provide and maintain enhanced street and highway crossings for pedestrians and bicyclists.

Policy 5.3: Provide and support needed improvements along tsunami evacuation and Seismic Lifeline Routes for general public awareness and for way finding in emergencies.

Policy 5.4: Improve visibility in constrained areas, such as on hills and blind curves.

Policy 5.5: Provide and require provision of improvements at signalized pedestrian crossings (e.g., chirpers) for the safety of underserved and vulnerable populations.

Policy 5.6: Develop, implement, and support programs that educate community members and visitors regarding safe and responsible traffic behavior and consideration for all users.

Goal 6: A sustainable transportation system.

Policy 6.1: Develop, implement, and support strategies to reduce the use of US 101 for local trips.

Policy 6.2: Design transportation improvements to enhance the scenic, natural and cultural resources in the city.

Policy 6.3: Support alternative vehicle types (e.g., provide electric vehicle plug-in stations).

Policy 6.4: Adopt comprehensive plan and zoning map and text amendments that favor changes in land use designations that will shorten trip lengths or reduce the need for motor vehicle travel within the city.

Policy 6.5: Maintain transportation system assets to preserve their intended function and extend their useful life.

Policy 6.6: Improve the capacity of the transportation system, travel reliability, and safety with system management solutions.

Policy 6.7: Establish stable and diverse revenue sources for transportation improvements. Leverage new and creative funding sources to fund high-priority transportation projects.

Policy 6.8: Ensure transparency in making transportation system investments.

Goal 7: A transportation system that supports a prosperous and competitive economy.

Policy 7.1: Design and maintain the transportation system to complement the community character, to be attractive to tourists, and to showcase the natural environment and vistas.

Policy 7.2: Identify and, when appropriate, require transportation improvements that will enhance access to employment.

Policy 7.3: Increase the distribution of travel information (e.g., online, radio, variable message signs) to maximize the reliability and effectiveness of US 101.

Policy 7.4: Work with ODOT to ensure its efforts to improve the efficiency, access, capacity, and reliability of the freight system on US 101 are consistent with the TSP.

Policy 7.5: Develop and implement a variety of parking management strategies in support of economic activity in targeted commercial areas along US 101 (e.g., Oceanlake).

Goal 8: Coordination with local and state agencies and transportation plans.

Policy 8.1: Work with the Cascades West Area Commission on Transportation and the Valley/North Coast Regional Solutions Center to promote projects that improve regional linkages and to secure funding for local projects.

Policy 8.2: Ensure that land use decisions that impact the transportation system are consistent with state and local policies, such as policies in neighborhood

plans that provide background for the Lincoln City Comprehensive Plan, and requirements, such as the Oregon Transportation Planning Rule and the Lincoln County TSP.

~~Transportation Goal~~

~~To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.~~

~~Transportation Policies~~

~~Roadway Development~~

~~1. Identify an overall improvement strategy for Lincoln City's "Main Street" which will lead to better utilization of the roadway, reduced traffic congestion and conflicts, and enhanced local traffic circulation.~~

~~2. Identify, and develop bicycle routes through and around town that are safe, attractive, and user-friendly.~~

~~3. Identify suitable alternate north-south local "reliever" routes to Hwy 101.~~

~~4. Develop improved east-west street connections with neighborhood needs and the direction of commercial in mind.~~

~~5. Develop a functional classification plan for all streets in the City.~~

~~6. Identify short-term improvements at critical intersections and along street segments, to solve pressing current traffic safety and congestion problems. Consider temporary test trials.~~

~~Pedestrian Facilities~~

~~1. Develop a plan for improved pedestrian crossings of 101, including signal treatments, with some crosswalk relocation and development.~~

~~2. Develop criteria for further sidewalk development along the streets in the City, incorporating federal guidelines for the handicapped.~~

~~3. Develop an off-street pedestrian trail system, perhaps integrated with a bike trail system, to supplement on-street provisions.~~

~~**Bicycle Facilities**~~

~~1. Identify and develop a system of off-Hwy 101 bicycle routes through and around town that are safe, attractive and user-friendly. Sign the Oregon Coast Bike Route.~~

~~2. Modify and update the 1987 City Bicycle Master Plan to reflect the latest information on traffic volumes, travel patterns, and new development locations in the City.~~

~~3. Identify a strategy for the development of bicycle repair and storage facilities in convenient locations to encourage bicycle travel in the City.~~

~~4. Investigate the potential for hostel-type accommodations in conjunction with the Oregon Coast Bike Route.~~

~~**Street Lighting**~~

~~1. Develop criteria for identifying those street segments which warrant new or improved lighting.~~

~~2. Identify a strategy for jurisdictional responsibility for street lighting operations and maintenance.~~

~~**Public Transit**~~

~~1. Identify the feasibility of instituting public transit service in the City, addressing the needs of a varied market (general residents, elderly, handicapped, visitors, intercity travel, etc.)~~

~~2. Develop a basic framework for a transit system in the City (routes, service levels, ridership, and capital, operating, and maintenance costs).~~

~~3. Evaluate the appropriate role of the existing cab and senior citizens' bus service in handling future public transit needs.~~

~~**Travel Demand Reduction**~~

~~1. Investigate strategies for reducing vehicle trip-making in the City other than public transit--for example: carpool/vanpool incentives and flex-time applications.~~

~~**Off-Street Parking Development**~~

~~1. Refine the public off-street parking development plan along Hwy 101 through the City.~~

~~2. Develop improved beach access parking facilities in the City.~~

~~3. Identify a strategy for gradual and timely replacement of on-street parking along Hwy 101 associated with future roadway improvements.~~

~~Transportation Financing~~

~~1. Identify financial strategies and resources that will allow long-term financing of transportation improvements in the City.~~

~~2. Identify the appropriate roles of System Development Charges (SDCs) and Local Improvement Districts (LIDs) in transportation improvement financing.~~

~~3. Develop a Capital Improvement Program for Transportation needs that can be implemented with available funding sources.~~

~~Public Involvement~~

~~1. Develop a Transportation Master Plan that addresses general public issues and concerns related to transportation system development in the City.~~

~~2. Evaluate and adopt those strategies and policies which most closely reflect the community's views and needs, while accommodating the state's need to move traffic safely and efficiently through the community.~~

~~3. Appoint members to a Regional Task Force to study regional transportation issues:~~
~~a) to identify problem areas,~~
~~b) to evaluate mutually acceptable solutions, and~~
~~c) to coordinate efforts to achieve them.~~

~~4. Monitor the impact and effectiveness of the Transportation Master Plan as it is implemented.~~

Section 2 . Ordinance 2011-15, [*An Ordinance of the City of Lincoln City Amending the Lincoln City Comprehensive Plan to Add A Transportation Policy Enabling Continued Development of the US 101: SE16th – SE 36th Street Project identified in the Oregon Department of Transportation Statewide Transportation Improvement program (ODOT STIP); and Amending Ordinance 84-01*] is hereby repealed.

Section 3. Lincoln City Municipal Code Title 12, (*Streets, Sidewalks and Public Places*), Chapter 12.04, (*Sidewalks*), is amended by adding a new Section 12.04.070 (*Unobstructed Sidewalks*), to read as follows:

12.04.070 Unobstructed sidewalks.

Utility providers shall keep a minimum of five feet of the sidewalk width clear of both permanent and temporary obstructions (e.g., utility poles and guy wires). Property owners shall keep a minimum of five feet of the public sidewalk adjacent to their property clear of both permanent and temporary obstructions (e.g., sandwich board signs, landscaping).

Section 4. Lincoln City Municipal Code Title 12, (*Streets, Sidewalks and Public Places*), Chapter 12.28, (*Vehicle Access and Circulation*), Section 12.28.100 (*Purpose*) is amended to read as follows:

12.28.100 Purpose.

The purpose of this chapter is to ensure that developments adjacent to Highway 101 ~~**between SE/SW 12th Street and SE/SW 37th Street**~~ provide safe and efficient access and circulation for pedestrians and vehicles. LCMC 12.28.200 provides standards for vehicular access and circulation.

Section 5. Lincoln City Municipal Code Title 12, (*Streets, Sidewalks and Public Places*), Chapter 12.28, (*Vehicle Access and Circulation*), Section 12.28.200 (*Vehicular Access and circulation),* Paragraphs B and C, are amended to read as follows:

B. Applicability. The standards of this section apply to lots adjacent to Highway 101 created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation, and to properties subject to land use approval or site plan review. The requirements in this chapter are in addition to requirements relating to properties abutting Highway 101 imposed by the Oregon Department of Transportation (ODOT) through the provisions of Oregon Administrative Rule 734-051. Where ODOT requires more restrictive provisions than city requirements, ODOT standards shall prevail.

~~**B. Applicability. This chapter applies to Highway 101 between SE/SW 12th Street and SE/SW 37th Street, to all properties that abut the Highway, and to all properties within 200 feet of the Highway that abut streets intersecting with the Highway. The standards apply when lots are created, consolidated, or modified**~~

~~through a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to land use approval or site plan review. The requirements in this chapter are in addition to requirements relating to properties abutting Highway 101 that are imposed by the Oregon Department of Transportation (ODOT) through the provisions of Oregon Administrative Rule 734-051. Where ODOT requires more restrictive provisions than city requirements, ODOT standards shall prevail.~~

C. Access Permit Required. Access to Highway 101 (e.g., a new curb cut or driveway approach) requires an access permit from Lincoln City and a valid approach road permit from the Oregon Department of Transportation. Access to the intersecting streets from properties adjacent to the highway also requires an access permit from the city. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.

~~C. Access Permit Required. Access to Highway 101 (e.g., a new curb cut or driveway approach) requires an access permit from Lincoln City and a valid approach road permit from the Oregon Department of Transportation. Access to the intersecting streets identified in subsection (B) of this section also requires an access permit from the city. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.~~

Section 6. Lincoln City Municipal Code Title 16, (*Subdivisions*), Chapter 16.12, (*Design Standards*), Section 16.12.030 (*Streets – Minimum right-of-way widths*) is amended to read as follows:

16.12.030 Streets – Right-of-way and roadway widths.

Unless otherwise approved by the planning commission, the width of streets and roadways in feet shall be as shown in the cross sections in the city's 2015 Transportation System Plan, Volume 1, Standards section, starting on page 45, and Public Works/Engineering Standards.

Type of Street	Optimal Driving Zone Width (typically white line to white line, including total of motor vehicle driving lane width - in feet)	Optimum StreetWidth (typically curb to curb, including motor vehicle driving lanes, parking lanes, bike	Optimum Right of Way (property line to property line, including space for sidewalks and possibly utilities - in feet)

		lanes - in feet)	
High Use Minor Arterial	36	52	77
Medium Use Minor Arterial	36	48	69
Low Use Minor Arterial	36	48	61
High Use Collector	22	38-54	63-79
Medium Use Collector	22	34-50	55-71
Low Use Collector	22	34-50	47-63
High Use Local	20	20-34	45-59
Medium Use Local	20	20-34	41-55
Low Use Local	20	20-34	33-47

~~16.12.030 Streets—Minimum right-of-way and roadway widths.~~

~~Unless otherwise approved by the planning commission or indicated on a development plan, the width of streets and roadways in feet shall not be less than the minimum shown in the following table.~~

~~Type of Street~~	~~Minimum Right-of-Way (in feet)~~	~~Minimum Roadway (in feet)~~
~~Major streets~~	~~80 to 100~~	~~varies~~
~~Collector streets~~	~~60~~	~~40~~
~~Other lesser streets~~	~~50~~	~~36~~
~~Streets ending in a permanent cul-de-sac of length of 250' or less (center to intersection center)~~	~~50~~	~~32~~

~~Radius for turnaround at end of cul-de-sac~~	~~50~~	~~43~~
~~Radius for turnaround at end of cul-de-sac street of 250' length or less~~	~~50~~	~~41~~
~~Alley~~	~~20~~	~~20~~

Section 7. Lincoln City Municipal Code Title 16, (*Subdivisions*), Chapter 16.12, (*Design Standards*), Section 16.12.170 (*Block sizes*) is amended to read as follows:

16.12.170 Block sizes.

Block sizes shall conform to the access spacing standards in the table below, unless topographical or other existing or planned conditions justify a variation. Where a variation is necessary, the city engineer and the planning director will determine the spacing. ~~Blocks shall not exceed 1,200 feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on major streets is 1,800 feet.~~

Street and Access Spacing Standards

	Principal Arterial	**Minor Aerial**	**Collector**	**Local/Shared**
Maximum Block Size (public street to public street	**See Oregon Highway Plan**	**530 feet**	**530 feet**	**530 feet**
Minimum block size (public street to public street)		**265 feet**	**265 feet**	**265 feet**
Minimum Driveway Spacing (Public street to driveway		**265 feet**	**130 feet**	**None**

and driveway to driveway				

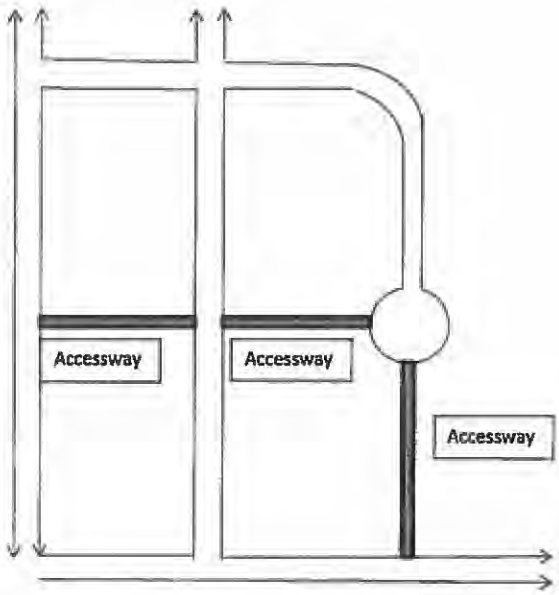
Section 8. Lincoln City Municipal Code Title 16, (*Subdivisions*), Chapter 16.12, (*Design Standards*), Section 16.12.200 (*Easements-Pedestrian Ways*) is amended to read as follows:

16.12.200 Easements – Pedestrian **and bicycle access** ways.

A. Developers shall make the following pedestrian and bicycle connections (illustrated in Figure 16.12.200A):

1. from the head of a cul-de-sac to the nearest street;
2. between streets on either side of a block more than 750 feet in length, with at least one access way for every 530 feet in block length;
3. from or between existing or approved pedestrian and bicycle access ways; and
4. other connections as determined necessary by the planning commission.

Figure 16.12.200A



B. The access way shall be in a public right-of-way or a public access easement on private property. The access way may be within a utility easement with the written permission of the utility provider.

C. A pedestrian and bicycle access way shall be a minimum of 15 feet in width. The access way shall have an eight foot wide path of concrete, asphalt, brick/masonry pavers, or other city-approved durable surfaces meeting ADA requirements. The remaining width shall be of living or non-living pervious landscape materials that meet the approval of the planning director.

D. Where constrained by steep slopes, environmentally sensitive areas, historic or culturally significant areas, or existing development, the planning commission may modify the requirement for an access way.

~~**When the planning commission determines pedestrian ways to be essential for public convenience, such ways may be required to connect two culs-de-sac between streets in long blocks, between streets and other public or semipublic lands or through major or minor greenway systems. In any block over 750 feet in length, a pedestrian way with a minimum width of eight feet or combination pedestrian way and utility easement may be required through the middle of the block. If unusual conditions require blocks longer than 1,200 feet, two pedestrian ways may be required. Long blocks parallel to**~~

~~arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety.~~

Section 9. Lincoln City Municipal Code Title 16, (*Subdivisions*), Chapter 16.16, (*Improvements*), Section 16.16.020 (*Streets*), paragraphs A and B, are amended to read as follows:

16.16.020 Streets.

A. The developer shall be responsible for improving all streets, including alleys, within the subdivision or partition, and streets adjacent, but only partially within the subdivision or partition, and streets adjacent to a subdivision or partition, whether included or excluded from the subdivision or partition.

B. Construction of all streets and alleys shall be to city section standards for permanent street and alley construction, pursuant to requirements set forth in the city Transportation System Plan and Public Works/Engineering Standards.

~~A. All streets, including alleys, within the subdivision or partition and streets adjacent but only partially within the subdivision or partition shall be improved. Streets adjacent to a subdivision or partition shall be improved, whether included or excluded from the subdivision or partition.~~

~~B. All streets and alleys shall be constructed to city standards for permanent street and alley construction. Catch inlets shall be installed and connected to drainage tile leading to storm sewers or drainage ways as approved by the city engineer. Upon completion of the street improvement, monuments shall be reestablished at every street intersection and at all points of curvature and points of tangency of street centerline as required by LCMC 16.16.110.~~

Section 10. Lincoln City Municipal Code Title 16, (*Subdivisions*), Chapter 16.16, (*Improvements*), Section 16.16.060 (*Sidewalks*) is amended to read as follows:

16.16.060 Sidewalks.

A. The developer shall install sidewalks on streets within and adjoining the subdivision or partition, as indicated by the Standards section of the city's 2015 Transportation System Plan, Volume 1, and install pedestrian access ways in accordance with LCMC 16.12.200.

B. All sidewalks constructed within the subdivision or partition shall be to city standards, as set forth in the standards section of the city's 2015 Transportation System Plan, Volume 1, and Public Works/Engineering Standards, and at grades the city engineer has established or approved. The property owner shall keep a minimum of five feet of the sidewalk width clear of both permanent and temporary obstructions (e.g., utility poles, sandwich signs).

~~**A. Sidewalks are required on both sides of all streets and in any pedestrian ways within the subdivision or partition. Other sidewalks are not required of the subdivider or partitioner.**~~

~~**B. All sidewalks constructed within the subdivision or partition shall be to city standards and at grades established or approved by the city engineer.**~~

Section 11. Lincoln City Municipal Code Title 17 (*Zoning*), Chapter 17.52 (*Supplementary Regulations and Exceptions)*, Section 17.52.240 (*Site Plan Review),* Paragraph E (*Application*) is amended to read as follows:

E. Application. An application for site plan review shall include:

1. The application form established by the department in order to have the information needed to demonstrate compliance with the requirements of this title provided in a manner that will allow the site plan review officials to review the site plan in an organized and efficient manner;

2. The filing fee established by resolution of the city council; and

3. A site plan covering all lots on which development will occur or whose area is needed within the development in order to meet requirements of this title. The site plan shall be drawn to scale and shall indicate the following, where applicable:

a. Dimensions and orientation of the site, and lot lines of, and within, the site.

b. Locations of buildings and structures, both existing and proposed, and an identification of buildings and structures proposed to be removed.

c. Location and layout of off-street parking and loading facilities.

d. Location and points of entry and exit for motor vehicles, and the internal circulation pattern.

e. Location of walls and fences and an indication of their height and materials of construction.

f. Location and type of exterior lighting standards and devices.

g. Location of areas of required landscaping and areas of existing vegetation proposed to be retained.

h. Grading (excavations and fills), by plotting existing and proposed contours and existing and proposed stormwater detention, treatment, and drainage features and facilities.

i. The height of buildings and structures.

j. The proposed use of buildings and structures.

k. Location and dimensions of existing and required utility, drainage and sidewalk easements.

l. Location of required sidewalk, curb, gutter, and pavement improvements.

m. Location of existing and proposed water and sewer lines and facilities.

n. General location of proposed private utility lines.

o. If environmental assessments or reports are required by Chapters 17.46, 17.47 and 17.48 LCMC, the location of any riparian vegetation, significant wildlife habitat and major marshes, exceptional aesthetic resources and related natural vegetation cover, historic and archeological sites, natural hazards, and beaches and dunes that are subject to those sections.

4. Any environmental assessments or reports required by Chapters 17.46, 17.47 and 17.48 LCMC. If an application does not include the required environmental assessments or reports, the application shall be deemed not complete, but on the request of the applicant, site plan review officials may review and comment on the site plan on a preliminary basis.

5. **A traffic impact study at the request of the city engineer, if indicated by Section 17.52.300.**

6. Any other architectural, civil or traffic engineering, or other information required to permit findings that the development will comply with the provisions of this title.

7. 6. For a proposed ~~**If an**~~ expansion of an existing building, outdoor storage area, or parking lot ~~**is proposed**~~, the site plan shall indicate the relationship of the proposed expansion to the existing development but need not include other data required in subsection (D) of this section, except as necessary to permit findings that the expanded development will comply with the provisions of this title.

8. ~~**7.**~~ If an applicant intends to assert that it cannot legally be required, as a condition of site plan approval, to provide easements and improvements at the level otherwise required by LCMC 17.52.230, the application shall include the report described in LCMC 17.52.230(B).

Section 12. Lincoln City Municipal Code Title 17 (*Zoning*), Chapter 17.52 (*Supplementary Regulations and Exceptions)*, is amended to add a new Section 17.52.300 (*TIS Requirements),* to read as follows:

Section 17.52.300. Traffic impact study (TIS) requirements.

A. Purpose. The purpose of traffic impact study (TIS) requirements is to implement Sections 660-012-0045(2)(b) and (e) of the Oregon Transportation Planning Rule that require the city to adopt standards and a process to protect the future operations of roadways and transit corridors. This section establishes when a land use application requires a TIS and the city's criteria for approval. This section establishes the TIS as a basis for requiring improvements to minimize impacts to transportation facilities and ensure adequate facilities for both motorized and non-motorized modes of transportation, access, and circulation. The city will coordinate its traffic impact study requirements with ODOT, so that an applicant need complete only one such study to comply with the requirements of both agencies.

B. Applicability. 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 PM peak-hour trips on US 101, or 100 or more PM 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 to 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.

C. Preparation. The applicant shall retain an Oregon registered professional engineer qualified to perform traffic engineering analysis to prepare the TIS using best practices suggested by ODOT or another reputable professional source.

D. TIS Approval Criteria. The city shall evaluate the development proposal contents for completeness, and the analysis against reasonably expected outcome before accepting submittal of the document. The city engineer, and ODOT staff, as appropriate, shall approve the TIS, if it meets the following criteria:

1. The study complies with the content requirements set forth by the city engineer and, if applicable, ODOT staff;

2. The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the city engineer and, if state facilities are affected, to ODOT;

3. The TIS demonstrates the project will meet applicable mobility standards established in the city's adopted 2015 Transportation System Plan in Volume 1, pages 57-59, and will meet a level of service standard E or better, as defined by the plan;

4. Proposed design and construction of transportation improvements are in accordance with the street design standards specified in the Transportation System Plan, Volume 1, pages 43 through 60, and the access spacing standards in Section 16.12.170 of the Lincoln City Municipal Code;

5. The TIS specifies timing of the proposed improvements; and

6. A TIS required for streets other than Highway 101 must include the estimated number of trips, impact on transit, compliance with the Americans with Disabilities Act, and must include crosswalk and sidewalk requirements in the 2015 Lincoln City Transportation System Plan, Volume 1, pages 43-60.

Section 13. Lincoln City Municipal Code Title 17 (*Zoning*), Chapter 17.56 (*Off-Street Parking and Loading Regulations*), Section 17.56.050 (*Number of Spaces Required*), is amended to add a new Paragraph J (*Reductions in Parking Requirements*) to read as follows:

J. Reductions in Parking Requirements. An applicant may ask the community development director to reduce the minimum required vehicle parking standards in LCMC 17.56.50 by one space for every five bicycle parking spaces on the site. The director may allow a maximum reduction of up to 10% of the required vehicle parking spaces.

Section 14. Lincoln City Municipal Code Title 17 (*Zoning*), Chapter 17.56 (*Off-Street Parking and Loading Regulations*), Section 17.56.080 (*Use of Parking Facilities*), is amended to read as follows:

A. Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use, until the parking required for the original user of said parking area is provided at another location. Such required parking shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in the conduct of the business or use.

B. Property owners may redevelop portions of off-street parking areas for transit-related uses, such as transit shelters or park-and-ride lots, to the extent the parking area continues to meet applicable standards and subject to the approval of the planning and community development director.

Section 15. Lincoln City Municipal Code Title 17 (*Zoning*), Chapter 17.56 (*Off-Street Parking and Loading Regulations*), is amended to add a new Section 17.56.120 (*Bicycle Parking*) to read as follows:

17.56.120 Bicycle Parking.

Projects requiring site plan review shall provide at a minimum bicycle parking consistent with the following standards:

A. Location. All bicycle parking shall be within a well-lighted area within 100 feet or clearly visible from the primary building entrance. Where necessary, a sign shall direct users to the parking facility.

B. Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking facility to the building entrance.

C. Number of Bicycle Parking Spaces Required. New uses requiring new or additional vehicle parking improvements shall include one bicycle parking space, as defined in Paragraph D, for every twenty vehicle parking spaces required in Section 17.56.050.

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. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit securing of the frame and both wheels, but not necessarily without removal of the front wheel.

Section 16. Lincoln City Municipal Code Title 17 (*Zoning*), Chapter 17.76 (*Administrative Provisions*), Section 17.76.020 (*Public Notice*), is amended to add a new paragraph G to read as follows:

17.76.020.G. Notice to ODOT and other public agencies.

The city shall provide written notice to ODOT and other public agencies in accordance with LCMC 12.28.200(D).

Section 17. Lincoln City Municipal Code Title 17 (*Zoning*), Chapter 17.88 (*Amendments*), Section 17.88.050 (*Action by the City Council*), Paragraph D (*Findings of Fact*) is amended to read as follows:

D. Findings of Fact. In order for the city council to adopt an Ordinance for an amendment to this title, comprehensive plan document and/or map, it must make and adopt findings as a part of said Ordinance that are adequate to support the

amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. The amendment must comply with and conform to the comprehensive plan goals, policies and land use map. For plan and land use regulation amendments, proposals must be consistent with provisions in the Oregon Transportation Planning Rule, OAR 660-012-0060.– If statewide goals provide a more specific direction than is provided by the goals in the comprehensive plan, the findings must provide evidence that the proposed amendment is in conformance with statewide land use planning goals and policies.

~~**D. Findings of Fact. In order for the city council to adopt an Ordinance for an amendment to this title, comprehensive plan document and/or map, findings must be made, and adopted as a part of said Ordinance, that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. It must be found that the amendment complies with and conforms to the comprehensive plan goals, policies and land use map. It may be further necessary to provide evidence that the proposed amendment is in conformance with statewide land use planning goals and policies when a more specific direction is provided by the goals than the comprehensive plan.**~~

Section 18. Findings Adopted.

The findings contained in the Whereas Clauses of this Ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

Section 19. Severability.

The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Section 20. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said Ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

Section 21. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this Ordinance takes effect 30 days after the date of its adoption.

Section 22. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "Ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 18-22) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing Ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 10th day of October, 2016 (First Reading) and on the 24th day of October, 2016 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 24th day of October, 2016.

DON WILLIAMS, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

Exhibit A

Findings in support of CPA 2016-01/ZOA 2016-04

Statewide Planning Goals

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The proposal is consistent with Statewide Planning Goal 1, because the process the City of Lincoln City used to develop and adopt this amendment provided the opportunity for citizens to be involved in all phases of the planning process, as follows.

The citizen involvement program provided for widespread citizen involvement that involved a cross-section of affected citizens in all phases of the planning process and included the Planning Commission, the officially recognized committee for citizen involvement (CCI) that makes recommendations to the City Council:

- The public involvement process for the update of the TSP began shortly after the project's inception with the development of the project's website, which provided access to memos, meeting notes, news articles, and updates on TSP development. It posted notices of upcoming public meetings, and offered a Spanish language page that invited those wanting more information to contact Spanish-speaking persons. The project website hosted a survey that asked the public to identify needs and opportunities and/or constraints in the existing multi-modal transportation system. The survey contained an interactive map that allowed survey participants to pinpoint locations of concern or opportunity. The project website advertised the web survey, which the city also promoted at meetings broadcast on the city's local channel, in news articles, on local radio, and at public events.
- The project advisory committee included 17 representatives from local organizations and community transportation and ADA staff and activists. The project advisory committee met five times from November 13, 2012 to July 14, 2015.
- The public had the opportunity to get updates on project findings and to provide comments and suggestions at three public events on February 13, 2011, December 6, 2012, and August 9, 2015. Each public event encouraged participants to talk with consultants and staff and fill out surveys. The workshop summaries are in the TSP appendix. Newspaper articles and posters promoted the events. Staff appeared on local radio to encourage participation. The open houses took place at the Lincoln City Cultural Center; two coincided with the Sunday farmers market in an effort to reach a variety of residents and tourists.
- Staff reports and power point presentations explained technical information necessary for reaching policy decisions in a simplified, understandable form. City staff provided assistance to public in interpreting and effectively using the technical information. A copy of all technical information was available on the City and/or project web site as well as at city hall offices. Staff edited all materials produced by the consultants to ensure the language was accessible and the information was meaningful to the general public.

- Citizens received response from policy-makers in the form of written minutes of all public hearings and meetings, which are retained and available for public assessment and include the rationale used to reach decisions on the plan.
- The Planning Commission and City Council held joint workshops to discuss progress and direction of the plan. These workshops were open to the public and recorded and televised.
- The City of Lincoln City provided legal notice for the Planning Commission proceedings and City Council proceedings. The Planning Commission held its public hearing on the TSP September 15, 2015 and unanimously recommended adoption of the TSP in a final order approved on October 5. The City Council held its public hearing on October 12, 2015, considering the final order on October 26.
- On February 9, 2016, planning staff mailed public hearing notices to property owners city-wide regarding CPA 2016-01/ZOA 2016-04, the proposed amendments to the Lincoln City Comprehensive Plan and Municipal Code to make them consistent with the 2015 Transportation System Plan (TSP) and recommendations from the 2012 Lincoln City Walking and Biking Plan. Planning staff mailed notice to the Department of Land Conservation and Development on January 27, 2016. The *News Guard* published the public hearing notice on February 17, 2016.
- The Planning Commission opened its hearing on the TSP amendments on March 15. Following the close of the public hearing, the Commission voted unanimously to recommend the comprehensive plan amendments, and voted unanimously to recommend approval of the proposed amendments to the Lincoln City Municipal Code with minor changes and considerations. The City Council opened its public hearing on April 11, 2016 and completed deliberations on August 22, at which time the council voted unanimously to approved the amendments. Staff publicized changes made to the ordinance following the public hearings in the council packets, posted the latest versions on the internet, and called out significant changes during the public meetings.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Land Conservation and Development Commission (LCDC) acknowledged the City's Comprehensive Plan as complying with state planning goals. The development and adoption of the TSP and subsequently these proposed amendments followed the decision making process and framework established by the city's Comprehensive Plan. Planning staff mailed notice to the Department of Land Conservation and Development on January 27, 2016 of CPA 2016-01/ZOA 2016-04, the proposed amendments to the Lincoln City Comprehensive Plan and Municipal Code to make them consistent with the 2015 Transportation System Plan (TSP) and recommendations from the 2012 Lincoln City Walking and Biking Plan. This ordinance includes amendment to the comprehensive plan that updates the vision statement, goals, and policies to reflect those in the newly adopted TSP. Two sections of the ordinance specifically address notification to the Oregon Department of Transportation and other agencies to ensure coordinated planning and review efforts.

These findings provide an adequate factual basis for action. The amendment, therefore, conforms to the established land use planning process and framework consistent with Goal 2.

Goal 3 – "Agricultural Lands" *To preserve and maintain agricultural lands.*

The area covered by the TSP is completely within the city's urban growth boundary (UGB). It does not include agricultural lands. The amendments pertain only to the area with the UGB and are consistent with Goal 3.

Goal 4 – "Forest Lands" *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

The area covered by the TSP is completely within the city's urban growth boundary (UGB), and does not include forest lands. The amendments pertain only to area within the UGB and are consistent with Goal 3.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

The Lincoln City Municipal Code requires a review of environmental impacts of transportation projects where they impact Goal 5 resource sites, and these amendments do not change that requirement. Policy 6.2, which is part of the amendment to the comprehensive plan, directly relates to Goal 5. It is to "Design transportation improvements to enhance the scenic, natural and cultural resources in the city." This ordinance is consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

CPA 2016-01/ZOA 2016-04 are consistent with this goal, because they contain goals, policies, and regulations that encourage the use of alternative modes of transportation. Less reliance on the automobile results in lower levels of air and water pollution. They also include revised standards that minimize roadway widths.

The focus of CPA 2016-01/ZOA 2016-04 on walking, biking, and transit, and need-based design and improvements aim to maintain and improve air quality within the City. The city council finds the ordinance is consistent with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards: *To protect people and property from natural hazards.*

CPA 2016-01/ZOA 2016-04 are consistent with this goal, because they promote connectivity for alternative transportation modes and ensure with traffic impact analysis requirements that the

transportation system will keep up with development. The city council finds the ordinance is consistent with Goal 7.

Goal 8 - Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

CPA 2016-01/ZOA 2016-04 are consistent with this goal in that they require infrastructure necessary to support walking and biking, which are popular forms of recreation on the coast and in Lincoln City. This ordinance will make alternative forms of transportation safer either where they share facilities with motor vehicles or are separate. The city council finds the ordinance is consistent with Goal 8.

Goal 9 – Economic Development: *Requires the provision of adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.*

CPA 2016-01/ZOA 2016-04 consistent with this goal as CPA 2016-01 includes a new comprehensive plan Goal 7 for a transportation system that supports a prosperous and competitive economy and five related policies. ZOA 2016-04 requires improvements with development that encourage low-cost alternative transportation for employees, shoppers, and visitors to the community, which has the potential to decrease traffic congestion on the city's streets that left unchecked could become a deterrent to tourism, the city's economic base.

The city council finds this ordinance supports Goal 9.

Goal 10- Housing: *To provide for the housing needs of citizens of the state.*

CPA 2016-01/ZOA 2016-04 are consistent with Statewide Planning Goal 10, because they reinforce the livability of Lincoln City's neighborhoods by requiring appropriate access, and street, bicycle and pedestrian standards to serve residential developments. The ordinance updates the comprehensive plan to include policies for better connectivity and access, which also support this goal. The city council finds this ordinance is consistent with Goal 10.

Goal 11 - Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

CPA 2016-01/ZOA 2016-04 is consistent with Statewide Planning Goal 11, because the goals and policies promote timely, orderly and efficient improvements to the transportation network, and the code amendments require them. The requirements for traffic impact analysis ensure provision of needed transportation facilities accompany new development. Other code amendments update, clarify, or newly require facilities to serve the community as it develops and all modes of transportation. The city council finds this ordinance serves Goal 11.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

CPA 2016-01/ZOA 2016-04 are directly related and consistent with this goal, because they completely update the comprehensive plan's transportation goals and policies, and require transportation improvements to best serve the needs of all users of the transportation system and strengthen each modal network. The city council finds the ordinance supports Goal 12.

Goal 13 - Energy: *To conserve energy.*

CPA 2016-01/ZOA 2016-04 are consistent with this goal in supporting a balanced transportation system that requires and protects infrastructure for walking, bicycling, and transit, reducing reliance on the single-occupant vehicle. New required connectivity will result in a street system with less out-of-direction travel. The city council finds the ordinance supports Goal 13.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

CPA 2016-01/ZOA 2016-04 are consistent with this goal, because they support compact development in Lincoln City by providing a multimodal transportation system. The ordinance supports the urban growth boundary by improving mobility and accessibility inside the urbanized areas, consequently reducing the need for conversion of rural lands to urban uses. The city council finds the ordinance supports this goal.

Goal 15 – Willamette Greenway" "To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

These amendments do not impact any areas within the Willamette River Greenway; therefore, the city council finds Goal 15 does not apply.

Goal 16 – Estuarine Resources: *To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.*

The Lincoln City Municipal Code requires a review of environmental impacts of transportation projects where they impact Goal 16 resource sites; the amendments do not change that. The city council finds the ordinance is consistent with Goal 16.

Goal 17 – Coastal Shorelands: *To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.*

The Lincoln City Municipal Code requires a review of environmental impacts of transportation projects where they impact Goal 17 resource sites. The city council finds the ordinance is compatible with Goal 17.

Goal 18 – Beaches and Dunes: *To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

The city council finds CPA 2016-01/ZOA 2016-04 are consistent with this goal, as the requirements pertain to development that would be outside the areas of beaches and dunes.

Goal 19 – Ocean Resources: *To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

The city council finds CPA 2016-01/ZOA 2016-04 are consistent with this goal, since the requirements would not impact the ocean resources.

Lincoln City Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed amendments was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, the city council finds them in conformance with this goal. The findings for this comprehensive goal incorporate by reference the Statewide Planning Goal 2, Land Use Planning.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program, which it consistently follows. In addition, the TSP planning process, and the process for considering these amendments, was very open and inclusive. It and the public hearing process, with notice to the public and property

owners and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal. The findings for this comprehensive goal incorporate by reference the Statewide Planning Goal 1, Citizen Involvement.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."

The proposed amendments support directly public transportation services. Findings for this goal incorporate findings for Statewide Planning Goal 11 by reference. The city council finds the amendments are consistent with this goal.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The city council finds CPA 2016-01/ZOA 2016-04 are consistent with this goal, because they support compact development in Lincoln City by providing a multimodal transportation system and trim any excess from right-of-way and roadway width requirements. The code amendments improve mobility and accessibility inside the urbanized area, consequently reducing the need for conversion of rural lands to urban uses. Findings for goal incorporate findings for Statewide Planning Goal 12 by reference.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The amendments, by themselves, do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendments, however, promote connectivity and transportation modes that could be instrumental in evacuation to safety during an earthquake and tsunami. The amendments incorporate the findings for Statewide Planning Goal 7. The city council finds these amendments are consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

CPA 2016-01/ZOA 2016-04 support neighborhood development, connecting housing for its citizens to places they need to go. By supporting low cost forms of transportation, the code requirements make the neighborhoods they serve more affordable. The amendments incorporate the findings for Statewide Planning Goal 10. The city council finds these amendments are consistent with this goal.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

CPA 2016-01/ZOA 2016-04 support the local economy by requiring infrastructure for low-cost alternative forms of transportation for employees traveling to and from work, and for residents and visitors conducting business within the city. The ordinance supports walking and biking, which tourists enjoy while in the city. The ordinances ensure that the roadways and right-of-ways are parsimonious in the use of land and access to streets is as safe as possible. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 9, Economic Development. The city council finds these amendments are consistent with the economy goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city that enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendments in a comprehensive plan Policy 7.1: Design and maintain the transportation system to complement the community character, to be attractive to tourists, and to showcase the natural environment and vistas. The code amendments require provision of walking and biking facilities, right-sized streets, and improvements with new development that are livable for residents and pleasing to visitors. The city council finds the ordinance is consistent with this goal.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The city council finds the amendments directly support this transportation goal by implementing the city's 2015 TSP. The city council finds the ordinance updates the goals and policies for the transportation element of city's comprehensive plan to be consistent with the new TSP and set forth requirements consistent with those goals and policies. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 12.

(10) Energy Goal

"To conserve energy."

The amendments promote improvements for walking, biking, and transit, all of which use less energy per person than cars, which consume gas and oil. The findings for this comprehensive goal incorporate by reference the findings for Statewide Planning Goal 13. The city council finds these amendments are consistent with this goal.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing ordinance and plan requirement relating to protecting the natural environment will continue to apply to all properties that these requirements might affect. The findings for this goal incorporate by reference the findings for Goals 6 and 7 by reference. The city council finds these amendments are consistent with this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The findings for this goal incorporate by reference the findings for Goals 16, 17, and 18 by reference. The city council finds these amendments are consistent with this goal.

ORDINANCE NO. 2017-03

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN, REVISING COMPREHENSIVE PLAN GOALS AND POLICIES, AMENDING INDIVIDUAL PUBLIC FACILITY POLICIES FOR PUBLIC SERVICES AND UTILITIES, PROVIDING FOR REVISED PARK AND RECREATION POLICIES AND ADOPTING THE "2016 PARKS AND RECREATION SYSTEM PLAN" AS PART OF THE LINCOLN CITY COMPREHENSIVE PLAN

The City Council finds:

A. The City of Lincoln City needs to have current information, a vision, and priorities for parks and recreation, and the 2001 Parks Master Plan is outdated; and

B. The Oregon Department of Parks and Recreation provided the city with a grant to assist with master planning for the city's parks, which the city matched through cash and in-kind contributions; and

C. The Lincoln City Park Board and representatives of numerous organizations comprised a project advisory committee that embarked on a master planning process in March of 2016 and completed a final draft by the end of the same year, with assistance from city staff and Greenworks, LLC., a landscape architecture consulting firm; and

D. The planning process provided many opportunities for citizen involvement, including stakeholder interviews, public events, committee and park board meetings, questionnaires, and a workshop with council, and used the input received to formulate the new plan's vision, goals, and priorities; and

E. The Park Board voted unanimously to recommend the adoption of the 2016 plan, crediting it with conveying "the voice of the community" and "getting the priorities right for parks and recreation improvements in the coming years;" and

F. The amendments in this ordinance will make the 2016 Parks and Recreation Plan, (Exhibit "A"), a part of the Lincoln City Comprehensive Plan; and

G. The 2016 Parks and Recreation Plan is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals, as addressed in attached Findings (Exhibit "B"); and

H. On January 30, 2017, the City duly notified the Oregon Department of Land Conservation and Development of its consideration of the proposed comprehensive plan amendments and mailed notice of the amendment to property owners citywide; and

I. The Planning Commission, on March 7, 2017 considered the amendments contained within this ordinance, and voted to transmit the amendments to the City Council with a recommendation to adopt the ordinance as detailed in the attached Recommendation (Exhibit C); and

J. The City Council held a public hearing on March 27, 2017, during which the City Council considered the proposed amendments, the Park Board's recommendation, and the Planning Commission's recommendation, and all persons had opportunity to provide written and/or oral testimony on the proposed ordinance amendments; and

K. The City Council of the City of Lincoln City wishes to update the park and recreation policies currently in the Comprehensive Plan and adopt the 2016 Parks and Recreation System Plan as part of Lincoln City's Comprehensive Plan to guide future parks and recreation system management and improvements.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The 2016 Parks and Recreation System Plan, attached hereto as Exhibit "A" and made a party hereof by this reference, is hereby adopted and supersedes all previous parks and recreation master plans.

Section 2. The 2016 Parks and Recreation System Plan adopted by Section 1 of this ordinance is hereby incorporated into and made a part of the Lincoln City Comprehensive Plan.

Section 3. Paragraph III, (*Park and Recreation Policies*), of the Individual Public Facility Policies for the Public Services and Utilities Chapter of the Comprehensive Plan, adopted by Ordinance No. 84-01 on January 23, 1984, as amended, is hereby revised to read as follows:

III. Park and Recreation Policies

1. **Subject to the adoption of capital improvement plans and the local budget process under state and local law, the City shall provide recreation facilities and activities for all citizens of the city and for visitors, guided by the vision, goals, and priorities set forth in the 2016 Parks and Recreation System Plan.**
2. **The City shall maintain a parks and recreation board of citizens and professional staff, who shall periodically review Lincoln City's parks and recreation facilities and recommend improvements and properties for acquisition.**
3. **The City shall provide areas of high intensity recreation such as ball parks, swimming pools, tennis courts, neighborhood and community play fields, as**

well as maintain its open spaces for passive recreation and protection of sensitive ecosystems.

4. The City shall preserve publicly owned beach front property and undeveloped right-of-way in order to provide public beach accesses and viewpoints. The City shall not vacate undeveloped right-of-way or convey property that has potential as a beach access or viewpoint.

5. The City shall continue to work with partners and develop new partnerships for sharing existing resources and providing new and improved facilities, recreation opportunities, and developing cultural enrichment programs and activities.

~~III. Park and Recreation Policies~~

~~1. The City shall provide recreational facilities and activities for all citizens of the city.~~

~~2. The City shall maintain a Parks and Recreation Committee of citizens and professional staff which shall periodically review Lincoln City's parks and recommend improvements and properties for park acquisition.~~

~~3. The City shall provide areas for high intensity recreation such as ball parks, swimming pools, tennis courts, neighborhood and community play fields.~~

~~4. It shall be a policy of the City of Lincoln City to preserve publicly owned beach front property, and undeveloped right-of-way, in order to provide public beach accesses and viewpoints. The City will not vacate undeveloped right-of-way or convey property if such right-of way or property has the potential for being utilized as a beach access or viewpoint without first having received a favorable recommendation from the Parks Board and conducting a public hearing before the Planning Commission.~~

~~5. When considering parks and parks improvements related to Siletz Bay and Devils Lake, the City shall determine the feasibility of boating facilities.~~

~~6. The City shall continue to work with the Council on Aging in the management of the Community Center and rely on the center to provide activities and recreational opportunities for the elderly.~~

~~7. The City's recreation committee shall encourage a bikeway plan within the city and shall cooperate with the Oregon Department of Transportation in establishment of the Oregon Coast Bikeway through Lincoln City.~~

~~8. The City shall work with the State Parks Department to improve the use of existing State Parks within the city.~~

~~9. The City shall continue to rely on the Lincoln County School District to make available indoor and outdoor high intensity recreation areas such as gyms, multi-purpose buildings, track, football, and soccer fields.~~

~~10. The City shall work with private and public agencies to provide indoor recreation opportunities such as handball, racquetball, and indoor tennis courts.~~

~~11. The City shall work with community groups and citizens to encourage the development of cultural enrichment programs and activities.~~

Section 4. Findings Adopted.

The findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit B, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

Section 5. Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Section 6. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

Section 7. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

Section 8. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 4-8) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 27th day of March, 2017 (First Reading) and on the 27th day of March, 2017 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th day of March, 2017.

DON WILLIAMS, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

COPY

ORDINANCE NO. 2017-06

AN ORDINANCE ADOPTING THE 2017 ECONOMIC OPPORTUNITIES ANALYSIS, HOUSING NEEDS ASSESSMENT, AND BUILDABLE LANDS INVENTORY, AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN HOUSING POLICIES, AND AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN ECONOMY POLICIES

The City Council finds:

A. The amendments to the Lincoln City Comprehensive Plan are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "B".

B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.

C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on May 1, 2017; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.

D. The Planning Commission, on June 6, 2017 held a public hearing and considered the amendments contained within this ordinance. On June 20, 2017 the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes.

E. The City Council held a public hearing on June 26, 2017, closed the record, and deliberated on the proposed amendments. After deliberation, Council requested staff prepare an ordinance for adoption.

F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. The "2017 Economic Opportunities Analysis and Housing Needs Assessment and Buildable Lands Inventory", as forth in "Exhibit A," is hereby adopted and supersedes all previous economic opportunities analyses, housing needs assessments and buildable lands inventories.

SECTION 2. The "2017 Economic Opportunities Analysis and Housing Needs Assessment and Buildable Lands Inventory" adopted by Section 1 of this ordinance is hereby made a part of the Lincoln City Comprehensive Plan.

SECTION 3. The Economic Development Policies for the Economy Chapter of the Comprehensive Plan, adopted by Ordinance No. 84-01 on January 23, 1984, as amended, are hereby deleted and replaced with the following:

Economic Development

A. Land Availability. Plan for suitable commercial and industrial land on sites that offer choice in characteristics (e.g., size, locations, visibility) in an amount that can accommodate the business development the city desires in the next 20 years.

1. On the Comprehensive Plan map, designate an adequate supply of land for commercial and industrial use in desired locations to accommodate the desired types and amount of economic development and growth.

2. Monitor the supply of commercial and industrial lands, home occupations and businesses as part of mixed use within the city.

3. Ensure an adequate supply of commercial and industrial land with suitable zoning and access to infrastructure to respond to economic development opportunities as they arise.

B. Planning. Coordinate economic development efforts with local and regional partners.

1. Create an economic development team with representatives from the City, economic development partners, and local businesses and residents to guide local economic development efforts.

2. Prepare a five-year economic development strategy and action plan that implements the community vision and goals using recommendations in the Economic Opportunity Analysis. In the action plan, assign responsibilities, timeframe and tools for the City and other partners to use and a method for evaluating progress.

3. Coordinate economic development efforts with local and regional economic development agencies and organizations, including the Urban Renewal Agency, Lincoln City Chamber of Commerce, Economic Development Alliance of Lincoln County, Small Business Development Center, Oregon Cascades West Council of Governments,

Bay Area Merchants Association, and others through representation at group meetings, periodic meetings with key individuals and review of new plans and publications.

4. Encourage new commercial and industrial development and redevelopment outside of the tsunami inundation zone.

5. Consider joining the Oregon Main Street Program.

C. New Businesses. Encourage businesses that provide family-wage jobs to locate in Lincoln City.

1. Develop a plan to attract the types of businesses needed to achieve the community's vision and goals.

2. Support efforts to create a quality of life (e.g., schools, health care, housing, transportation, attractive neighborhoods) that draw telecommuters and encourages residents to start and grow businesses.

3. Facilitate the development of industrial lands for manufacturing and other export-oriented businesses that tend to provide higher-wage jobs.

4. Work with the Chamber of Commerce and other partners to develop a marketing plan and materials that describe Lincoln City's advantages and amenities for businesses.

5. Encourage property owners and their representatives to prepare sites for development and help owners to market them.

6. Review the municipal code to identify opportunities to clarify, and where possible, simplify Lincoln City's zoning code and land use application processes.

7. Consider incentives to lower development costs.

D. Local Businesses. Support the success and growth of existing businesses and entrepreneurs.

1. Maintain open communications with local business owners and provide available staff support and share technical resources for economic development projects initiated by the business community and as needed, provide leadership to facilitate general improvement (e.g., design standards, parking issues, infrastructure improvements).

2. Administer existing and explore new programs that support local businesses, such as Urban Renewal's Façade Improvement Loan

Program, Local Program Support Grant, Energy Efficiency Loan Program and Business Expansion Loan Program.

3. When possible, use local businesses to supply materials and supplies for City operations and functions.

E. Tourism Industry. Foster Lincoln City's recreation and tourism based economy.

1. Participate in the development of tourism-related businesses to attract visitors.

2. Coordinate with tourism-related businesses and destinations within and around Lincoln City to market Lincoln City to potential visitors.

3. Encourage indoor and outdoor events and activities that draw people to the city year round.

4. Consider developing a sports complex to attract regional sports tournaments.

5. Explore the development of additional attractions to the city.

F. Community Needs. Support businesses that provide for the day-to-day needs of Lincoln City residents, including but not limited to the growing population of retirees.

1. Research opportunities to zone land for small-scale commercial development in or near areas where a substantial amount of residential development is planned.

2. Support development and redevelopment in commercial nodes to stimulate new or improved commercial services, especially businesses that serve the permanent population.

3. Encourage businesses that serve residents in locations that facilitate walkable neighborhoods.

4. Periodically, study how retirees spend their money and what support they desire or need

G.. Workforce Development. Encourage development of a local workforce with the skills that Lincoln City businesses need.

1. Periodically administer a survey of local businesses and those considering locating in Lincoln City to identify workforce needs.

2. Work with the Small Business Development Center, the economic development team and other community partners to support

workforce and entrepreneurial training opportunities to meet the needs of Lincoln City's businesses and attract new businesses the city desires.

3. Frequently assess the need for and encourage the development of housing attainable to Lincoln City's workforce.

4. Support elementary, middle school, high school and alternative high school programs that stimulate civic engagement, and a work ethic, job skills, and entrepreneurism that command higher wages. .

H. Infrastructure. Provide adequate infrastructure efficiently and fairly to support employment growth.

1. Coordinate capital improvement planning to ensure infrastructure availability on employment land and pursue funding for needed infrastructure to support economic development activities

2. Promote Improvements to the transportation system that support economic development. Explore the use of Devils Lake for transportation purposes.

3. Facilitate county-wide conversations with businesses and public and nonprofit partners to further develop a transit system for the local workforce and promote its use.

4. Facilitate the development of telecommunications and other infrastructure necessary to support home-based businesses and workers.

5. Seek opportunities to provide incubators for small and emerging businesses.

6. Make infrastructure or place making improvements in commercial districts, such as streetscape, sidewalk, storefront or façade, and wayfinding improvements.

~~To assure a healthy economy as Lincoln City grows, there will be a need to provide more "quality" job opportunities.~~

~~Lincoln City's primary industry is tourism. One out of every three jobs is related to recreational-oriented employment. Future employment projections assume a continued emphasis in Lincoln City on the tourist industry.~~

~~The retirement community composes 28% of Lincoln City's population. This segment of the city's society, when considered as a whole, is an additional important economic asset. There are indications that there will be an increase in the number of service-related employment opportunities to citizens of Lincoln City.~~

These new opportunities will occur in such fields as government, real estate, and insurance sales. If their predictions are accurate, then the city will realize some needed diversity in its economy.

CONCLUSION:

Tourism will continue to function as the basic industry in Lincoln City. An anticipated increase in the retirement population will serve to contribute to the contribute to the economic base of the community. New employment opportunities are projected to occur in service related industries. Tourism and service jobs are labor intensive and relatively "clean industries", however, some of the positions are seasonal, the wages are minimal and are subject to sudden changes in economic conditions.

To achieve a more stable economy, the city should strive to improve tourism, as well as attempt to diversify the economic base.

Economy Goal

To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.

Economic Development Policies

1. Lincoln City shall work with Lincoln County in implementing recommendations for regional economic development.

2. Lincoln City shall periodically analyze the commercially and industrially zoned lands. The analysis shall include a summary of economic activities within the City including residential development in commercially or industrially zoned properties. The report shall make projections of future commercial land needs based on economic activities, residential development, and the supply of available commercial and industrial lands. If current demands exceed supply, the Planning Commission shall hold a public hearing as soon as possible to consider lands which may be suitable for conversion to commercial or industrial uses.

3. Lincoln City shall encourage local financial institutions to support low interest loans to rehabilitate deteriorating structures and to upgrade city center areas.

~~4.Lincoln City shall explore incentives for economic development in order to expand and increase the productivity of commerce and industry.~~

~~[Economy Policies amended by Ordinance No. 95-01, adopted January 9, 1995]~~

SECTION 4. The Housing Policies for the Housing Economy Chapter of the Comprehensive Plan, adopted by Ordinance No. 84-01 on January 23, 1984, as amended, are hereby deleted and replaced with the following:

A. Housing Supply and Variety. Provide a sufficient quantity and variety of housing to meet community needs.

1. Annex where feasible and zone an adequate supply of residential land outside the tsunami inundation zone to accommodate the city's housing needs.

2. Promote a variety of residential densities and housing types in all price ranges to meet a range of housing needs.

3. Revise plan designations, zoning districts and regulations as needed to implement the mix of housing indicated in the adopted Housing Needs Analysis.

4. Periodically review development code regulations and the zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, "plexes", tiny houses, big houses, senior housing, manufactured homes, etc.

5. Consider incentives that encourage development outside the tsunami zone while ensuring sufficient revenue to serve new development (e.g., transfer of development/redevelopment rights.

6. Discourage development within all tsunami zones, using techniques such as zoning inundation areas for uses other than residential, adding criteria for approving conditional uses and variances to restrict residential density in hazard areas, and encouraging transfer of development/redevelopment rights.

7. Zone multifamily housing in areas close to shopping, employment, parks, services and public transportation, and outside of the tsunami inundation zone.

8. Control the number and location of vacation rentals to preserve adequate housing for residents and protect the quality of life in the city's residential neighborhoods.

B. Housing Affordability. Provide for a range of housing opportunities outside the tsunami inundation zones to address the needs of all economic segments of the community. For properties outside the tsunami inundation zones, evaluate the following incentives and tools:

1. Explore innovative approaches to setting fees and system development charges (SDCs) on new construction of affordable housing to be as low as possible while ensuring necessary infrastructure to make neighborhoods cost-effective places to live and good investments for homeowners.

2. Explore offering expedited review and permitting for residential or mixed-use projects that meet certain criteria (e.g., receive local, state or federal affordable housing funding.

3. Consider offering property tax exemptions to low-income rental housing projects that meet certain criteria in accordance with state law (e.g., receive local, state or federal affordable housing funding.)

4. Consider applying system development charges (SDCs) on a square foot or fixture count basis, so smaller homes pay less and larger homes pay more.

5. Consider deferring SDCs and providing other incentives for Accessory Dwelling Units (ADUs).

6. Periodically review density bonuses for effectiveness as an incentive to providing affordable housing and adjust, as necessary.

7. Consider setting parking requirements to the minimum standards that will meet the community's needs in order to reduce land utilized for parking, reduce the cost of housing development, and encourage walking, transit use and a compact development pattern.

8. Give priority to capital improvement projects that support development of affordable homes and neighborhoods.

9. Consider providing grant or loan programs provided by or through the city to reduce housing costs.

10. Facilitate development of vacant or under-developed land by bringing together property owners, developers, and financiers through a local accelerator program.

11. Give priority to capital improvement projects that support development of affordable homes and neighborhoods outside the tsunami inundation zone.

C. Partnerships

1. Involve major employers in efforts to develop and support housing attainable by their workforce.
2. Facilitate development of affordable housing on publicly-owned properties and preserve its attainability.
3. Explore public/private/nonprofit partnerships to preserve or develop additional housing for very low, low, and moderate income households.
4. Develop and nurture local and regional affiliations and alliances to provide affordable housing.
5. Explore local and regional funding options to support development of housing for low- and moderate-income households.
6. Work with local organizations, other jurisdictions and health and social service organizations to on a coordinated, regional approach to homelessness.
7. Coordinate with Tribal, County, State and housing developers to identify, obtain and leverage funding sources for the development of new housing for very low, low, and moderate-income residents, as determined by appropriate percentages of area median family Income in the Housing Needs Assessment.
8. Work with partners to provide workshops that:
    a. Assist developers with the design and finance of affordable housing.
    b. Educate first time homebuyers.
    c. Pair property owners with developers.
9. Look into establishing a non-profit development corporation.

D. Affordable Housing Fund

1. Establish and oversee an affordable housing program that increases the supply of housing attainable to low to middle income individuals and families.
2. Utilize affordable housing resources (e.g., land, funds, staff support) to make dwelling units affordable to households with very low, low and medium incomes.
3. Consider ways to expand the affordable housing fund, such as a housing levy, construction excise tax, or dedicated percentage of building permit valuation for all building permits.
4. Utilize affordable housing funds only outside the tsunami inundation zone.

E. Regulations

1. Allow affordable housing throughout the city and especially in areas with good access to transit, employment, education and shopping.

2. Consider an inclusionary housing program that requires multifamily developments of 20 units or more to designate up to 20% of the units for rent or sale at no more than 80% MHI. OR Designate a certain percentage of new multifamily construction of at least 20 units as affordable to those making 80 percent of area median income or less in exchange for density bonuses or property tax exemptions.

3. Consider pre-approving ADU and other housing designs to lower housing costs for residents.

4. Periodically examine and revise the municipal code to reduce barriers to new affordable housing development

5. Utilize various mechanisms to ensure the continued affordability of housing that is the result of City initiatives.

6. Enforce regulations that ensure maximum safety for residents and residential property owners. Notify potential buyers and developers about risk of tsunami, flooding and other potential hazards.

7. Consider zoning property in the tsunami inundation zone for the lowest possible single-family density or low intensity non-residential uses.

8. Include in the municipal code zoning regulations that ensure multi-family buildings and special needs housing are attractive for the residents and for their neighborhoods.

F. Special Needs. Encourage housing options outside the tsunami zones for special needs populations, including independent living for seniors, assisted living, memory care, drug and alcohol rehab and mental health facilities.

1. Integrate housing for people with special needs into neighborhoods, avoiding concentrations.

2. Encourage the development of senior-friendly housing, particularly in areas within walking distance of services and amenities.

3. Promote the provision of support services, including transportation options, to allow seniors and those with special needs to remain in their own homes or non-institutional settings.
4. Support public and private housing and services for people who are homeless.
5. Review municipal code to ensure compliance with the Affirmatively Furthering Fair Housing rule.
6. Educate the public regarding zoning and fair housing laws.

G. Vacation Rentals. Control the number and location of vacation rentals to preserve adequate housing for residents and protect their quality of life.

1. Maintain an appropriate balance in residential zones between housing for residents and short-term vacation rental properties for visitors.
2. Fine tune vacation rental policies as needed to protect residential neighborhoods.

~~The single greatest financial expenditure by a family is for housing.~~

~~Lincoln City has an existing inventory of 4009 dwelling units. The stock is primarily comprised of single family units. However, there has been a trend toward the development of multi-family units, which are used primarily as seasonal housing. There are four users which determine Lincoln City housing needs. These are:~~

~~1. The permanent resident seeking shelter at affordable prices.~~

~~2. The tourist industry seeking seasonal shelter for its employees.~~

~~3. The elderly population seeking retirement shelter.~~

~~4. The seasonal resident seeking shelter.~~

~~These users work in competition for the limited lands available for housing development. Tables indicate housing demands, needs, and available vacant property.~~

~~**CONCLUSION:**~~

~~There is a competition for the limited housing available in Lincoln City. The competition creates artificially high prices and reduces housing choices.~~

~~**Housing Goal**~~

~~To provide for the housing needs of all citizens.~~

~~**Housing Policies**~~

~~1.The City shall encourage a wide range of housing types.~~

~~2.The City shall establish minimum construction and lot coverage standards for residential development.~~

~~3.The City shall encourage multi-family buildings subject to design and landscape control.~~

~~4.The City shall work to stabilize and protect existing residential areas from deterioration and incompatible development.~~

~~5.The City shall work with State, County, and local housing agencies to publicize the existence of housing programs available to Lincoln City residents in order to:~~

~~a. Make residential housing more energy efficient.~~

~~b. Make home rehabilitation loan and grant funds available to homeowners and renters especially those of low to moderate income.~~

~~c. Increase the amount of decent and affordable housing, especially rentals available to lower income households.~~

~~d. Increase the amount of lower cost rental housing available to the elderly.~~

~~e. Decrease the proportion of income which the elderly spend on housing.~~

SECTION 5. Severability.

The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 6. Savings.

Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 7. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 8. Codification.

Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 5-8) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 10th day of July, 2017 (First Reading) and on the 10th day of July, 2017 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of July, 2017.

DON WILLIAMS, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT B

FINDINGS REGARDING CONSISTENCY WITH THE LINCOLN CITY COMPREHENSIVE PLAN AND THE STATEWIDE PLANNING GOALS

A. Lincoln City Comprehensive Plan Goals

1. Land Use Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council established a land use policy framework and implementing ordinance through adoption of a comprehensive plan and zoning ordinance, respectively. The City of Lincoln City's Comprehensive Plan and implementing land development regulations (including Zoning Title 17) have been acknowledged by the Land Conservation and Development Commission as complying with the Statewide Planning Goals. Review of these amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, establishes conformance with this goal.

Plan Review and Amendment

The Land Use Planning Element of the Comprehensive Plan includes language and processes concerning reviewing, updating and amending various components of the comprehensive plan as well as zoning ordinance text and map amendments. As regards plan text and zoning text amendments, the Plan includes the following:

(g) Proposed amendments should be considered based upon a finding that one or more of the following standards are met:

(1) Updated data manifests significantly different trends than indicated by previous data;
(2) New data reflects a new or previously disclosed public need; and
(3) New community attitudes representing a significant departure from previous attitudes is found to exist by the planning commission or city council; and
(4) Changes in statutory or case law occur which affects the applicability or appropriateness of applicable portions of the plan text; and

(5) A demonstrable error or inconsistency is found to exist;

The language of these policies is that they "should" be used for such amendments. This non-mandatory language aside, the Council finds and determines that the City has met the non-mandatory procedures outlined in the Plan for review of amendments to the plan and code. The need for the amendments was manifest. Information before the Council showed that there is a need for affordable housing for the city's workforce, and for the homeless. It is essential that the city address these needs. Other information showed that there is a need for the city to ensure that the city has sufficient employment lands for both commercial and industrial growth. The Council initiated the studies, the Planning Commission and Council conducted public hearings (as more specifically detailed in the citizen involvement sections of these findings), and the Council adopted findings supporting the decision. The Land Use Planning Goal is satisfied.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The Comprehensive Plan's Citizen Involvement Program goal is "Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process." The City has developed a Citizen Involvement Program through Resolution 94-33. The public hearing process for the proposed ordinance and comprehensive plan text changes included mailed, published, and internet posted notice to the public and property owners, and review of proposals by the Planning Commission and the City Council, consistent with the Plan, Goal and Resolution.

The findings set forth under the Land Use Planning above including the notice and hearing process for the range of proposed ordinances are incorporated herein by this reference. The Council finds and determines that the Comprehensive Plan and Goal 1 policies concerning citizen involvement are fully met by the proposals.

Among the policies under the City's Citizen Involvement Program goal is one that says "Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings." The Planning Commission and City Council meetings are publicized widely with hearing notices mailed to property owners in the affected area, and published in The News Guard weekly newspaper and on the City's website. The City holds public hearings in the evening in order to encourage public

attendance. Moreover, for those unable to attend in person, the meetings are televised live and rebroadcast on cable television and are streamed live over the internet. Video of meetings and packet materials is also available on the City's website for review, free of charge. This constitutes a more than reasonable effort to encourage citizens to attend public meetings.

The Citizen Involvement Goal is satisfied.

(3) Public Services and Utilities Goal

> *"To plan and develop a timely, orderly, and efficient arrangement of public facility and services which complement the area and serve as a framework for urban and rural development."*

Public services and utilities generally are already in place within the city and much of the UGB. One of the purposes for conducting the Economic Opportunities Analysis, the Housing Needs Assessment, and the Buildable Lands Inventory was to ensure that the city has sufficient land within the city limits and the UGB to meet the city's needs for residential, commercial, and industrial development in the future. The studies demonstrate that there is indeed sufficient land and that therefore there is no need for extension of public facilities and services outside the existing UGB. Evidence before the City Council also showed that the city has adopted a Transportation System Plan, a Walking and Biking Plan, a Wastewater Master Plan, and a Water Master Plan. These plans have been determined to comply with the Public Facilities and Services goal and accordingly have been found to provide a framework for timely, orderly, and efficient development of public facilities and services within the UGB. Thus, the combination of the results of the Economic Opportunities Analysis, the Housing Needs Assessment, the Buildable Lands Inventory, and the various public facilities plans demonstrate that for the twenty year planning horizon public facilities and services will be developed in a timely, orderly, and efficient manner.

(4) Urbanization Goal

> *"To promote an orderly and efficient transition of land uses from rural to urban."*

The proposed ordinance, the Economic Opportunities Analysis, the Housing Needs Assessment, and the Buildable Lands Inventory do not directly affect the development densities of properties in Lincoln City. However, they do show that there is no need to expand the Urban Growth Boundary and therefore there is no need, within the 20-year

planning horizon, to convert any additional land from rural to urban uses. This goal is satisfied.

(5) Natural Hazard Goal

> *"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."*

The proposed ordinance, the Economic Opportunities Analysis, the Housing Needs Assessment, and the Buildable Lands Inventory, by themselves, do not authorize any development. In fact, they discourage development, especially residential development, in the tsunami inundation zone. Beyond that, all development is subject to the city's existing and acknowledged ordinance standards relating to development in the Natural Hazard Areas. The proposed ordinance, the Economic Opportunities Analysis, the Housing Needs Assessment, and the Buildable Lands Inventory do not authorize any development inconsistent with these natural hazard standards. This goal is satisfied.

(6) Housing Goal

> *"To provide for the housing needs of all citizens."*

One of the principal purposes of the proposed ordinance, the Housing Needs Assessment, and the Buildable Lands Inventory is to amend the Comprehensive Plan's Housing Element in order to bring it into closer congruence with today's housing needs and issues. For example, the existing housing element does not recognize the threat posed by tsunamis, while the proposed housing policies pushes for a sufficient supply of residential land outside the tsunami inundation zone. Similarly, the existing housing element does not address in any way the issues posed by the conversion of residential properties into full-time vacation rentals. The proposed housing policies call for keeping limits on vacation rental dwellings in order to preserve adequate housing for residents and protect the quality of life in the city's residential neighborhoods. Importantly, the proposed policies also call for revising plan designations, zoning districts, and regulations as needed to implement the mix of housing indicated in the Housing Needs Analysis. Thus the new policies explicitly call for updating the Comprehensive Plan, zoning map, and zoning text to reflect the current realities in Lincoln City in order to meet the housing needs of the city's residents, present and future.

The City Council takes official notice of the fact that the City's zoning regulations have been changed to allow accessory dwelling units in the R-1 zone and elsewhere where single-family dwellings are allowed, and to allow "cottage clusters" as well. These

provisions allow dwellings at a density higher than was allowed at the time of the 2006 buildable land needs assessment. Similarly, the Council takes official notice that the City has amended its planned unit development regulations to allow certain density bonuses, which likewise functions to allow density higher than would have been allowed in 2006. The City Council finds that these ordinance changes promoted more efficient use of available land and reduced the need for new lands to accommodate future growth.

(7) Economy Goal

> *"To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."*

The existing Economy Element concludes:

> Tourism will continue to function as the basic industry in Lincoln City. An anticipated increase in the retirement population will serve to contribute to the economic base of the community. New employment opportunities are projected to occur in service related industries. Tourism and service jobs are labor intensive and relatively "clean industries", however some of the positions are seasonal, and the wages are minimal and are subject to sudden changes in economic conditions.
>
> To achieve a more stable economy, the city should strive to improve tourism, as well as attempt to diversify the economic base.

The City Council has reaffirmed its desire to diversify the economy while continuing to support the tourism sector. The present Economy Element identifies Tourism and the Retirement Community as continuing sources of service related employment opportunities for citizens of Lincoln City. Both are estimated to increase. The Economic Opportunities Analysis (EOA) demonstrates that there are opportunities for growth in a number of additional economic sectors. In the retail sector, for example, the EOA showed that residents travel outside the local trade area for automotive sales and parts, home appliances and electronics, general merchandise, and building materials and garden supplies.

The EOA recommended a list of "target business types" for diversifying the local economy. These are health care services, entrepreneurs and professional businesses, artisan makers and sub-regional warehouses, general retail, food and beverage services,

continuing care facilities, lodging, and arts, entertainment and recreation. The recommended economic development policies are consistent with the city's economy goal. They promote ensuring there is sufficient land for commercial and industrial uses in the future. They also promote coordinating economic development activities with local and regional partners and preparing a five-year economic development strategy and action plan. Further, they contain policies that encourage businesses providing family wage jobs to locate in Lincoln City through such things as supporting quality of life factors (e.g. schools, healthcare, housing, transportation) that draw telecommuters and entrepreneurs to locate in a community.

The proposed policies also are designed to support the success and growth of existing businesses through actions such as open communications and staff and technical support. In fact, the proposed policies relating to both economic development and housing are focused in large measure on establishing and supporting a diverse and balanced economy, supported by a workforce that is able to reside affordably within the city and its urban growth boundary. These policies will be a major step forward in ensuring that the economy goal is met.

(8) Aesthetic Goal

> *"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."*

The plan amendments in the proposed ordinance address the aesthetic goal by establishing a policy of supporting efforts to create a quality of life that draws telecommuters and entrepreneurs such as schools, health care, housing, transportation, and attractive neighborhoods. This policy directly applies to the development of a livable and pleasing city. This goal is satisfied.

(9) Transportation Goal

In 2016 the City Council adopted Ordinance No. 2016-21 which revised the transportation related policies in the Comprehensive Plan. This ordinance established eight transportation goals, with each goal having a number of policies. The eight goals are:

Goal 1: An equitable, balanced and well-connected multi-modal transportation system.

Goal 2: Convenient facilities for pedestrians and bicycles.

Goal 3: Transit service and amenities that encourage a higher level of ridership.

Goal 4: Efficient travel to and through the city.

Goal 5: Safe and active residents.

Goal 6: A sustainable transportation system.

Goal 7: A transportation system that supports a prosperous and competitive economy.

Goal 8: Coordination with local and state agencies and transportation plans.

The plan amendments in the proposed ordinance address the transportation goals by establishing policies of ensuring infrastructure availability on employment land (including streets and roads), promoting improvements to the transportation system that support economic development activities, facilitating development of a transit system for the local workforce, promoting the provision of support services, including transportation alternatives, to allow seniors and those with special needs to remain in their own homes, giving priority to infrastructure projects that support development of affordable housing. These policies directly support the development of a safe, convenient, and rapid transportation network. This goal is satisfied.

(10) Energy Goal

"To conserve energy."

There are nine policies under this goal. None of them relate directly to the proposed plan amendments. One of them calls for the city to encourage the use of cluster development in multi-family and planned development in order to lower energy expense in site and building development, and the proposed housing affordability policies include one that says, "Consider setting parking requirements to the minimum standards that will meet the community's needs in order to reduce land utilized for parking, reduce the cost of housing development, and encourage walking, transit use and a compact development pattern." This is the only relationship between the policies under the energy goal and the proposed plan amendments. The two policies are consistent.

Moreover, the proposed policies promoting affordable housing through means such as applying system development charges on a square foot basis, promoting accessory

dwelling units, and other means likely will result in energy conservation through decreased energy use in developing housing and, since the affordable housing units likely will be smaller than typical market housing they will require less energy to operate. The other amendments proposed have no adverse effects on the energy goal and simply facilitate compliance with other plan policies and objectives. Therefore, the goal is satisfied.

(11) Overall Environmental Goal

> *"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."*

The City compiled an inventory of natural resources, including wetlands, riparian areas, fish and wildlife habitat, and aesthetic and scenic areas. Resources deemed to be significant were evaluated to determine whether, and to what extent, to allow conflicting uses. The City adopted a protection program, the Natural Resources Overlay, which balances protection and land use. Non-significant resources are not protected by the City.

The proposed plan amendments will not, of themselves, have any adverse effects on the natural environment. The proposed amendments will not adversely impact the natural environments of the City and do not authorize any additional development in any zone. This goal is satisfied.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

> *"To conserve, protect, and enhance the coastal resources of the city."*

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. The proposed plan amendments do not by themselves authorize any changes in development in the coastal shorelands area since they relate only to development in areas in which development already is allowed under the zoning ordinance, and subject to the same standards that currently allowed development is subject to. The amendments do not alter any of the existing and acknowledged protective measures for the above-referenced resources. Additionally, since most of the tsunami inundation zone is within the coastal shorelands area, and the proposed plan amendments would discourage development within the tsunami inundation zone, the

proposed plan amendments will have the effect of helping to conserve and protect the city's coastal resources. Therefore the amendments are consistent with this goal.

VI. STATEWIDE PLANNING GOALS.

(1) Goal 1: "Citizen Involvement" The proposed ordinance, the Economic Opportunities Analysis, the Housing Needs Assessment, the Buildable Lands Inventory, and other documents were made available at no cost on the City's website and were also available for public review and purchase at the counter. Assistance was available to explain the proposals and technical information. Hearing notices were published in local papers in accordance with notice requirements. Mailed notices were sent to impacted property owners pursuant to Measure 56. The findings concerning the Comprehensive Plan Citizen Involvement Program are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: "Land Use Planning" This goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual basis for such decisions and actions. The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearings and reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of these plan amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal. The findings concerning the Comprehensive Plan Land Use Element are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 2.

(3) Goal 3: "Agricultural Lands" The areas affected by the plan amendments are located within the City's Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such. No agricultural lands will be affected by the amendments. Therefore, Goal 3 is not applicable.

(4) Goal 4: "Forest Lands" The areas affected by the plan amendments are located within the City's Urban Growth Boundary. The area is zoned for urban

development. Moreover, the affected areas do not contain any designated forest lands. Therefore, Goal 4 is not applicable.

(5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources" The areas affected by the plan amendments are located within the City's Urban Growth Boundary. The plan amendments do not authorize development directly affecting any areas currently zoned Open Space or Park. They do not affect the city's one property listed on the National Register of Historic Places, the Dorchester House. The areas subject to the plan amendments also include areas designated as significant aesthetic resources. However, because the amendments do not directly authorize any development inconsistent with the aesthetic nature of the sites, there is no impact on such resources. . The findings concerning the Overall Environmental Element as well as the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Elements are incorporated herein by this reference. Therefore, the plan amendments are consistent with Goal 5.

(6) Goal 6: "Air, Water and Land Resources Quality" Because the proposed amendments relate to uses already allowed under the existing zoning ordinance, the plan amendments will not serve to increase the waste and process discharges already being generated within the affected areas. Such discharges include solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. The findings concerning the Overall Environmental Element are incorporated herein by this reference. Therefore the plan amendments are consistent with Goal 6.

(7) Goal 7: "Areas Subject to Natural Disasters and Hazards" The areas affected by the VRD amendments include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the plan amendments do not authorize (or exempt) any development inconsistent with these natural hazard standards. In fact, the plan amendments discourage development within one of the principal natural hazard areas in the city: the tsunami inundation zone. The findings concerning the Natural Hazard Element are incorporated herein by this reference. Therefore the VRD amendments are consistent with Goal 7.

(8) Goal 8: "Recreational Needs" The plan amendments do not of themselves authorize any development inconsistent with the recreational needs of the community, region, or state. One of the plan amendments encourages efforts to create a quality of life that draws telecommuters and entrepreneurs, and typically among those factors affecting quality of life is a robust system of parks and

recreational opportunities. Therefore, the plan amendments are consistent with Goal 8.

(9) Goal 9: "Economic Development" The proposed plan amendments will create a new regime for the city directly encouraging and promoting economic development. They replace outdated plan policies that do not reflect the economy of the present or of the foreseeable future. The new plan policies will carry the city's economic development activities forward in a way that ensure economic development is a top priority for the city. The findings concerning the Economy Element are incorporated herein by this reference. Therefore, the plan amendments are consistent with Goal 9.

(10) Goal 10: "Housing" The plan amendments create a new approach to housing for the city, one that explicitly recognizes the need to ensure a supply of land for a wide variety of housing types, with these types changing over time as housing preference change. They go beyond that into aggressively promoting housing affordability, something that essentially is ignored by the existing housing policies in the comprehensive plan. The findings concerning the Housing Element and Land Use Planning Element are incorporated herein by this reference. Therefore, the plan amendments are consistent with Goal 10.

(11) Goal 11: "Public Facilities and Services" Existing City water and sewer infrastructure and treatment facilities will not be adversely affected by the plan amendments, nor will their ability to serve surrounding properties be affected, because the plan amendments do not authorize any uses not already allowed by the zoning ordinance. The findings concerning the Public Services and Utilities Element are incorporated herein by this reference. Therefore, the plan amendments are consistent with Goal 11.

(12) Goal 12: "Transportation" The plan amendments are consistent with the City's *Comprehensive Plan* and *Transportation System Plan* because they do not adversely affect any transportation facility. The findings concerning the Transportation Element are incorporated herein by this reference. Therefore, the plan amendments are consistent with Goal 12.

(13) Goal 13: "Energy Conservation" The plan amendments do not change any land use patterns and development already allowed except to discourage development in the tsunami inundation zone, and encourage development of affordable housing that likely will use less energy than typical market housing. Therefore the proposed plan amendments will not have any adverse effect on

Energy Conservation. . The findings concerning the Energy Element are incorporated herein by this reference. Therefore, the plan amendments are consistent with Goal 13.

(14) Goal 14: "Urbanization" The proposed plan amendments do not increase or decrease densities allowed, and accordingly do not tend to promote the expansion of the Urban Grown Boundary. The Buildable Lands Inventory demonstrates that there is no need to expand the urban growth boundary since these are surpluses of all needed land types within the urban growth boundary. The findings concerning the Comprehensive Plan Land Use Element, Housing Element and Urbanization Element are incorporated herein by this reference. Therefore, the plan amendments are consistent with Goal 14.

(15) Goal 15: "Willamette River Greenway" The affected areas are not located within the Willamette River Greenway. Therefore, Goal 15 is not applicable.

(16) Goal 16: "Estuarine Resources" The city includes some areas adjacent to a designated estuarine resource. However, the plan amendments, by themselves, do not authorize any development, inconsistent with the protection of the estuarine resources, and development near estuarine resources already is and will continue to be subject to acknowledged controls on such development. Moreover, the plan amendments discourage development the tsunami inundation zone, which includes the area, in the Taft district, that is adjacent to the estuarine resources of Siletz Bay. The findings concerning the Comprehensive Plan Land Use Element are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 16.

(17) Goal 17: "Coastal Shorelands" The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal shorelands also include some areas that have been designated as significant aesthetic resources. The proposed plan amendments do not themselves authorize any changes in development in the coastal shorelands area, and in fact discourage development in the tsunami inundation zone, which covers large areas of the coastal shorelands. The findings concerning the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference. Therefore, Goal 17 is met.

(18) Goal 18: "Beaches & Dunes" The plan amendments are not authorize any development within a beach or active dune area, and in fact discourage development of all types in the tsunami inundation zone, which includes all areas of beaches and dunes within the city. The findings concerning the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference. Therefore, Goal 18 is met or not applicable.

(19) Goal 19: "Ocean Resources" Because the plan amendments relate solely to the dry land areas of the city, and because the plan amendments will not by themselves authorize any development, the plan amendments will not affect the nearshore ocean and continental shelf. The findings concerning the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Element are incorporated herein by this reference. Therefore, the plan amendments are consistent with Goal 19.

ORDINANCE NO. 2019-38

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RESORT RESIDENTIAL MIXED STRUCTURE" (RRMS), TO +/- 42.65 ACRES OF PRIVATELY OWNED REAL PROPERTY WITHIN THE PROJECT KNOWN AS "THE VILLAGES AT CASCADE HEAD"

Annotated to show deletions and additions to the code sections being modified. Deletions are ***~~lined through~~*** *and additions are* ***bold underlined****.*

The City Council finds:

A. This amendment to the Lincoln City Comprehensive Plan is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

B. This amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.

C. On June 11, 2019, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610 of its consideration of several proposed amendment(s); staff determined that the proposed amendments including an amendment to add a new FLUM Designation and an amendment to authorize the use of ORS Chapter 94 Development Agreements as an option to implement the new FLUM designation(s), do not require rezoning property or rezone any existing property and therefore an ORS 227.186(4) notice is not required.

D. The Planning Commission, on September 3, 2019 conducted a public hearing and considered the amendments contained within this ordinance. On September 17, 2019 the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes.

E. The City Council conducted a public hearing on October 14, 2019, closed the hearing, closed the record and deliberated on the proposed amendments; Council provided direction to divide the amendments into separate ordinances as follows: (1) authorizing development agreements in the comprehensive plan; (2) creating new FLUM designations and specifying implementing zoning districts including optional new zoning districts for use with a development agreement; (3) applying the new RRMU FLUM designation to 22.29 acres of City property within "The Villages At Cascade Head"; (4) applying the new RRMS FLUM designation to 306 acres of City-owned property within "The Villages At Cascade Head" project; (5) applying the new RRMS FLUM designation to 42.65 acres of private property within "The Villages At Cascade Head" project. Council directed the ordinances be brought back for required readings and adoption.

F. This Ordinance concerns only the fifth issue, applying the RRMS FLUM designation to 42.65 acres of land within "The Villages At Cascade Head" development, owned by others.

G. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Comprehensive Plan Map Amendment. The Lincoln City Comprehensive Plan Map, Ordinance 84-01, (which is currently the same as the zoning map adopted by Ordinance 84-02 as amended) is hereby amended to place a new Future Land Use Map Designation of Resort Residential Mixed Structure (RRMS) under the existing zoning designation for the property described and shown in Exhibit B, attached hereto and made a part hereof by this reference. The existing zoning for the property, and associated land use approvals shall remain in full force and effect according to their terms.

SECTION 2. Concept Plan. The Concept Plan attached hereto as Exhibit C and made a part hereof by this reference is hereby approved to act as a preliminary guide for the rezoning and development of the subject property.

SECTION 3. Findings adopted. Findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 6. Codification. Provisions of this Ordinance may be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate

provisions (i.e. Sections 3-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 28th day of October, 2019 (First Reading) and on the 28th day of October, 2019 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 28th day of October, 2019.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A – CPA 2019-02 (Part 5) FINDINGS
[ORDINANCE NO. 2019-38]

The Title of Proposed Ordinance 2019-41 (CPA 2019-02 Part 5) is as follows:

ORDINANCE NO. 2019-38

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RESORT RESIDENTIAL MIXED STRUCTURE" (RRMS), TO +/- 42.65 ACRES OF PRIVATELY OWNED REAL PROPERTY WITHIN THE PROJECT KNOWN AS "THE VILLAGES AT CASCADE HEAD"

Background:

CPA 2019-02 has been divided into five parts: (1) Ordinance 2019-32 - authorizing development agreements in the comprehensive plan [enacted October 14, 2019]; (2) Ordinance 2019-39 - creating two new FLUM designations [RRMU and RRMS] and specifying implementing zoning districts including optional new zoning districts for use with a development agreement [enacted October 14, 2019]; (3) Ordinance 2019-40 - applying the new Recreation Resort Mixed Use [RRMU] FLUM designation to 22.29 acres of City-owned real property at the Villages of Cascade Head; (4) Ordinance 2019-41 applying the new Resort Residential Mixed Structure [RRMS] FLUM designation to +/- 306 acres of City-owned real property at the Villages of Cascade Head; (5) Ordinance 2019-38 applying the new Resort Residential Mixed Structure [RRMS] FLUM designation to +/- 42.65 acres of privately owned real property at the Villages of Cascade Head.

The proposed map amendment [Ordinance 2019-38] modifies the Lincoln City Comprehensive Plan Map for +/- 42.65 acres of privately owned land within "The Villages At Cascade Head" project. The existing medium density residential (R-1-7.5) designated land is given a new underlying future land use map designation of Resort Residential Mixed Structure [RRMS]. As both the existing land use and zoning maps are the same (see Section 1 of Ord. 2019-39), the change is made only to the underlying comprehensive plan land use map and not to the existing zoning map. **Accordingly, the placement of the new FLUM designation has no immediate effect.**

The new FLUM provides for by-right implementation with the existing R-1-7.5 zoning and Open Space zone (and also allows R-1-10) and thus is not

inconsistent with zoning. As the zoning for the property remains the same, the existing development approval for "The Villages At Cascade Head" remains valid and consistent with the zoning.

It is the City's intention to process an amendment creating a new zoning district to implement the new FLUM – the Resort Neighborhood Residential Zone (RNR). This amendment to the zoning ordinance will be forthcoming. The RNR is implemented with a negotiated development agreement and is not available by-right.

Brief Review of Villages Project.

PROJECT INFORMATION

Applicant/Owner	City of Lincoln City
Map & Lot No.	City purchased a total of 363 acres of "The Villages At Cascade Head" property: 22.29 acres of RRMU FLUM [Ordinance 2019-40] 35.06 acres of "Knoll" Open Space +/-306 acres remainder In addition, City owns 58.65 acres of Open Space to the north (dedicated by the original developer) Privately-owned land in Villages: +/- 42.65 acres [**subject property**] *See attached maps*
Comprehensive Plan & Zoning	Current Land Use and Zoning: Medium Density Residential Single Family Residential (R-1-7.5) and Open Space
Surrounding Land Uses And Zoning	North: Open Space/Open Space South: Medium Density Residential/Single Family Residential East: Medium Density Residential/Single Family Residential West: Medium Density Residential/Single Family Residential Roads End
Public Notice	Mailed on July 16, 2019; Published on July 24, 2019
Relevant Substantive Criteria	LCMC 17.88

BACKGROUND

In 2011, the City of Lincoln City under Ordinance No. 2011-13, designated a total of 58.65 acres of the land dedicated by the original Villages developer into the City's Open Space land use designation under the Comprehensive Plan and rezoned the area to the City's Open Space zoning district. This designation and rezone preserves the area for passive recreation uses. The 58.65 acres were designated in 1998 as a scenic research area under the approved Villages at Cascade Head Master Plan. The above designations are unchanged by this amendment.

In 2012 City Council approved a ten (10) year extension for the Villages Master Plan. Under Final Order 2012-01 the Villages approval will expire along with any associated approvals on January 31, 2023. Note: *The Villages Residential Planned Unit Development has an unassigned commercial allocation, per LCMC 17.52.210 (allowing some Recreation Commercial Uses in large PUDs) of up to 15 percent of the project area (approximately 54.45 acres based on City property alone, excluding other privately owned properties).* This Final order granting a time extension, requested by the then developers, preserved the approval of this Planned Unit Development project. Unfortunately for the major developer, they lost the property.

In 2014 the City of Lincoln City acquired 363 acres of "The Villages At Cascade Head" project from an FDIC Receiver. The purchase price was $2.5 million.

The City of Lincoln City re-designated approximately 35.04 acres of "The Knoll" to the City's Open Space land use designation under the Comprehensive Plan and rezoned the area to the City's Open Space zoning district, increasing the total open space dedicated land in North Lincoln City to 93.69 acres. The area dedicated as Open Space under Ordinance 2014-31 is part of the approved and currently valid Villages at Cascade Head Master Plan (Villages Master Plan) and was previously designated for future residential development prior to the adoption of Ordinance 2014-31. The Master Plan for the Villages remains un-amended thus the units have not yet been reallocated to other properties.

Due to changes in the housing needs, economy, environment, and recreation of the residents and visitors, the City is currently proposing changes to the Villages FLUM, including privately owned and City-owned portions of "The Villages At Cascade Head". The City Planning Department initiated a comprehensive plan

text and map amendment for the area to solidify the preservation of natural areas and enable development opportunities for the property. While the changes are in anticipation of negotiated purchase and sale (property disposition) and development agreements with the City [Ordinance 2019-41] concerning city property, it will also allow another option for private property within the Villages.

Analysis for consistency with Ordinance 2019-39

The Findings for Ordinances 2019-32, 2019-39, 2019-40, and Ordinance 2019-41 are incorporated herein by this reference. The Findings contained in the Planning Commission and City Council staff reports for CPA 2019-02 are expressly incorporated herein by this reference.

The proposed map amendment for +/- 42.65 acres of privately owned land within "The Villages At Cascade Head" project must be reviewed for compliance with the text of the Comprehensive Plan (contained in Sections 1, 3, & 4 of Ordinance 2019-39) as follows:

> **SECTION 1. Comprehensive Plan Amendment.** The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, is hereby amended to modify the Note on page 5 regarding the Comprehensive Plan Land Use Map for the City of Lincoln City, to read as follows:
>
> > Notes:
> > In accordance with Section 2 of Ordinance No. 84-01, the *Comprehensive Plan* land use designations (as amended) are the same as shown on the *Zoning Map* adopted by Ordinance No. 84-02 (as amended). **Notwithstanding the foregoing, the City is transitioning to maintain both a Comprehensive Plan Future Land Use Map (FLUM) designation and an implementing Zoning District Map designation. Accordingly, Comprehensive Plan Goals, (Development Categories) beginning on Page 50, are being amended piecemeal to list new FLUM designations and implementing zoning districts, until the updated Comprehensive Plan is adopted.**

The above text acknowledges the City's intent to move away from one combined future land use map and zoning map to two maps. The amendment is consistent with this provision.

SECTION 3. Comprehensive Plan Amendment (Creation of new RRMS FLUM designation). The Lincoln City Comprehensive Plan, Ordinance 84-01, as

amended, Goals, (Development Categories), beginning on page 50, is hereby amended to add the following paragraph reflecting the creation of the new Resort Residential Mixed Structure (RRMS) Future Land Use Map (FLUM) Designation and specifying implementing zoning districts, to read as follows:

18. Resort Residential Mixed Structure

It is the intent of the Resort Residential Mixed Structure (RRMS) designation to establish a complete, enduring and sustainable resort neighborhood that delivers a distinct balance between nature and development, preserves sensitive environmental resources and ecological biodiversity but also facilitates housing opportunities for all levels of income consistent with a coastal resort community.

Permanent long term housing is the primary use of the RRMS designation. Supportive of the high-use Recreation Resort Mixed Use (RRMU) designation or other employment center located near its center, the RRMS designation will provide compact high density, medium density and some low density residential uses that provide balanced housing opportunities for all levels of income.

The RRMS designation is principally intended for projects in environmentally sensitive areas, where the surrounding natural environment (including proximity to the ocean, the lake, and native forest) creates a desirable mixed residential community supportive of nearby employment centers. This land use designation is reserved for developments committed to provision of workforce housing. To obtain the FLUM designation of RRMS – a property owner must include in any statutory development agreement authorizing residential development of the subject property a condition that a minimum of 10 percent of the housing units shall be affordable to residents making no more than 125% of the Median Family Income for Lincoln City. This commitment is incentivized by provision of assistance (land or subsidy) by the City and enforced with a development agreement and affordability covenant.

Like the RRMU, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A conservation easement is required to guarantee no disturbance of the sensitive ecologies of open space areas, while allowing for passive

recreation. Buffers around these sensitive areas will be required to ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.

To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMS designation surrounds an employment center, which may include the RRMU designation. Uses in this designation are limited to residential, with a live/work use allowance for the high and medium density areas, allowing a maximum of 25% of the residential structure to be utilized as workspace while ensuring protection of the remaining 75% as residential space. Additional commercial uses are not authorized in this designation. Roadways and street dedications in the RRMS shall honor the available view corridors, allow functional movement throughout the neighborhood and must include amenities for pedestrian and non-motorized travel.

The RRMS may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts. Alternatively, the RRMS FLUM may be implemented in a more robust fashion with the newly created Resort Neighborhood Residential Zone (RNR) Zone. The RNR implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.

SECTION 4. Comprehensive Plan Map and Zoning Map Legend Amendment. The Lincoln City Comprehensive Plan and Zoning Map, (Ordinance 84-02, as amended), is hereby amended to add the following new Future Land Use Map Designation (together with implementing zoning districts to the end of the existing Map Legend, as follows:

Future Land Use Map Designations and Implementing Zoning Districts:

Recreation Resort Mixed Use (RRMU) FLUM Designation

Resort Community Commercial District w/ Dev. Agmt
R-1-7.5 and R-1-10 with or without a PUD
Open Space District

Resort Residential Mixed Structure (RRMS) FLUM Designation
Resort Neighborhood Residential District w/ Dev. Agmt
R-1-7.5 and R-1-10 Districts
Open Space District

The subject private property for purposes of this amendment is +/-42.65 acres. The property is the only remaining privately owned portion of the Village Planned Unit Development and also surrounds (to the south and east) the RRMU property designated in Ordinance 2019-40. The subject property is within "The Villages At Cascade Head", in close proximity to natural areas and within walking distance to the ocean. "The Villages At Cascade Head" is a large Planned Unit Development project with a great deal of environmental sensitivity. The existing approved master plan required an extensive environmental report including preservation of wetland and associated buffers. The application of this FLUM designation to this property will not alter the City's regulations concerning preservation of environmental resources. The environmental sensitivity of the entire property has served as an attraction since the City of Lincoln City's 2014 acquisition. Council immediately designated the bulk of the Villages property (excluding the subject private property) for interim park use while development options were considered. The subject private property has the requisite proximity to ocean, lake and native forest and is already an attraction for those interested in the hiking trails and views from "The Knoll". The property is attractive for residential development.

The City, as a developer or facilitator of development is endeavoring to set a good example but is creating the same opportunity for existing owners in the Villages. As noted in Ordinance 2019-40, the requisite rezoning to open space of undisturbed open space land totaling 35.04 was made almost immediately after the City acquired the property. "The Knoll" meets the 1.5 ratio required by Ordinance 2019-39 for the RRMU designation. The City will complete the dedication of "The Knoll" to public recreation use by placing a conservation easement on the property. (See proposed language of Ordinance 2019-40 Section 2.) Note: as conservation easements are subject to statutory process, that ordinance contemplates that process.

The subject privately owned residential property to be designated RRMS benefits from the environmental preservation required by the RRMU dedication. Residents of the RRMS designated land will be able to enjoy the proximity of the ocean, lake and forest and the designated "Knoll" open space together with the City-owned 58 acres previously designated in the Cascade Head research area.

The language of the FLUM also contemplates and sets the expectation that a negotiated development agreement will (in the future) ensure and prioritize the protection of natural areas within the subject property.

> **Like the RRMU, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A conservation easement is required to guarantee no disturbance of the sensitive ecologies of open space areas, while allowing for passive recreation. Buffers around these sensitive areas will be required to ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.**

Like natural areas noted above, the language of the FLUM also contemplates and sets the expectation that a negotiated development agreement will (in the future) ensure and prioritize the separation and buffering of incompatible uses, protection of view corridors and pedestrian and vehicular circulation, within the subject property.

> **To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMS designation surrounds an employment center, which may include the RRMU designation. Uses in this designation are limited to residential, with a live/work use allowance for the high and medium density areas, allowing a maximum of 25% of the residential structure to be utilized as workspace while ensuring protection of the remaining 75% as residential space. Additional commercial uses are not authorized in this designation. Roadways and street dedications in the RRMS shall honor the available view corridors, allow functional movement throughout the neighborhood and must include amenities for pedestrian and non-motorized travel.**

Ordinance 2019-39 also requires a concept plan for this designation. The concept plan must demonstrate that the FLUM surrounds RRMU land or an employment center. This private land is in close proximity to the RRMU land. does. The concept plan reflects a mix of high density, medium density and some low density residential as required. Commercial uses are prohibited, except for the typical home occupation allowance (no substantial change from existing codes). The concept plan addresses view corridors and functional movement of pedestrians and traffic. It has a concentric planning form. The City contracted with a land use planning firm to create the Concept Plan attached to the Ordinance. The private properties are not inconsistent with the Concept Plan. The Council finds and determines that the concept plan conforms with the requirements of the Plan amendment.

Probably the most important part of the FLUM is the requirement to address housing. The text of 2019-39 provides:

> **This land use designation is reserved for developments committed to provision of workforce housing. To obtain the FLUM designation of RRMS – a property owner must include in any statutory development agreement authorizing residential development of the subject property a condition that a minimum of 10 percent of the housing units shall be affordable to residents making no more than 125% of the Median Family Income for Lincoln City. This commitment is incentivized by provision of assistance (land or subsidy) by the City and enforced with a development agreement and affordability covenant.**
>
> * * * *
>
> **The RRMS may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts. Alternatively, the RRMS FLUM may be implemented in a more robust fashion with the newly created Resort Neighborhood Residential Zone (RNR) Zone. The RNR implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.**

The privately owned portion of the Villages property receiving the RRMS designation can be developed by-right under the R-1-7.5 zoning. (Again the existing Villages development order is consistent with the FLUM). However, a private developer will have the voluntary **option** to negotiate with the City (using a statutory development agreement) to develop under the new RNR zoning designation (*which zone will provide for some flexibility in development standards – see Ordinance 2019-30 and 2019-32*). When the subject property is city-owned, the City may also incentivize provision of workforce housing and affordable housing with a land subsidy. As a threshold, the City is requiring a minimum 10% workforce housing in any development agreement.

The City hopes to incentivize workforce housing in this FLUM designation via a new implementing zone. The hope is that the centrally located RRMU resort type uses will create an employment center which may capture trips from the surrounding RRMS residential areas. With the combination of a planned resort employment center and surrounding natural areas, the RRMS designation for the Villages property (both private [Ord 2019-38] and publicly owned [Ord. 2019-41] will further the primary goals of economic development and additional workforce housing.

Analysis of Goals:

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to this proposal were made available for public review and purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city advertised public hearings on the proposed comprehensive plan map amendments in the local newspaper in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. The findings concerning the Comprehensive Plan Citizen Involvement Program are incorporated herein by this reference. Therefore, the proposed map amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed map amendments to the Lincoln City Comprehensive Plan in accordance with the process and based on the criteria provided in the municipal code. Therefore, the map amendments are consistent with Goal 2 or Goal 2 does not apply.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed comprehensive plan map amendment is located within the city's urban growth boundary. The area currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The map amendment does not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed comprehensive plan map amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands. Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The map amendment affects only areas already committed to urban development and within the city's urban growth boundary. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. No change to property on the National Register of Historic Places is proposed. The findings concerning the Comprehensive Plan Overall Environmental Goal as well as the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Goal are incorporated herein by this reference. The proposed map amendment is consistent with Goal 5.

(6) Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The map amendment will not adversely affect the quality of the air, water, or land resources of the state. The FLUM designation in this plan map amendment does not by itself permit development that might affect air, water, or land quality. The proposed FLUM map change will not serve to increase the waste and process discharges. Such discharges include solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. The R-1 zone requires the availability of the full complement of public facilities and services before its application. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated

development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. The findings concerning the Comprehensive Plan Overall Environmental Element are incorporated herein by this reference. The proposed ordinance is consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendment does not allow development within any natural hazard area. The existing ordinance and plan requirement relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. The findings concerning the Comprehensive Plan Natural Hazard Element are incorporated herein by this reference. The proposed ordinance is consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed comprehensive plan map amendment does not adversely affect the provision of or ability to site recreational areas in the City. The plan amendment concerns only the application of the Resort Residential Mixed

Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. The proposed ordinance is consistent with Goal 8.

(9) Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The plan map amendment relates indirectly to opportunities for economic activity of Oregon's citizens. The plan map amendment will not adversely impact Oregon's ability to provide economic opportunity to its citizens. The City of Lincoln City's most-recent Economic Needs Assessment demonstrated that there is a surplus of land available for development of commercial activity. This amendment actually reduces commercial uses (except for home occupation / live work allowances) within this residential area. That is while existing vested development may continue, commercial uses outside the live/work home occupation allowance are prohibited. The intention is to focus such commercial on a commercial RRMU core and prioritize workforce housing on the remaining property. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

The placement of the FLUM on the subject private property is only the first step to development of the property surrounding the resort commercial mixed use center. The property may only develop by-right under the existing R-1-7.5 zoning (although R-1-10 is also available as well as Open Space). Any development under a new implementing zoning [RNR] must be in conjunction with a negotiated statutory development agreement. Accordingly, at this time the commercial development potential for the property is limited by the existing development order and PUD code. As has been noted earlier: Note: *The Villages Residential Planned Unit Development has an unassigned commercial allocation, per LCMC 17.52.210 (allowing some Recreation Commercial Uses in large PUDs) of up to 15 percent of the project area (approximately 54.45 acres based on City property alone, excluding other privately owned properties).*

The effect of this FLUM designation will ultimately be to reduce the amount of land in the Villages which may be available for limited recreation commercial use. RRMS does not permit commercial (outside home occupations/ live work allowance) in its implementation – so no new commercial allocation will be available outside the RRMU. At this time, however, the imposition of the FLUM has no effect on the existing PUD commercial allowance (if any) as the R-1-7.5 zoning and Villages development order remain in place. Only after the contemplated rezoning of the parcel from R-1-7.5 to a future implementing zone (RNR), the underlying land use approval (as it relates to this parcel), will be lost.

The proposed ordinance is consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The plan amendment does directly relate to the housing needs of the people of Lincoln City. The amendment will not adversely impact the City's ability to provide needed housing to its citizens. The amendment will facilitate compliance with Goal 10. The City's most recent Housing Needs Assessment demonstrated that there is a substantial surplus of land available for development of needed housing in the city and its urban growth boundary. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements

between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

The placement of the FLUM on the subject property is only the first step to development of the parcel as a mixed housing area. The property may only develop by-right under the existing R-1-7.5, R-1-10 or Open Space zoning. Any development under a new implementing zoning [RNR] must be in conjunction with a negotiated statutory development agreement. Accordingly, at this time the property may be developed residential and any commercial development potential for the property is limited by the existing development order and PUD code. (See above Economy discussion). The objective of the amendment is to provide an opportunity for a residential development area with the full complement of housing types. The findings concerning the Comprehensive Plan Housing Goal are incorporated herein by this reference. The proposed ordinance is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections or infrastructure requirements would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

The placement of the FLUM on the subject property is only the first step to development of the property as a residential housing development. The

availability of public facilities and services to the parcel is unchanged by the amendment. Again, there is an approved 1800 unit PUD on the entire Villages property. The subject private properties have some small allotment of units (compared to the City). Any development under a new implementing zoning must be in conjunction with a negotiated statutory development agreement between the City and private developer. Any future development agreement must, by statute, provide for the provision of all public facilities. The findings concerning the Public Services and Utilities goal are incorporated herein by this reference. The proposed rezoning is consistent with Goal 11.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The proposed FLUM designation plan amendment does not relate directly to transportation. The amendment is nevertheless consistent with the City's *Comprehensive Plan* and Transportation Goal and *Transportation Master Plan* because it does not adversely affect any transportation facility. The City has plans for future connections within and across the Villages area. This new roadway would provide both non-motorized and motorized travel means from Sal-La-Sea Road to HWY 101 upon completion. The future roadway was planned for in the 2015 Lincoln City Transportation System Plan and is listed as Project # D1. The findings concerning the city's Comprehensive Plan, TSP and Transportation goal are incorporated herein by this reference. The proposed plan amendment is consistent with Goal 12.

(13) Goal 13: Energy Conservation

"To conserve energy."

The plan map amendment does not relate directly to energy conservation. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact

are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

Development agreements may negotiate for energy conservation measures. The objective of the FLUM amendment in 2019-40 and in this amendment [2019-38] is to locate an employment center and attraction in the center of the Villages and capture trips from surrounding residential development. While the immediate effect of the FLUM designation has no impact, the ultimate effect of this first step will be to conserve energy. The findings concerning the city's Energy goal are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 13.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The plan map amendment does not relate directly to urbanization. The subject property is already in the UGB and the City. The proposed map amendment does not include an expansion of the UGB. Goal 14 is met or the Goal is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway." The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The map plan amendment does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). While the subject parcel is located in proximity to the ocean and does include wetlands, it appears the property is not in any way connected to the City's estuarine resources. A FLUM designation, by itself, with the zoning unaltered, has no impact the protected natural resources. Goal 16 is met or the Goal is not applicable.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries.

The city's coastal shorelands include all land west of Highway 101. In the area of the proposed plan map amendment, the coastal shorelands already are zoned for residential development and are fully urbanized. The proposed amendment would not alter any of the regulations governing the protection of the identified resources. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. Goal 17 is met.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes.

The plan map amendment does not authorize any development in or near beach and dune areas. The proposed amendment concerns an area within walking distance of the ocean but the area is significantly set back from the resources protected by this goal. A FLUM designation, by itself, with the zoning unaltered, has no impact the protected natural resources. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. Therefore, Goal 18 is met or not applicable.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The plan map amendment does not authorize any development in or very close to the ocean. The proposed amendment concerns an area within walking distance of the ocean but the area is significantly set back from the resources protected by this goal. A FLUM designation, by itself, with the zoning unaltered, has no impact the protected natural resources. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. Therefore, Goal 19 is met or not applicable.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed plan map amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The Comprehensive Plan's Citizen Involvement Program goal is "Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process." The City has developed a Citizen Involvement Program through Resolution 94-33. The public hearing process for the proposed map amendments included mailed, published, and internet posted notice to the public and property owners, and review of proposals by the Planning Commission and the City Council, consistent with the Plan, Goal and Resolution.

Among the policies under the City's Citizen Involvement Program goal is one that says "Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings." The Planning Commission and City Council meetings are publicized widely with hearing notices mailed to property owners in the affected area, and published in The News Guard weekly newspaper and on the City's website. The City holds public hearings in the evening in order to encourage public attendance. Moreover, for those unable to attend in person, the meetings are televised live and rebroadcast on cable television and are streamed live over the internet. Video of meetings and packet materials is also available on the City's website for review, free of charge. This constitutes a more than reasonable effort to encourage citizens to attend public meetings.

The Goal is met.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."

The plan map amendment does not relate directly to public facilities and services. The findings concerning the Goal 11 are incorporated herein by this reference. The Goal is met or not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The plan map amendment does not relate directly to urbanization. The area affected by the proposed plan amendment is within the urban growth boundary and the city limits. It has an approved Master Plan approved for the area; the proposal to change the land use designation may reduce the impact of future development by requiring all housing types and increasing environmental preservation. This goal is met.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The plan amendment does not authorize development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The city has provisions in place that control development in hazardous areas through such things as requirements for compliance with federal floodplain development regulations and geotechnical engineering review. These provisions will ensure appropriate review if any unknown hazards are discovered. This goal is met.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendment relates directly to the housing needs of the people of Lincoln City. The City's Housing Needs Assessment demonstrated that there is a substantial surplus of land available for development of needed housing in the

city and its urban growth boundary. The findings concerning the Goal 9 and 10 above are incorporated herein by this reference. The Goal is met.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendment [together with Ordinance 2019-40 and 41] does relate somewhat to opportunities for economic activity of Oregon's citizens. The amendment will not adversely impact Oregon's ability to provide economic opportunity to its citizens but should enable economic development by creating affordable workforce housing. The City of Lincoln City's most-recent Economic Needs Assessment demonstrated that there is a surplus of land available for development of commercial activity. This amendment continues the primary residential designation of the subject property by creates incentives to use negotiated development agreements with incentives for workforce and affordable housing. The findings concerning the Goal 9 and 10 above are incorporated herein by this reference. The Goal is met.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances a human's activities while protecting the exceptional aesthetic quality of the area."

The plan amendment does not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The plan map amendment does facilitate transportation and is consistent with planned improvements in the TSP. The findings concerning the Goal 12 are incorporated herein by this reference. The Goal is met.

(10) Energy Goal

"To conserve energy."

The proposed FLUM designation will not impact energy conservation. Ultimately centrally locating employment / attractions near residential development should capture trips and reduce energy use. Accordingly, the amendment will at present cause no changes to the energy demands, but ultimately may decrease energy use. The findings concerning the Goal 13 are incorporated herein by this reference. The goal is satisfied.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendment does not change any environmental regulations. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

Ultimately a future rezoning and development of the private property which is the subject of this plan amendment may abandon the development approval for this parcel but the City's regulations and the requirement to prioritize protection of natural resources in any negotiated development agreement remains in full force and effect. The FLUM amendment requires the preservation environmental resources (with the added protection of a conservation easement). The Goal is met.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

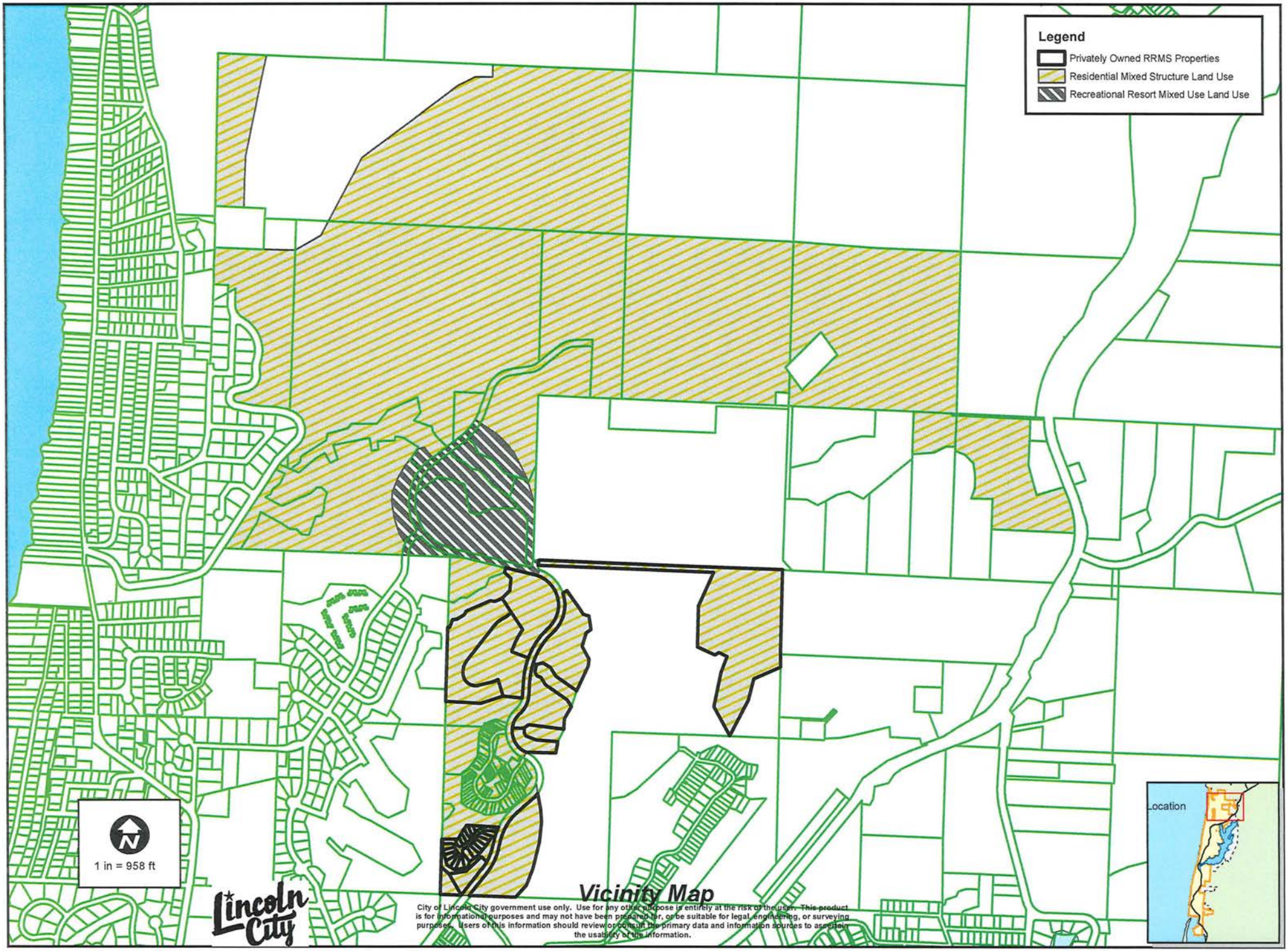
The City's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries.

The area proposed for the comprehensive plan map amendment is located within the city's coastal shorelands. The amendment does not change any natural resource regulations. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 42.65 acres of privately owned (residentially zoned) real property in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements between the City and future developers which may include incentives from the city in exchange for workforce and affordable housing commitments. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

Ultimately a future rezoning and development of this private propery may abandon the development approval for this parcel but the City's regulations and the requirement to prioritize protection of natural resources in any negotiated development agreement remains in full force and effect. The FLUM amendment requires the preservation of environmental resources with the added protection of a conservation easement, directly protecting resources. The Goal is met.

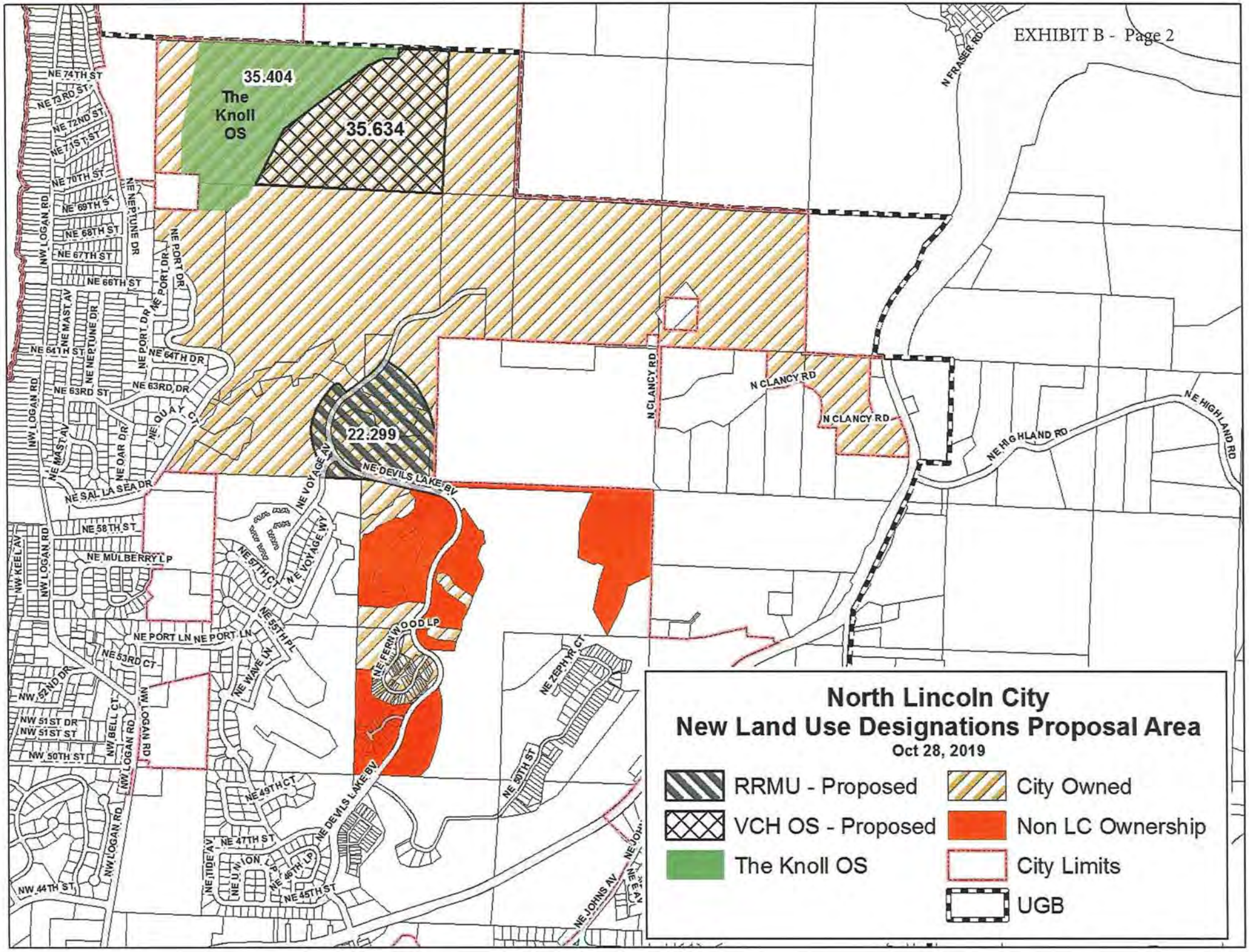
North Lincoln City - New Land Use Designations Proposal Area

EXHIBIT B - Page 1



Vicinity Map

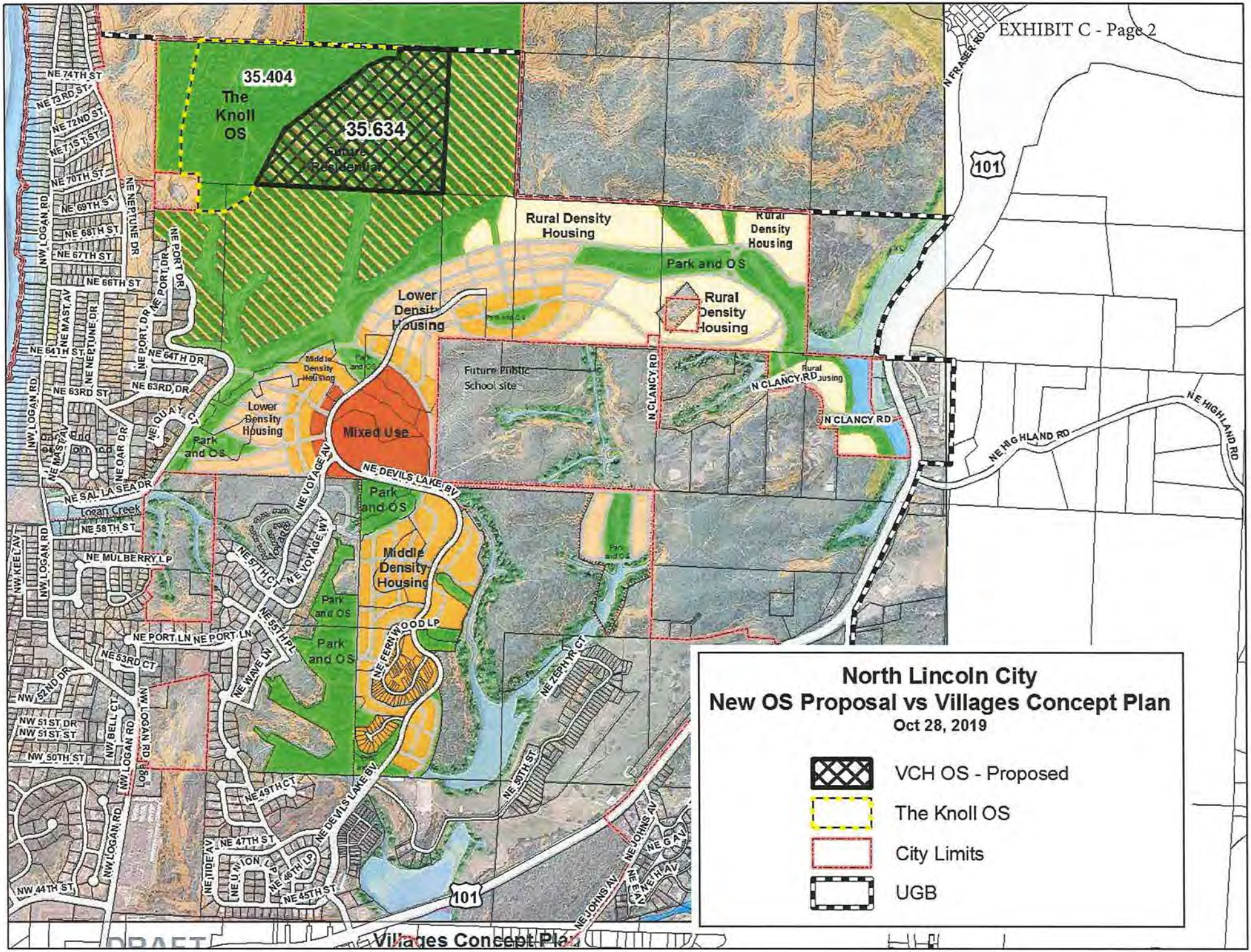
City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.


35.404
The Knoll OS
35.634
22.299
NE 74TH ST
NE 73RD ST
NE 72ND ST
NE 71ST ST
NE 70TH ST
NE 69TH ST
NE 68TH ST
NE 67TH ST
NE 66TH ST
NE 64TH ST
NE 63RD ST
NE 63RD DR
NE 64TH DR
NW LOGAN RD
NE NEPTUNE DR
NE PORT DR
NE MAST AV
NE QUAY CT
NE OAR DR
NE SAL LA SEA DR
NE VOYAGE AV
NE VOYAGE WY
NE DEVILS LAKE BV
N CLANCY RD
N FRASER RD
NE HIGHLAND RD
NE 58TH ST
NE MULBERRY LP
NW KEEL AV
NE 57TH CT
NE 55TH PL
NE PORT LN
NE 53RD CT
NW 52ND DR
NE WAVE LN
NE FERNWOOD LP
NE ZEPHYR CT
NW 51ST DR
NW 51ST ST
NW BELL CT
NW 50TH ST
NE 50TH ST
NE 49TH CT
NE 47TH ST
NE TIDE AV
NE UNION LP
NE 46TH LP
NE 45TH ST
NW 44TH ST
NE JOHNS AV
North Lincoln City
New Land Use Designations Proposal Area
Oct 28, 2019
RRMU - Proposed
VCH OS - Proposed
The Knoll OS
City Owned
Non LC Ownership
City Limits
UGB

DRAFT

Villages Concept Plan
September 18, 2019

- Concept Plan ROW
- Existing ROW
- Lower Density Housing
- Middle Density Housing
- Mixed Use
- Park and OS
- Rural Density Housing
- WATER
- Future Residential


35.404
The Knoll OS
35.634
Future Residential
Rural Density Housing
Rural Density Housing
Park and OS
Rural Density Housing
Lower Density Housing
Future Public School site
Lower Density Housing
Mixed Use
Park and OS
Middle Density Housing
Park and OS
Park and OS
Park and OS
Middle Density Housing
Park and OS
Park and OS
Rural Density Housing
N CLANCY RD
N CLANCY RD
N CLANCY RD
N FRASER RD
101
NE HIGHLAND RD
NE HIGHLAND RD
NE 74TH ST
NE 73RD ST
NE 72ND ST
NE 71ST ST
NE 70TH ST
NE 69TH ST
NE 68TH ST
NE 67TH ST
NE 66TH ST
NE 64TH DR
NE 63RD DR
NE 63RD ST
NE QUAY CT
NE SAL LA SEA DR
NE 58TH ST
NE MULBERRY LP
NE 57TH CT
NE 55TH PL
NE PORT LN
NE 53RD CT
NE 52ND DR
NW 51ST DR
NW 51ST ST
NW 50TH ST
NE 49TH CT
NE 47TH ST
NE 46TH LP
NE 45TH ST
NW 44TH ST
NW LOGAN RD
NE PORT DR
NE NEPTUNE DR
NE MAST AV
NE OAR DR
NW KEEL AV
NE VOYAGE AV
NE VOYAGE WY
NE WAVE LN
NE FERNWOOD LP
NE ZEPHYR CT
NE 50TH ST
NE UNION CT
NE TIDE AV
NE JOHNS AV
NE G AV
NE H AV
NE DEVILS LAKE BV
Logan Creek
North Lincoln City
New OS Proposal vs Villages Concept Plan
Oct 28, 2019
VCH OS - Proposed
The Knoll OS
City Limits
UGB
DRAFT
Villages Concept Plan

ORDINANCE NO. 2019-39

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN, LAND USE GOALS, POLICIES AND MAP TO CREATE TWO NEW FUTURE LAND USE MAP (FLUM) DESIGNATIONS OF "RECREATION RESORT MIXED USE" (RRMU), AND "RESORT RESIDENTIAL MIXED STRUCTURE" (RRMS); SPECIFYING IMPLEMENTING BY-RIGHT ZONING DISTRICTS AS OPEN SPACE (OS) AND RESIDENTIAL (R-1-7.5 and R-1-10) INCLUDING LIMITED PLANNED UNIT DEVELOPMENT COMMERCIAL, AND OPTIONAL ZONING DISTRICTS THROUGH USE OF A NEGOTIATED DEVELOPMENT AGREEMENT - RESORT COMMUNITY COMMERCIAL (RCC) AND RESORT NEIGHBORHOOD RESIDENTIAL (RNR)

*Annotated to show deletions and additions to the code sections being modified. Deletions are **bold ~~lined through~~** and additions are **bold underlined**.*

The City Council finds:

A. This amendment to the Lincoln City Comprehensive Plan is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

B. This amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.

C. On June 11, 2019, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610 of its consideration of several proposed amendment(s); staff determined that the proposed amendments including an amendment to add a new FLUM Designation and an amendment to authorize the use of ORS Chapter 94 Development Agreements as an option to implement the new FLUM designation(s), do not require rezoning property or rezone any existing property and therefore an ORS 227.186(4) notice is not required.

D. The Planning Commission, on September 3, 2019 conducted a public hearing and considered the amendments contained within this ordinance. On September 17, 2019 the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes.

E. The City Council conducted a public hearing on October 14, 2019, closed the hearing, closed the record and deliberated on the proposed amendments; Council provided direction to divide the amendments into separate ordinances as follows: (1) authorizing development agreements in the comprehensive plan; (2) creating new FLUM

districts for use with a development agreement; (3) applying the new RRMU FLUM designation to City property at the Villages of Cascade Head; (4) applying the new RRMS FLUM designation to City property at the Villages of Cascade Head. Council directed the ordinances be brought back for required readings and adoption.

F. This Ordinance concerns only the second issue – creating new FLUM designations and specifying implementing zoning districts including optional new zoning districts for use with a development agreement.

G. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Comprehensive Plan Amendment. The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, is hereby amended to modify the Note on page 5 regarding the Comprehensive Plan Land Use Map for the City of Lincoln City, to read as follows:

> Notes:
> In accordance with Section 2 of Ordinance No. 84-01, the *Comprehensive Plan* land use designations (as amended) are the same as shown on the *Zoning Map* adopted by Ordinance No. 84-02 (as amended). **Notwithstanding the foregoing, the City is transitioning to maintain both a Comprehensive Plan Future Land Use Map (FLUM) designation and an implementing Zoning District Map designation. Accordingly, Comprehensive Plan Goals, (Development Categories) beginning on Page 50, are being amended piecemeal to list new FLUM designations and implementing zoning districts, until the updated Comprehensive Plan is adopted.**

SECTION 2. Comprehensive Plan Amendment (Creation of new RRMU FLUM designation). The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, Goals, (Development Categories), beginning on page 50, is hereby amended to add the following paragraph reflecting the creation of the new Recreational Resort Mixed Use (RRMU) Future Land Use Map (FLUM) Designation and specifying implementing zoning districts, to read as follows:

> **17. Recreation Resort Mixed Use (RRMU)**
>
> **It is the intent of the Recreation Resort Mixed Use (RRMU) designation to establish a complete, enduring and sustainable resort commercial center that delivers a distinct balance between nature and development, preserves sensitive environmental resources and ecological biodiversity but also**

facilitates economic activity with commercial attractions consistent with a coastal resort community.

The RRMU designation is principally intended for projects in environmentally sensitive areas, where the surrounding natural environment (including proximity to the ocean, the lake, and native forest) creates an attraction-like atmosphere similar to a destination resort. This land use designation is reserved for only the most environmentally-committed of developments. To obtain the FLUM designation of RRMU – a property owner must have made an associated dedication of undisturbed open space or critical natural areas (deeded to Lincoln City for the benefit of all residents) at a ratio of 1.5 acres of Open Space per 1 acre of RRMU.

With the required Open Space dedication and Open Space rezoning to accompany the map change, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A conservation easement is also required to guarantee no disturbance of the sensitive ecologies of these open space areas, while allowing for passive recreation. Buffers around these sensitive areas will be required and included in the open space dedication to ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.

To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMU designation is centrally located relative to surrounding medium and high density residential uses, which may include the Resort Residential Mixed Structure (RMS) FLUM designation. Resort, attraction, commercial, retail and office uses are allowed in this mixed use designation with special attention to separation of the higher intensity uses with the use of roadways and natural open space areas. Roadways and street dedications in the RRMU shall honor the available view corridors, allow functional movement throughout the community center and must include amenities for pedestrian and non-motorized travel.

The RRMU may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts, with the PUD allowance for some limited commercial uses. Alternatively, the RRMU FLUM may be implemented in a

commercial uses. Alternatively, the RRMU FLUM may be implemented in a more robust fashion with the newly created Resort Community Commercial Zone (RCC) Zone. The RCC implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.

SECTION 3. Comprehensive Plan Amendment (Creation of new RRMS FLUM designation). The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, Goals, (Development Categories), beginning on page 50, is hereby amended to add the following paragraph reflecting the creation of the new Resort Residential Mixed Structure (RRMS) Future Land Use Map (FLUM) Designation and specifying implementing zoning districts, to read as follows:

18. Resort Residential Mixed Structure

It is the intent of the Resort Residential Mixed Structure (RRMS) designation to establish a complete, enduring and sustainable resort neighborhood that delivers a distinct balance between nature and development, preserves sensitive environmental resources and ecological biodiversity but also facilitates housing opportunities for all levels of income consistent with a coastal resort community.

Permanent long term housing is the primary use of the RRMS designation. Supportive of the high-use Recreation Resort Mixed Use (RRMU) designation or other employment center located near its center, the RRMS designation will provide compact high density, medium density and some low density residential uses that provide balanced housing opportunities for all levels of income.

The RRMS designation is principally intended for projects in environmentally sensitive areas, where the surrounding natural environment (including proximity to the ocean, the lake, and native forest) creates a desirable mixed residential community supportive of nearby employment centers. This land use designation is reserved for developments committed to provision of workforce housing. To obtain the FLUM designation of RRMS – a property owner must include in any statutory development agreement authorizing residential development of the subject property a condition that a minimum of 10 percent of the housing units shall be affordable to residents making no more than 125% of the Median Family Income for Lincoln City. This commitment is

incentivized by provision of assistance (land or subsidy) by the City and enforced with a development agreement and affordability covenant.

Like the RRMU, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A conservation easement is required to guarantee no disturbance of the sensitive ecologies of open space areas, while allowing for passive recreation. Buffers around these sensitive areas will be required to ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.

To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMS designation surrounds an employment center, which may include the RRMU designation. Uses in this designation are limited to residential, with a live/work use allowance for the high and medium density areas, allowing a maximum of 25% of the residential structure to be utilized as workspace while ensuring protection of the remaining 75% as residential space. Additional commercial uses are not authorized in this designation. Roadways and street dedications in the RRMS shall honor the available view corridors, allow functional movement throughout the neighborhood and must include amenities for pedestrian and non-motorized travel.

The RRMS may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts. Alternatively, the RRMS FLUM may be implemented in a more robust fashion with the newly created Resort Neighborhood Residential Zone (RNR) Zone. The RNR implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.

SECTION 4. Comprehensive Plan Map and Zoning Map Legend Amendment. The Lincoln City Comprehensive Plan and Zoning Map, (Ordinance 84-02, as amended), is hereby amended to add the following new Future Land Use Map Designation (together with implementing zoning districts to the end of the existing Map Legend, as follows:

Future Land Use Map Designations and Implementing Zoning Districts:

Recreation Resort Mixed Use (RRMU) FLUM Designation
Resort Community Commercial District w/ Dev. Agmt
R-1-7.5 and R-1-10 with or without a PUD
Open Space District

Resort Residential Mixed Structure (RRMS) FLUM Designation
Resort Neighborhood Residential District w/ Dev. Agmt
R-1-7.5 and R-1-10 Districts
Open Space District

SECTION 5. Findings adopted. Findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 6. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 7. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 8. Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 5-8) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 14th day of October, 2019 (First Reading) and on the 14th day of October, 2019 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14th day of October, 2019.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A – CPA 2019-02 (Part 2) FINDINGS
[ORDINANCE NO. 2019-39]

The Title of Proposed Ordinance 2019-39 (CPA 2019-02 Part 2) is as follows:

ORDINANCE NO. 2019-39

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN, LAND USE GOALS, POLICIES AND MAP TO CREATE TWO NEW FUTURE LAND USE MAP (FLUM) DESIGNATIONS OF "RECREATION RESORT MIXED USE" (RRMU), AND "RESORT RESIDENTIAL MIXED STRUCTURE" (RRMS); SPECIFYING IMPLEMENTING BY-RIGHT ZONING DISTRICTS AS OPEN SPACE (OS) AND RESIDENTIAL (R-1-7.5 and R-1-10) INCLUDING LIMITED PLANNED DEVELOPMENT COMMERCIAL, AND OPTIONAL ZONING DISTRICTS THROUGH USE OF A NEGOTIATED DEVELOPMENT AGREEMENT - RESORT COMMUNITY COMMERCIAL (RCC) AND RESORT NEIGHBORHOOD RESIDENTIAL (RNR)

CPA 2019-02 has been divided into four parts: (1) Ordinance 2019-32 - authorizing development agreements in the comprehensive plan; (2) Ordinance 2019-39 - creating two new FLUM designations [RRMU and RRMS] and specifying implementing zoning districts including optional new zoning districts for use with a development agreement; (3) Ordinance 2019-40 - applying the new Recreation Resort Mixed Use [RRMU] FLUM designation to 22.29 acres of real property City property at the Villages of Cascade Head; (4) Ordinance 2019-41 - applying the new Resort Residential Mixed Structure [RRMS] FLUM designation to 351 acres of real property City property at the Villages of Cascade Head.

The proposed amendment modifies the Lincoln City Comprehensive Plan to add the following text:

SECTION 1. Comprehensive Plan Amendment. The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, is hereby amended to modify the Note on page 5 regarding the Comprehensive Plan Land Use Map for the City of Lincoln City, to read as follows:

> Notes:
> In accordance with Section 2 of Ordinance No. 84-01, the *Comprehensive Plan* land use designations (as amended) are the same as shown on the *Zoning Map* adopted by Ordinance No. 84-02 (as amended).
> **Notwithstanding the foregoing, the City is transitioning to maintain both a Comprehensive Plan Future Land Use Map (FLUM) designation**

and an implementing Zoning District Map designation. Accordingly, Comprehensive Plan Goals, (Development Categories) beginning on Page 50, are being amended piecemeal to list new FLUM designations and implementing zoning districts, until the updated Comprehensive Plan is adopted.

SECTION 2. Comprehensive Plan Amendment (Creation of new RRMU FLUM designation). The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, Goals, (Development Categories), beginning on page 50, is hereby amended to add the following paragraph reflecting the creation of the new Recreational Resort Mixed Use (RRMU) Future Land Use Map (FLUM) Designation and specifying implementing zoning districts, to read as follows:

17. Recreation Resort Mixed Use (RRMU)

It is the intent of the Recreation Resort Mixed Use (RRMU) designation to establish a complete, enduring and sustainable resort commercial center that delivers a distinct balance between nature and development, preserves sensitive environmental resources and ecological biodiversity but also facilitates economic activity with commercial attractions consistent with a coastal resort community.

The RRMU designation is principally intended for projects in environmentally sensitive areas, where the surrounding natural environment (including proximity to the ocean, the lake, and native forest) creates an attraction-like atmosphere similar to a destination resort. This land use designation is reserved for only the most environmentally-committed of developments. To obtain the FLUM designation of RRMU – a property owner must have made an associated dedication of undisturbed open space or critical natural areas (deeded to Lincoln City for the benefit of all residents) at a ratio of 1.5 acres of Open Space per 1 acre of RRMU.

With the required Open Space dedication and Open Space rezoning to accompany the map change, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A conservation easement is also required to guarantee no disturbance of the sensitive ecologies of these open space areas, while allowing for passive recreation. Buffers around these sensitive areas will be required and included in the open space dedication to

ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.

To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMU designation is centrally located relative to surrounding medium and high density residential uses, which may include the Resort Residential Mixed Structure (RRMS) FLUM designation. Resort, attraction, commercial, retail and office uses are allowed in this mixed use designation with special attention to separation of the higher intensity uses with the use of roadways and natural open space areas. Roadways and street dedications in the RRMU shall honor the available view corridors, allow functional movement throughout the community center and must include amenities for pedestrian and non-motorized travel.

The RRMU may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts, with the PUD allowance for some limited commercial uses. Alternatively, the RRMU FLUM may be implemented in a more robust fashion with the newly created Resort Community Commercial Zone (RCC) Zone. The RCC implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.

SECTION 3. Comprehensive Plan Amendment (Creation of new RRMS FLUM designation). The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, Goals, (Development Categories), beginning on page 50, is hereby amended to add the following paragraph reflecting the creation of the new Resort Residential Mixed Structure (RRMS) Future Land Use Map (FLUM) Designation and specifying implementing zoning districts, to read as follows:

18. Resort Residential Mixed Structure

It is the intent of the Resort Residential Mixed Structure (RRMS) designation to establish a complete, enduring and sustainable resort neighborhood that delivers a distinct balance between nature and

development, preserves sensitive environmental resources and ecological biodiversity but also facilitates housing opportunities for all levels of income consistent with a coastal resort community.

Permanent long term housing is the primary use of the RRMS designation. Supportive of the high-use Recreation Resort Mixed Use (RRMU) designation or other employment center located near its center, the RRMS designation will provide compact high density, medium density and some low density residential uses that provide balanced housing opportunities for all levels of income.

The RRMU designation is principally intended for projects in environmentally sensitive areas, where the surrounding natural environment (including proximity to the ocean, the lake, and native forest) creates a desirable mixed residential community supportive of nearby employment centers. This land use designation is reserved for developments committed to provision of workforce housing. To obtain the FLUM designation of RRMS – a property owner must commit to provision of a minimum of 20% of the housing units to be affordable and accessible to residents making no more than 125% of the Median Family Income for Lincoln City. This commitment is incentivized by provision of assistance (land or subsidy) by the City and enforced with a development agreement and affordability covenant.

Like the RRMU, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A conservation easement is required to guarantee no disturbance of the sensitive ecologies of open space areas, while allowing for passive recreation. Buffers around these sensitive areas will be required to ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.

To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMS designation surrounds an employment center, which may include the RRMU designation. Uses in this designation are limited to residential, with a live/work use

allowance for the high and medium density areas, allowing a maximum of 25% of the residential structure to be utilized as workspace while ensuring protection of the remaining 75% as residential space. Additional commercial uses are not authorized in this designation. Roadways and street dedications in the RRMS shall honor the available view corridors, allow functional movement throughout the neighborhood and must include amenities for pedestrian and non-motorized travel.

The RRMS may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts. Alternatively, the RRMS FLUM may be implemented in a more robust fashion with the newly created Resort Neighborhood Residential Zone (RNR) Zone. The RNR implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.

SECTION 4. Comprehensive Plan Map and Zoning Map Legend Amendment. The Lincoln City Comprehensive Plan and Zoning Map, (Ordinance 84-02, as amended), is hereby amended to add the following new Future Land Use Map Designation (together with implementing zoning districts to the end of the existing Map Legend, as follows:

Future Land Use Map Designations and Implementing Zoning Districts:

Recreation Resort Mixed Use (RRMU) FLUM Designation
Resort Community Commercial District w/ Dev. Agmt
R-1-7.5 and R-1-10 with or without a PUD
Open Space District

Resort Residential Mixed Structure (RRMS) FLUM Designation
Resort Neighborhood Residential District w/ Dev. Agmt
R-1-7.5 and R-1-10 Districts
Open Space District

Background:

Section 1 of the Plan Amendment acknowledges that the City is moving toward having both a Future Land Use Map and a Zoning Map. Since the 1980s the City has had only one map. The City is attempting to float the idea of having a FLUM underneath the zoning and (in Ordinances 2019-40 and 2019-41) the City is using its own property as the test subject or guinea pig for this update or modification to our Plan. The hope is that the entire City will follow with the adoption of the new comprehensive plan next year.

Section 2 of the Ordinance creates a new FLUM designation of Recreation Resort Mixed Use (RRMU). The amendment in Ordinance 2019-39 does not apply the designation to any particular property.

Similarly, Section 3 of the Ordinance creates a new FLUM designation of Resort Residential Mixed Structure (RRMS). The amendment in Ordinance 2019-39 does not apply the designation to any particular property.

The FLUMs have had various names over the past several months and actually started as one FLUM. The basic idea is to establish a resort-oriented commercial core / employment center surrounded by medium to high density residential areas to house employees and patrons. The FLUM designations are intentionally not easy to get. The RRMU requires a large open space dedication (150% of the area sought to be designated) and the RRMS requires a commitment to 20 percent of the housing units being affordable to persons making up to 125% of median income. These FLUM designations are voluntarily sought by owners and developers and are best implemented with zoning districts which can only be approved concurrently with voluntary development agreements. A less desirable default or (by-right) zoning and development option (under the City R-1 zoning) is available if negotiated development agreements are not successful.

Again, the City is applying these two FLUM designations to its own property (proposed in Ordinances 2019-40 and 2019-41) but not in this Ordinance. As discussed in findings regarding those ordinances, the objective in Ordinances 2019-40 and 2019-41 is to facilitate economic development and the full range of available housing through negotiated disposition and development agreements with potential partners in the development of City-owned property. (The City acquired the Villages at Cascade Head in 2014 from a Federal Receiver – an 1800 unit housing development with a valid, unexpired development order).

Section 4 of the Ordinance simply adds the FLUM designations to the Comprehensive Plan / Zoning map and specifies the names of two future implementing zoning districts. (future submittal)

Analysis of Goals:

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to this proposal were made available for public review and purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city advertised public hearings on the proposed comprehensive plan amendments in the local newspaper in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Comprehensive Plan in accordance with the process and based on the criteria provided in the municipal code. Therefore, the amendments are consistent with Goal 2 or Goal 2 does not apply.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed comprehensive plan amendment is located within the city's urban growth boundary. The area currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed comprehensive plan amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands. Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The amendment affects only areas already committed to urban development and within the city's urban growth boundary. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. Any modification to existing protective measure (for example in a future statutory development agreement to implement the FLUM) would have to be specifically authorized in the code, therefore the Goal is met or the Goal is not applicable.

(6) Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendment will not adversely affect the quality of the air, water, or land resources of the state. It does not by itself permit development that might affect air, water, or land quality. The plan amendment concerns only the creation of

two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendment does not allow development within any natural hazard area. The existing ordinance and plan requirement relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed comprehensive plan amendment does not adversely affect the provision of or ability to site recreational areas in the City. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(9) Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The plan amendment does not relate to opportunities for economic activity of Oregon's citizens. The plan amendment will not adversely impact Oregon's ability to provide economic opportunity to its citizens. The City of Lincoln City's most-recent Economic Needs Assessment demonstrated that there is a surplus of land available for development of commercial activity. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new development- adding needed housing and furthering economic development Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The plan amendment does not relate to the housing needs of the people of Lincoln City. The amendment will not adversely impact the City's ability to provide needed housing to its citizens. The City's most recent Housing Needs Assessment demonstrated that there is a substantial surplus of land available for development of needed housing in the city and its urban growth boundary. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new development- adding needed housing and furthering economic development. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The plan amendment does not relate directly to public facilities and services. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster public facility and services improvements through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The plan amendment does not relate directly to transportation. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new transportation projects. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(13) Goal 13: Energy Conservation

"To conserve energy."

The plan amendment does not relate directly to energy conservation. The plan amendment concerns only the creation of two Future Land Use Map (FLUM)

designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new energy efficient development through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The plan amendment does not relate directly to urbanization. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new annexations - adding needed housing and furthering economic development. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where

appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The plan amendment does not by itself allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster more protection of Goal 5 and other natural resources – through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster more protection of Goal 5 and other natural resources – through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The plan amendment does not authorize itself any development in or near beach and dune areas. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster more protection of Goal 5 and other natural resources – through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster more protection of Goal 5 resources and other natural resources – through the negotiation process. Any modification to standards (for example in a future statutory development agreement to

implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed plan amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice and review of the amendments by the Planning Commission (a citizen board) and the City Council (comprised of elected citizen representatives,) establishes conformance with this goal. The Goal is met.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."

The plan amendment does not relate directly to public facilities and services. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39.

The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster more timely development of public facilities and services – through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The plan amendment does not relate directly to urbanization. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new annexations - adding needed housing and furthering economic development. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The plan amendment does not authorize development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new annexations - adding needed housing and furthering economic development. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendment does not relate directly to the housing needs of the people of Lincoln City. The City's Housing Needs Assessment demonstrated that there is a substantial surplus of land available for development of needed housing in the city and its urban growth boundary. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new development- adding needed housing and furthering economic development. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendment does not relate to opportunities for economic activity of Oregon's citizens. The amendment will not adversely impact Oregon's ability to provide economic opportunity to its citizens. The City of Lincoln City's most-recent Economic Needs Assessment demonstrated that there is a surplus of land available for development of commercial activity.

The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new development- adding needed housing and furthering economic development. Any modification to standards (for example in a future statutory development agreement to implement the FLUM)

must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances a human's activities while protecting the exceptional aesthetic quality of the area."

The plan amendment does not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The plan amendment does not relate directly to transportation. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new transportation projects through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(10) Energy Goal

"To conserve energy."

The plan amendment does not relate directly to energy conservation. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster new energy efficient development through the negotiation process. Any modification to standards (for example in a future

statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster more protection of Goal 5 and other natural resources – through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The City's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. The plan amendment concerns only the creation of two Future Land Use Map (FLUM) designations in the text of the Plan and on the legend (only) of the map. No application of the new FLUM designation is occurring with Ordinance 2019-39. The addition of two new FLUM designations (with later adopted implementing zoning) to the City's toolbox in conjunction with statutory development agreements may foster more protection of Goal 5 and other natural resources – through the negotiation process. Any modification to standards (for example in a future statutory development agreement to implement the FLUM) must be specifically authorized in the code; therefore, the Goal is met or the Goal is not applicable.

ORDINANCE NO. 2019-40

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RECREATION RESORT MIXED USE" (RRMU), TO 22.29 ACRES OF REAL PROPERTY OWNED AND CONTROLLED BY THE CITY OF LINCOLN CITY WITHIN THE PROJECT KNOWN AS "THE VILLAGES AT CASCADE HEAD"

Annotated to show deletions and additions to the code sections being modified. Deletions are ***~~lined through~~*** *and additions are* ***bold underlined****.*

The City Council finds:

A. This amendment to the Lincoln City Comprehensive Plan is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

B. This amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.

C. On June 11, 2019, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610 of its consideration of several proposed amendment(s); staff determined that the proposed amendments including an amendment to add a new FLUM Designation and an amendment to authorize the use of ORS Chapter 94 Development Agreements as an option to implement the new FLUM designation(s), do not require rezoning property or rezone any existing property and therefore an ORS 227.186(4) notice is not required.

D. The Planning Commission, on September 3, 2019 conducted a public hearing and considered the amendments contained within this ordinance. On September 17, 2019 the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes.

E. The City Council conducted a public hearing on October 14, 2019, closed the hearing, closed the record and deliberated on the proposed amendments; Council provided direction to divide the amendments into separate ordinances as follows: (1) authorizing development agreements in the comprehensive plan; (2) creating new FLUM designations and specifying implementing zoning districts including optional new zoning districts for use with a development agreement; (3) applying the new RRMU FLUM designation to 22.29 acres of City property within "The Villages At Cascade Head"; (4) applying the new RRMS FLUM designation to remaining City property within "The

Villages At Cascade Head" project; (5) applying the new RRMS FLUM designation to property owned by others within "The Villages At Cascade Head" project. Council directed the ordinances be brought back for required readings and adoption.

F. This Ordinance concerns only the third issue – applying the RRMU FLUM designation to 22.29 acres of land within the center of "The Villages At Cascade Head" development.

G. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Comprehensive Plan Map Amendment. The Lincoln City Comprehensive Plan Map, Ordinance 84-01, (which is currently the same as the zoning map adopted by Ordinance 84-02 as amended) is hereby amended to place a new Future Land Use Map Designation of Recreation Resort Mixed Use (RRMU) under the existing zoning designation for the property described and shown in Exhibit B, attached hereto and made a part hereof by this reference. The existing zoning for the property, and associated land use approvals shall remain in full force and effect according to their terms.

SECTION 2. Open Space Zoning and Conservation Easement. The City of Lincoln City shall process the following regarding the +/- 35 acres to the east of "The Knoll" open space (more particularly identified in Exhibit D: (1) a rezoning of the property to open space; and (2) a Conservation Easement burdening the property. The property is so burdened to satisfy the required ratio of open space designated land in relation to the RRMU designated land identified in Exhibit B. Said Open Space and Conservation Easement shall be recorded in the deed records of Lincoln County before any development shall occur on the property identified in Exhibit B.

SECTION 3. Concept Plan. The Concept Plan attached hereto as Exhibit C and made a part hereof by this reference (with the modification to add the +/- 35 acres of open space identified in Section 2 above, is hereby approved to act as a preliminary guide for the rezoning and development of the subject property.

SECTION 4. Findings adopted. Findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 5. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 6. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 7. Codification. Provisions of this Ordinance may be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 4-7) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 28th day of October, 2019 (First Reading) and on the 28th day of October, 2019 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 28th day of October, 2019.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A – CPA 2019-02 (Part 3) FINDINGS
[ORDINANCE NO. 2019-40]

The Title of Proposed Ordinance 2019-40 (CPA 2019-02 Part 3) is as follows:

ORDINANCE NO. 2019-40

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RECREATION RESORT MIXED USE" (RRMU), TO 22.29 ACRES OF REAL PROPERTY OWNED AND CONTROLLED BY THE CITY OF LINCOLN CITY WITHIN THE PROJECT KNOWN AS "THE VILLAGES AT CASCADE HEAD"

Background:

CPA 2019-02 has been divided into five parts: (1) Ordinance 2019-32 - authorizing development agreements in the comprehensive plan; (2) Ordinance 2019-39 - creating two new FLUM designations [RRMU and RRMS] and specifying implementing zoning districts including optional new zoning districts for use with a development agreement; (3) Ordinance 2019-40 - applying the new Recreation Resort Mixed Use [RRMU] FLUM designation to 22.29 acres of real property City property at the Villages of Cascade Head; (4) Ordinances 2019-41 applying the new Resort Residential Mixed Structure [RRMS] FLUM designation to +/- 306 acres of City-owned real property at the Villages of Cascade Head; (5) Ordinance 2019-38 - applying the new Resort Residential Mixed Structure [RRMS] FLUM designation to +/- 42.65 acres of privately owned property at the Villages of Cascade Head.

The proposed amendment modifies the Lincoln City Comprehensive Plan Map for 22.29 acres of land within the city–owned Villages at Cascade Head project. The existing medium density residential (R-1 -7.5) designated land is given a new future land use map designation of Recreation Resort Mixed Use [RRMU]. As both the existing land use and zoning maps are the same (see Section 1 of Ord. 2019-39), the change is made only to the underlying comprehensive plan land use map and not the zoning map. **Accordingly, the placement of the new FLUM designation has no immediate effect.** The FLUM provides for implementation with the existing R-1-7.5 zoning and thus is not inconsistent with zoning. As the zoning for the property remains the same, the existing development approval for "The Villages At Cascade Head" remains valid and consistent with the zoning. It is the City's intention to process an amendment

creating a new zoning district to implement the FLUM – the Resort Community Commercial Zone. This amendment to the zoning ordinance will be forthcoming. The RCC is implemented with a negotiated development agreement and is not available by-right.

Brief Review of Villages Project.

PROJECT INFORMATION

Applicant/Owner	City of Lincoln City
Map & Lot No.	City purchased a total of 363 acres of "The Villages At Cascade Head" property: 22.29 acres of RRMU FLUM [Ordinance 2019-40] [subject property] 35.04 acres of "The Knoll" Open space +/- 306 acres remainder property In addition, City owns 58.65 acres of Open space to the north (dedicated by the original developer) Privately-owned land in Villages: +/- 42.65 acres *See attached maps*
Comprehensive Plan & Zoning	Current Land Use and Zoning: Medium Density Residential Single Family Residential (R-1-7.5)
Surrounding Land Uses And Zoning	North: Open space/Open space South: Medium Density Residential/Single Family Residential East: Medium Density Residential/Single Family Residential West: Medium Density Residential/Single Family Residential Roads End
Public Notice	Mailed on July 16, 2019; Published on July 24, 2019
Relevant Substantive Criteria	LCMC 17.88

BACKGROUND

The City of Lincoln City in 2011 under Ordinance No. 2011-13, designated a total of 58.65 acres of the land dedicated by former Villages developer into the City's Open space land use designation under the Comprehensive Plan and rezoned the area to the City's Open space zoning district. This designation and rezone preserves the area for passive recreation uses. The 58.65 acres were designated in

1998 as a scenic research area under the approved Villages at Cascade Head Master Plan. The above designations are unchanged by this amendment.

In 2012 City Council approved a ten (10) year extension for the Villages Master Plan. Under Final Order 2012-01 the Villages approval will expire along with any associated approvals on January 31, 2023. Note: *The Villages Residential Planned Unit Development has an unassigned commercial allocation, per LCMC 17.52.210 (allowing some Recreation Commercial Uses in large PUDs) of up to 15 percent of the project area (approximately 54.45 acres based on City property alone, excluding other privately owned properties).* This Final order, requested by the then developers, preserved the approval of this Planned Unit Development project. Unfortunately for the developers, they lost the property.

In 2014 the City of Lincoln City acquired 363 acres of "The Villages At Cascade Head" from an FDIC Receiver. The purchase price was $2.5 million.

The City of Lincoln City re-designated approximately 35.04 acres of "The Knoll" to the City's Open space land use designation under the Comprehensive Plan and rezoned the area to the City's Open space zoning district, increasing the total open space dedicated land in North Lincoln City to 93.69 acres. The area dedicated as Open space under Ordinance 2014-31 is part of the approved and currently valid Villages at Cascade Head Master Plan (Villages Master Plan) and was previously designated for future residential development prior to the adoption of Ordinance 2014-31. The Master Plan for the Villages remains un-amended thus the units have not yet been reallocated to other properties.

Due to changes in the housing needs, economy, environment, and recreation of the residents and visitors, the City is currently proposing changes to the City-owned portion of "The Villages At Cascade Head". The City Planning Department initiated a comprehensive plan text and map amendment for the area to solidify the preservation of natural areas and enable development opportunities for the property. Specifically, the changes are in anticipation of negotiated purchase and sale (property disposition) and development agreements which will allow the City to convey suitably zoned land to development partners with negotiated development agreements to facilitate both economic development and provision of needed housing for all income levels.

Analysis for consistency with Ordinance 2019-39

The Findings for Ordinances 2019-32, 2019-39 are incorporated herein by this reference. The Findings contained in the Planning Commission and City Council staff reports are expressly incorporated herein by this reference.

The map amendment for this 22.29 acre property within "The Villages At Cascade Head" must be reviewed for compliance with the text of the Comprehensive Plan (contained in Sections 1 & 2 of Ordinance 2019-39) as follows:

> **SECTION 1. Comprehensive Plan Amendment.** The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, is hereby amended to modify the Note on page 5 regarding the Comprehensive Plan Land Use Map for the City of Lincoln City, to read as follows:
>
> > Notes:
> > In accordance with Section 2 of Ordinance No. 84-01, the *Comprehensive Plan* land use designations (as amended) are the same as shown on the *Zoning Map* adopted by Ordinance No. 84-02 (as amended). **Notwithstanding the foregoing, the City is transitioning to maintain both a Comprehensive Plan Future Land Use Map (FLUM) designation and an implementing Zoning District Map designation. Accordingly, Comprehensive Plan Goals, (Development Categories) beginning on Page 50, are being amended piecemeal to list new FLUM designations and implementing zoning districts, until the updated Comprehensive Plan is adopted.**

The above text acknowledges the City's intent to move away from one combined future land use map and zoning map to two maps. The amendment is consistent with this provision.

> **SECTION 2. Comprehensive Plan Amendment (Creation of new RRMU FLUM designation).** The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, Goals, (Development Categories), beginning on page 50, is hereby amended to add the following paragraph reflecting the creation of the new Recreational Resort Mixed Use (RRMU) Future Land Use Map (FLUM) Designation and specifying implementing zoning districts, to read as follows:
>
> > **17. Recreation Resort Mixed Use (RRMU)**
> >
> > **It is the intent of the Recreation Resort Mixed Use (RRMU) designation to establish a complete, enduring and sustainable**

resort commercial center that delivers a distinct balance between nature and development, preserves sensitive environmental resources and ecological biodiversity but also facilitates economic activity with commercial attractions consistent with a coastal resort community.

The RRMU designation is principally intended for projects in environmentally sensitive areas, where the surrounding natural environment (including proximity to the ocean, the lake, and native forest) creates an attraction-like atmosphere similar to a destination resort. This land use designation is reserved for only the most environmentally-committed of developments. To obtain the FLUM designation of RRMU – a property owner must have made an associated dedication of undisturbed open space or critical natural areas (deeded to Lincoln City for the benefit of all residents) at a ratio of 1.5 acres of Open Space per 1 acre of RRMU.

With the required Open Space dedication and Open Space rezoning to accompany the map change, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A conservation easement is also required to guarantee no disturbance of the sensitive ecologies of these open space areas, while allowing for passive recreation. Buffers around these sensitive areas will be required and included in the open space dedication to ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.

The subject property for purposes of this amendment is 22.29 acres and is owned in its entirety by the City of Lincoln City. The property is centrally located within "The Villages At Cascade Head", in close proximity to natural areas and within walking distance to the ocean. "The Villages At Cascade Head" is a large Planned Unit Development project with a great deal of environmental sensitivity. The existing approved master plan required an extensive environmental report including preservation of wetland and associated buffers. The application of this FLUM designation to this property will not alter the City's regulations concerning preservation of environmental resources. The environmental sensitivity of the entire property has served as an attraction since the City of Lincoln City's 2014

acquisition. Council immediately designated the property for interim park use while development options were considered. The property has the requisite proximity to ocean, lake and native forest and is already an attraction for those interested in the hiking trails and views from the "The Knoll".

The City, as a developer or facilitator of development is endeavoring to set a good example. Accordingly, the requisite rezoning to open space of undisturbed open space land east of the "The Knoll" open space (totaling +/- 35 acres) is being directed with this Ordinance together with the imposition of a conservation easement. This is in addition to the 35 acres at the "The Knoll" which was made almost immediately after the City acquired the Villages property. The land east of the "The Knoll" meets the 1.5 ratio required by Ordinance 2019-39 alone, (although such dedication is coupled with the "The Knoll" dedication and the prior dedication by the former developer negotiated as part of the prior land use approval). (See proposed language of Ordinance 2019-40 Section 2.) Note: as a conservation easements and rezoning is subject to statutory and code process, this Ordinance contemplates and directs that process.

The language of the FLUM also contemplates and sets the expectation that a negotiated development agreement will (in the future) ensure and prioritize the protection of natural areas within the subject property.

> **To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMU designation is centrally located relative to surrounding medium and high density residential uses, which may include the Resort Residential Mixed Structure (RRMS) FLUM designation. Resort, attraction, commercial, retail and office uses are allowed in this mixed use designation with special attention to separation of the higher intensity uses with the use of roadways and natural open space areas. Roadways and street dedications in the RRMU shall honor the available view corridors, allow functional movement throughout the community center and must include amenities for pedestrian and non-motorized travel.**

Like natural areas noted above, the language of the FLUM also contemplates and sets the expectation that a negotiated development agreement will (in the future) ensure and prioritize the separation and buffering of incompatible uses,

protection of view corridors and pedestrian and vehicular circulation, within the subject property.

The Plan amendment contained in 2019-39 also requires a concept plan. The concept plan must demonstrate that the FLUM is centrally located relative to surrounding medium and high density residential lands and follows a concentric planning form. The City contracted with a land use planning firm to create the Concept Plan attached to the Ordinance. The Council finds and determines that the concept plan conforms with the requirements of the Plan amendment.

The RRMU may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts, with the PUD allowance for some limited commercial uses. Alternatively, the RRMU FLUM may be implemented in a more robust fashion with the newly created Resort Community Commercial Zone (RCC) Zone. The RCC implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.

Analysis of Goals:

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to this proposal were made available for public review and purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city advertised public hearings on the proposed comprehensive plan amendments in the local newspaper in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. The findings concerning the Comprehensive Plan Citizen Involvement Program are

incorporated herein by this reference. Therefore, the amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Comprehensive Plan in accordance with the process and based on the criteria provided in the municipal code. Therefore, the amendments are consistent with Goal 2 or Goal 2 does not apply.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed comprehensive plan amendment is located within the city's urban growth boundary. The area currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed comprehensive plan amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands. Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The plan amendment affects only areas already committed to urban development and within the city's urban growth boundary. The plan amendment concerns only the application of the Recreation Resort Mixed Use FLUM designation to 22.29 acres of property owned by Lincoln City in the center of "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open space in the Villages is proposed. An additional portion of the Villages project (east of the "The Knoll") will be burdened (following the statutory process) with open space zoning and a conservation easement to protect the property as a consequence of this FLUM designation. Except for the requirement to impose open space zoning and a conservation easement, the FLUM amendment has no immediate effect. No change to property on the National Register of Historic Places, the Dorchester House is proposed. The findings concerning the Comprehensive Plan Overall Environmental Goal as well as the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Goal are incorporated herein by this reference. The proposed ordinance is consistent with Goal 5.

(6) Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendment will not adversely affect the quality of the air, water, or land resources of the state. The FLUM designation in this plan amendment does not by itself permit development that might affect air, water, or land quality. The proposed FLUM map change will not serve to increase the waste and process discharges already being generated within the affected areas because the buildable areas of the affected lots already are zoned for residential development, including accessory dwelling units. Such discharges include solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. The R-1 zone requires the availability of the full complement of public facilities and services before its application. The plan amendment concerns only the application of the Recreation Resort Mixed Use FLUM designation to 22.29 acres of property owned by Lincoln City in the center of "The Villages At Cascade

Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open space in the Villages is proposed. An additional portion of the Villages project (east of the "The Knoll") will be burdened (following the statutory process) with open space zoning and a conservation easement to protect the property as a consequence of this FLUM designation. Except for the requirement to impose open space zoning and a conservation easement, the FLUM amendment has no immediate effect. The findings concerning the Comprehensive Plan Overall Environmental Element are incorporated herein by this reference. The proposed ordinance is consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendment does not allow development within any natural hazard area. The existing ordinance and plan requirement relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. The plan amendment concerns only the application of the Recreation Resort Mixed Use FLUM designation to 22.29 acres of property owned by Lincoln City in the center of "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open space in the Villages is proposed. An additional portion of the Villages project (east of the "The Knoll") will be burdened (following the statutory process) with open space zoning and a conservation easement to protect the property as a consequence of this FLUM designation. Except for the requirement to impose open space zoning and a conservation easement, the FLUM amendment has no immediate effect. The findings concerning the Comprehensive Plan Natural Hazard Element are incorporated herein by this reference. The proposed ordinance is consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed comprehensive plan amendment does not adversely affect the provision of or ability to site recreational areas in the City. The plan amendment concerns only the application of the Recreation Resort Mixed Use FLUM

designation to 22.29 acres of property owned by Lincoln City in the center of "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open space in the Villages is proposed. An additional portion of the Villages project (east of the "The Knoll") will be burdened (following the statutory process) with open space zoning and a conservation easement to protect the property as a consequence of this FLUM designation. Except for the requirement to impose open space zoning and a conservation easement, the FLUM amendment has no immediate effect. The proposed ordinance is consistent with Goal 8.

(9) Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The plan amendment does not relate to opportunities for economic activity of Oregon's citizens. The plan amendment will not adversely impact Oregon's ability to provide economic opportunity to its citizens. The City of Lincoln City's most-recent Economic Needs Assessment demonstrated that there is a surplus of land available for development of commercial activity.

The plan amendment concerns only the application of the Recreation Resort Mixed Use FLUM designation to 22.29 acres of property owned by Lincoln City in the center of "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open space in the Villages is proposed. An additional portion of the Villages project (east of the "The Knoll") will be burdened (following the statutory process) with open space zoning and a conservation easement to protect the property as a consequence of this FLUM designation. Except for the requirement to impose open space zoning and a conservation easement, the FLUM amendment has no immediate effect.

The placement of the FLUM on the subject property is only the first step to development of the parcel as a resort commercial mixed use center. The property may only develop by-right under the existing R-1-7.5 zoning. Any development under a new implementing zoning must be in conjunction with a negotiated statutory development agreement. Accordingly, at this time the commercial development potential for the property is limited by the existing development order and PUD code. As has been noted earlier: Note: *The Villages*

Residential Planned Unit Development has an unassigned commercial allocation, per LCMC 17.52.210 (allowing some Recreation Commercial Uses in large PUDs) of up to 15 percent of the project area (approximately 54.45 acres based on City property alone, excluding other privately owned properties).

The effect of this FLUM designation will ultimately be to reduce the amount of land in the Villages which may be available for limited recreation commercial use. The associated FLUM RRMS does not permit commercial (outside home occupations) in its implementation (See Ordinances 2019-41 and 2019-38) – so no new commercial allocation will be available outside the RRMU. At this time, however, the imposition of the FLUM has no effect on the existing PUD commercial allowance as the R-1-7.5 zoning and Villages development order remain in place. Only after the contemplated rezoning of the parcel from R-1-7.5 to a future Mixed Use district (RCC), the underlying land use approval (as it relates to this parcel), will be lost.

The proposed ordinance is consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The plan amendment does not directly relate to the housing needs of the people of Lincoln City. The amendment will not adversely impact the City's ability to provide needed housing to its citizens. The City's most recent Housing Needs Assessment demonstrated that there is a substantial surplus of land available for development of needed housing in the city and its urban growth boundary. The plan amendment concerns only the application of the Recreation Resort Mixed Use (RRMU) FLUM designation to 22.29 acres of property owned by Lincoln City in the center of "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. Residential development is still permitted under the terms of the existing approved and valid residential planned development. No change to the land use and zoning of Open space in the Villages is proposed. An additional portion of the Villages project (east of the "The Knoll") will be burdened (following the statutory process) with open space zoning and a conservation easement to protect the property as a consequence of this FLUM designation. Except for the requirement to impose open space zoning and a conservation easement, the FLUM amendment has no immediate effect.

The placement of the FLUM on the subject property is only the first step to development of the parcel as a resort commercial mixed use center. The property may only develop by-right under the existing R-1-7.5 zoning. Any development under a new implementing zoning must be in conjunction with a negotiated statutory development agreement. Accordingly, at this time the property may be developed residential and any commercial development potential for the property is limited by the existing development order and PUD code. (See above Economy discussion). While it is true that ultimately the City will with a zone change, remove the potential residential development from this parcel, the City already has an overabundance of such lands. The objective is to create a centrally located resort attraction/employment center which will facilitate residential development of all types in the surrounding lands (see Ordinance 2019-41 and 2019-38).

The findings concerning the Comprehensive Plan Housing Goal are incorporated herein by this reference. The proposed ordinance is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The plan amendment does not relate directly to public facilities and services. The plan amendment concerns only the application of the Recreation Resort Mixed Use (RRMU) FLUM designation to 22.29 acres of property owned by Lincoln City in the center of "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. Residential development is still permitted under the terms of the existing approved and valid residential planned development. No change to the land use and zoning of Open space in the Villages is proposed. An additional portion of the Villages project (east of the "The Knoll") will be burdened (following the statutory process) with open space zoning and a conservation easement to protect the property as a consequence of this FLUM designation. Except for the requirement to impose open space zoning and a conservation easement, the FLUM amendment has no immediate effect.

The placement of the FLUM on the subject property is only the first step to development of the parcel as a resort commercial mixed use center. The availability of public facilities and services to the parcel is unchanged by the

amendment. Again there is an approved 1800 unit PUD on the Villages property. Any development under a new implementing zoning must be in conjunction with a negotiated statutory development agreement. Any future development agreement must, by statute, provide for the provision of all public facilities.

The findings concerning the Public Services and Utilities goal are incorporated herein by this reference. The proposed rezoning is consistent with Goal 11.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The proposed FLUM designation plan amendment does not relate directly to transportation. The amendment is nevertheless consistent with the City's *Comprehensive Plan* and Transportation Goal and *Transportation Master Plan* because it does not adversely affect any transportation facility. The City has plans for future connections within and across the Villages area. This new roadway would provide both non-motorized and motorized travel means from Sal-La-Sea Road to HWY 101 upon completion. The future roadway was planned for in the 2015 Lincoln City Transportation System Plan and is listed as Project # D1.

The findings concerning the city's Comprehensive Plan, TSP and Transportation goal are incorporated herein by this reference. The proposed plan amendment is consistent with Goal 12.

(13) Goal 13: Energy Conservation

"To conserve energy."

The plan amendment does not relate directly to energy conservation. The plan amendment concerns only the application of the Recreation Resort Mixed Use (RRMU) FLUM designation to 22.29 acres of property owned by Lincoln City in the center of "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. Residential development is still permitted under the terms of the existing approved and valid residential planned development. A future rezoning may open up additional uses contemplated with the FLUM. The objective of the FLUM and later implementing zoning and development agreement is to locate an employment center and attraction in the

center of the Villages and capture trips from surrounding residential development. While the immediate effect of the FLUM designation has no impact, the ultimate effect of this first step will be to conserve energy. The findings concerning the city's Energy goal are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 13.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The plan amendment does not relate directly to urbanization. The subject property is already in the UGB and the City. The proposed amendment does not include an expansion of the UGB. Goal 14 is met or the Goal is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway." The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The plan amendment does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). While the subject parcel is located in proximity to the ocean and does include wetlands, it appears the property is not in any way connected to the City's estuarine resources. A FLUM designation, by itself, with the zoning unaltered, has no impact the protected natural resources. Goal 16 is met or the Goal is not applicable.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries.

The city's coastal shorelands include all land west of Highway 101. In the area of the proposed plan amendment, the coastal shorelands already are zoned for residential development and are fully urbanized. The proposed amendment would not alter any of the regulations governing the protection of the identified resources. Goal 17 is met.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes.

The plan amendment does not authorize any development in or near beach and dune areas. The proposed amendment concerns an area within walking distance of the ocean but the area is significantly set back from the resources protected by this goal. A FLUM designation, by itself, with the zoning unaltered, has no

impact the protected natural resources. Therefore, Goal 18 is met or not applicable.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The plan amendment does not authorize any development in or very close to the ocean. The proposed amendment concerns an area within walking distance of the ocean but the area is significantly set back from the resources protected by this goal. A FLUM designation, by itself, with the zoning unaltered, has no impact the protected natural resources. Therefore, Goal 19 is met or not applicable.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed plan amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The Comprehensive Plan's Citizen Involvement Program goal is "Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process." The City has developed a Citizen

Involvement Program through Resolution 94-33. The public hearing process for the proposed map amendments included mailed, published, and internet posted notice to the public and property owners, and review of proposals by the Planning Commission and the City Council, consistent with the Plan, Goal and Resolution.

Among the policies under the City's Citizen Involvement Program goal is one that says "Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings." The Planning Commission and City Council meetings are publicized widely with hearing notices mailed to property owners in the affected area, and published in The News Guard weekly newspaper and on the City's website. The City holds public hearings in the evening in order to encourage public attendance. Moreover, for those unable to attend in person, the meetings are televised live and rebroadcast on cable television and are streamed live over the internet. Video of meetings and packet materials is also available on the City's website for review, free of charge. This constitutes a more than reasonable effort to encourage citizens to attend public meetings.

The Goal is met.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."

The plan amendment does not relate directly to public facilities and services. The findings concerning the Goal 11 are incorporated herein by this reference. The Goal is met or not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The plan amendment does not relate directly to urbanization. The area affected by the proposed plan amendment is within the urban growth boundary and the city limits. It has an approved Master Plan approved for the area; the proposal to change the land use will reduce the impact of future development by grouping

more of the intense development into a smaller portion of the area. This goal is met.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The plan amendment does not authorize development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The city has provisions in place that control development in hazardous areas through such things as requirements for compliance with federal floodplain development regulations and geotechnical engineering review. These provisions will ensure appropriate review if any unknown hazards are discovered. This goal is met.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendment does not relate directly to the housing needs of the people of Lincoln City. The City's Housing Needs Assessment demonstrated that there is a substantial surplus of land available for development of needed housing in the city and its urban growth boundary. The findings concerning the Goal 10 are incorporated herein by this reference. The Goal is met.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendment does relate to opportunities for economic activity of Oregon's citizens. The amendment will not adversely impact Oregon's ability to provide economic opportunity to its citizens. The City of Lincoln City's most-recent Economic Needs Assessment demonstrated that there is a surplus of land available for development of commercial activity. The findings concerning the Goal 9 are incorporated herein by this reference. The Goal is met.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances a human's activities while protecting the exceptional aesthetic quality of the area."

The plan amendment does not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The plan amendment does not relate directly to transportation. The findings concerning the Goal 12 are incorporated herein by this reference. The Goal is met.

(10) Energy Goal

"To conserve energy."

The proposed FLUM designation will not impact energy conservation. Ultimately centrally locating employment / attractions near residential development should capture trips and reduce energy use. Accordingly, the amendment will at present cause no changes to the energy demands, but ultimately may decrease energy use. The goal is satisfied.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendment does not change any environmental regulations. The 22.29 acre parcel being assigned the RRMU FLUM designation is part of an existing Planned Unit Development which remains valid. Ultimately a future rezoning and development of this parcel may abandon the development approval for this parcel but the City's regulations and the requirement to prioritize protection of natural resources in any negotiated development agreement remains in full force and effect. The FLUM amendment requires the preservation of additional open

space with a conservation easement, directly protecting resources protected by this Goal. The Goal is met.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

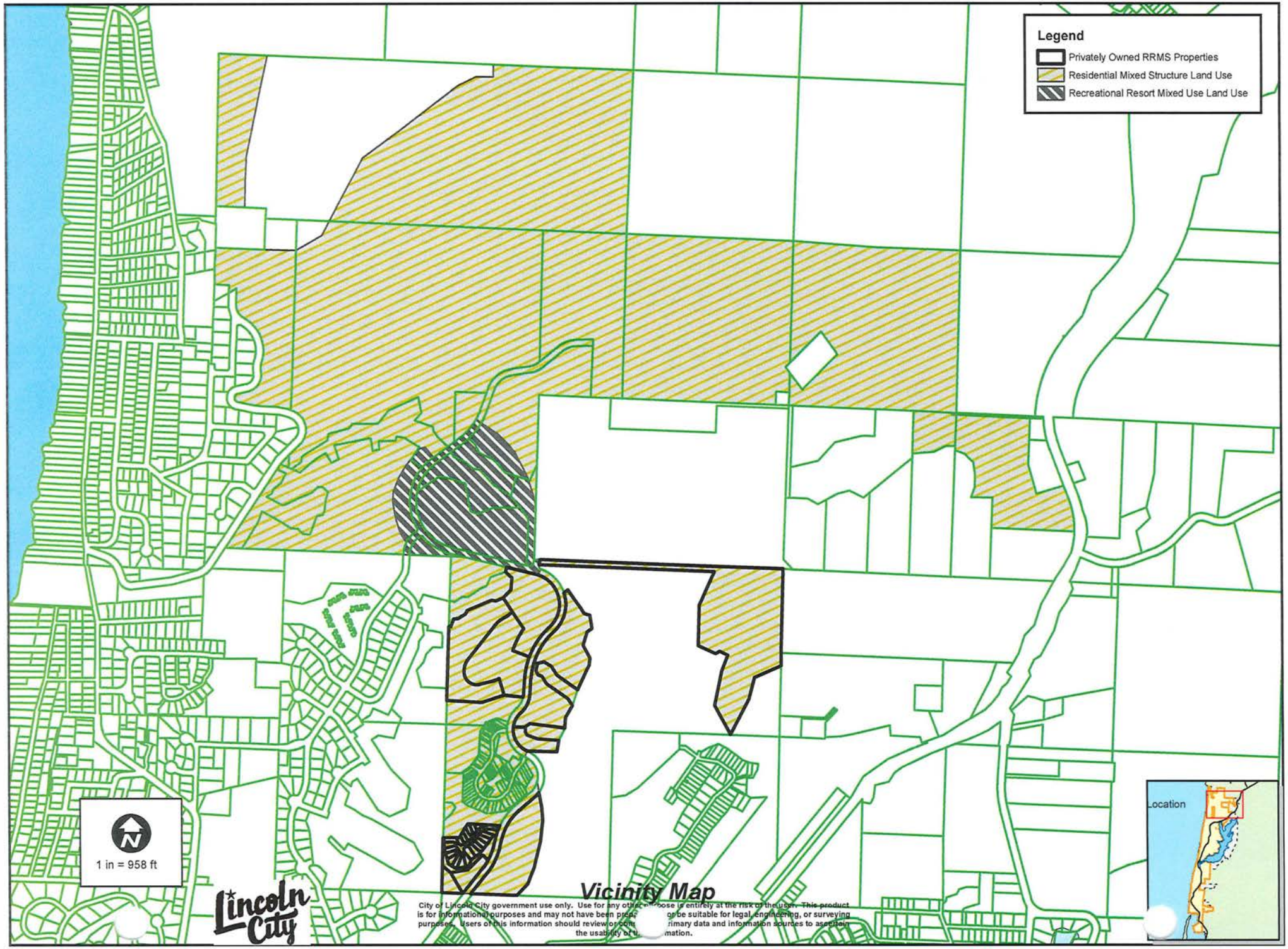
"To conserve, to protect, to enhance the coastal resources of the city."

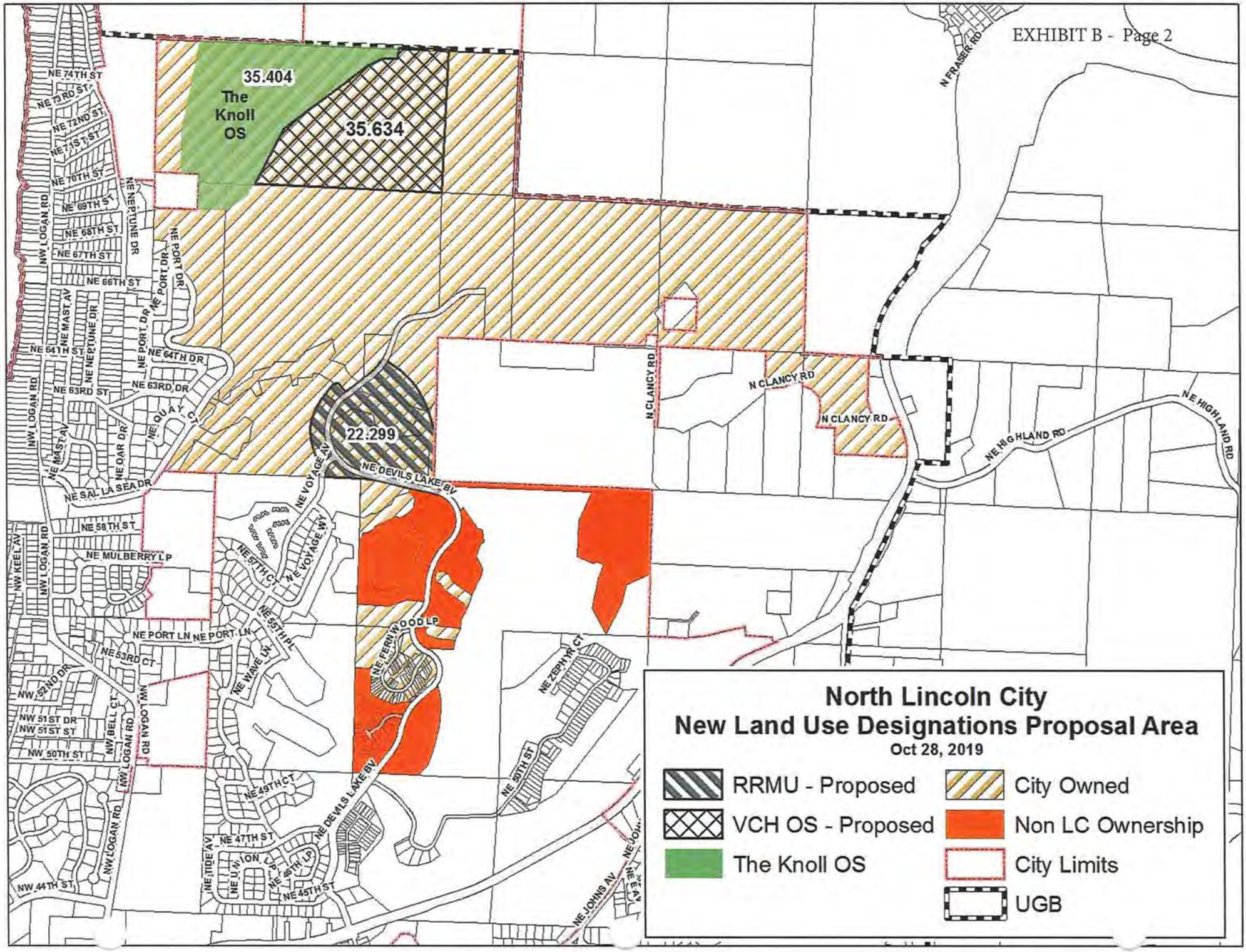
The City's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries.

The area proposed for the comprehensive plan map amendment is located within the city's coastal shorelands. The amendment does not change any natural resource regulations. The 22.29 acre parcel being assigned the RRMU FLUM designation is part of an existing Planned Unit Development which remains valid. Ultimately a future rezoning and development of this parcel may abandon the development approval for this parcel but the City's regulations and the requirement to prioritize protection of natural resources in any negotiated development agreement remains in full force and effect. The FLUM amendment requires the preservation of additional open space with a conservation easement, directly protecting resources protected by this Goal. The Goal is met.

North Lincoln City - New Land Use Designations Proposal Area

EXHIBIT B - Page 1

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NE MAST AV
NE QUAY CT
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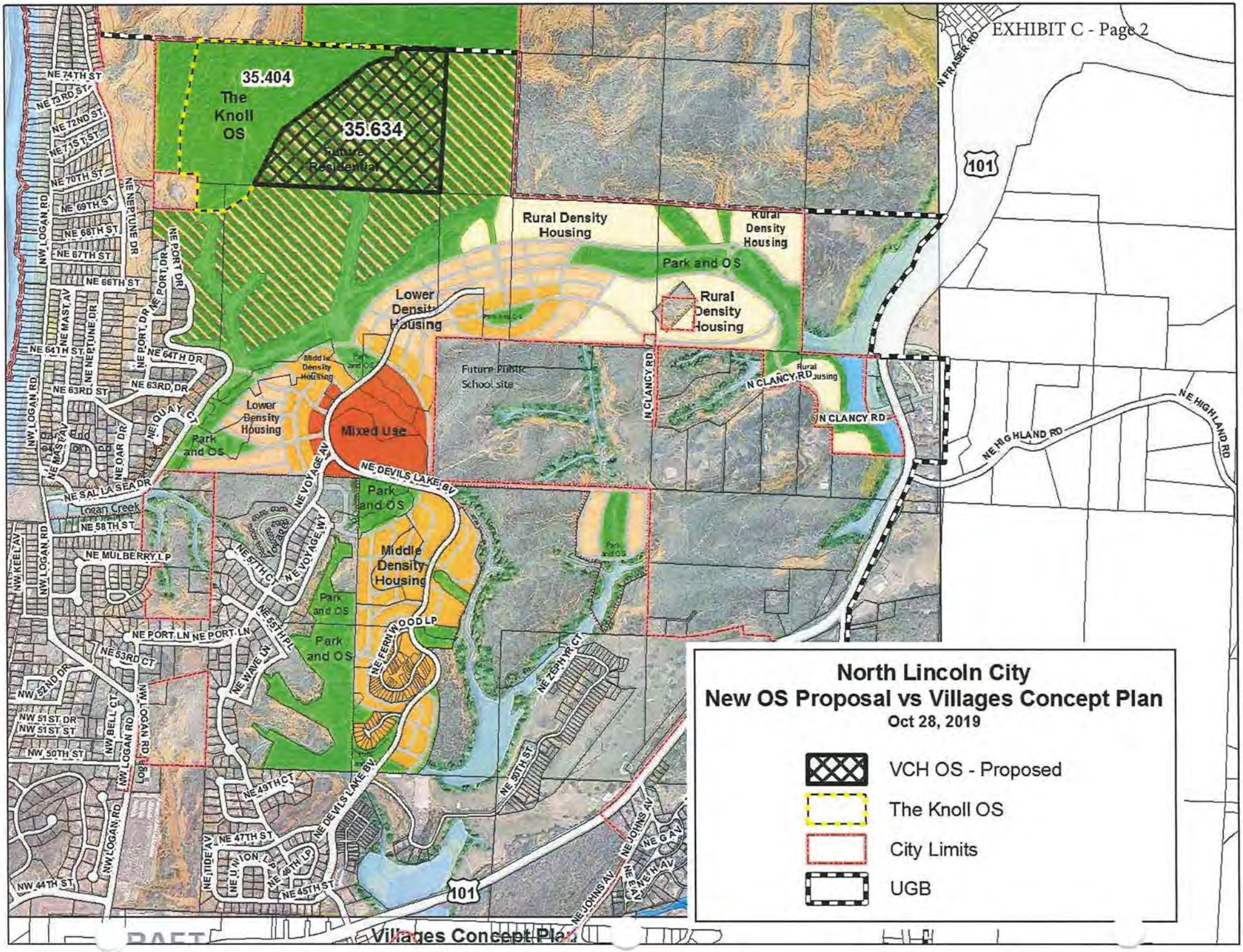
NE SAL LA SEA DR
NW KEEL AV
NE VOYAGE AV
NE VOYAGE WY
NE 57TH CT
NE 55TH PL
NE WAVE LN
NE DEVILS LAKE BV
NE FERNWOOD LP
NE ZEPHYR CT
NE 50TH ST
NE 49TH CT
NE 47TH ST
NE 46TH LP
NE 45TH ST
NE TIDE AV
NE UNION CT
NE JOHNS AV
N CLANCY RD
N FRASER RD
NE HIGHLAND RD
North Lincoln City
New Land Use Designations Proposal Area
Oct 28, 2019
RRMU - Proposed
VCH OS - Proposed
The Knoll OS
City Owned
Non LC Ownership
City Limits
UGB

DRAFT

Villages Concept Plan
September 18, 2019

- Concept Plan ROW
- Existing ROW
- Lower Density Housing
- Middle Density Housing
- Mixed Use
- Park and OS
- Rural Density Housing
- WATER
- Future Residential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Future Residential
Rural Density Housing
Rural Density Housing
Park and OS
Rural Density Housing
Lower Density Housing
Future Public School site
Middle Density Housing
Park and OS
Lower Density Housing
Mixed Use
Park and OS
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Middle Density Housing
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Rural Density Housing
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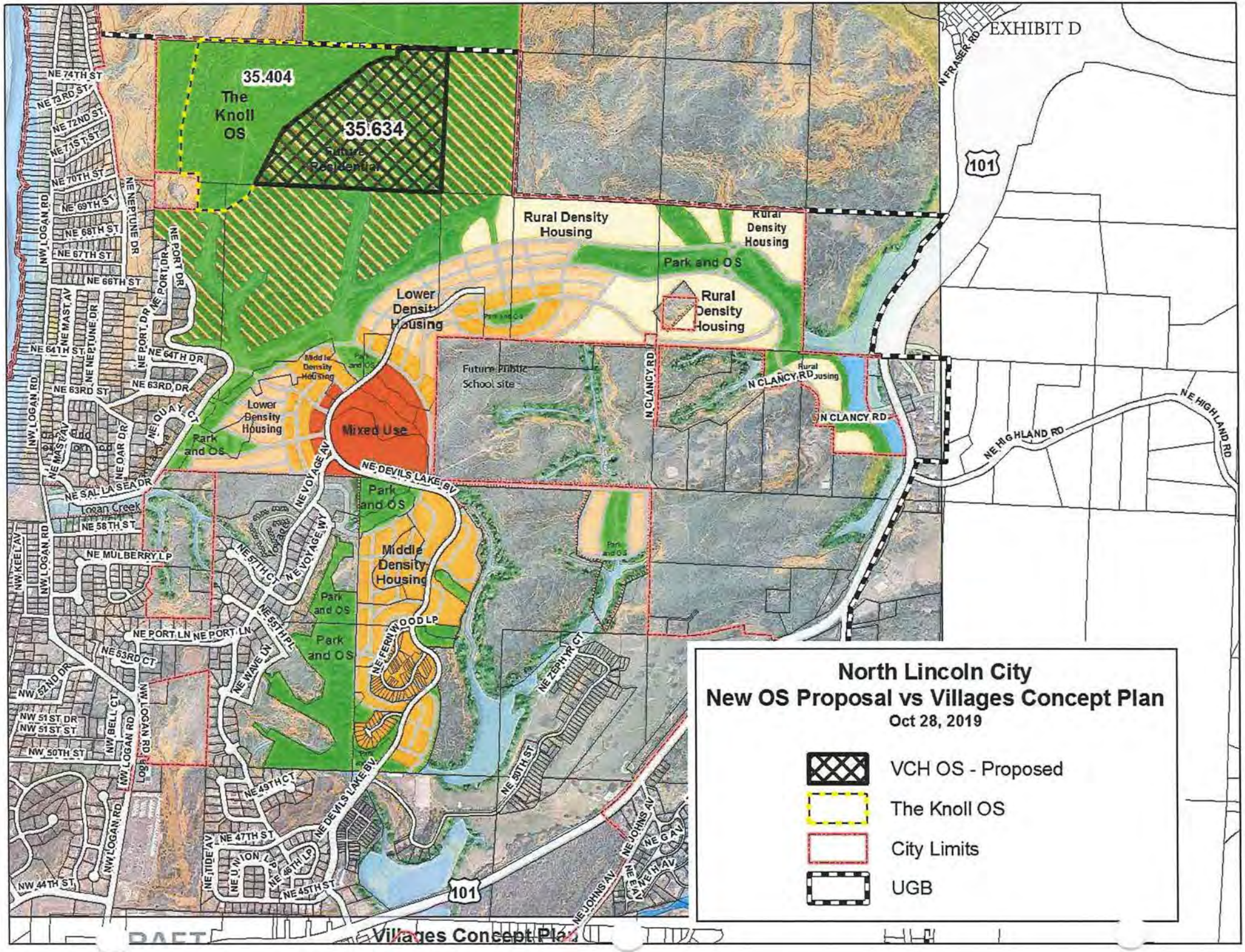
Villages Concept Plan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The Knoll OS
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Future Residential
Rural Density Housing
Park and OS
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Middle Density Housing
Mixed Use
Future Public School site
Logan Creek
NE DEVILS LAKE BV
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DRAFT
Villages Concept Plan

ORDINANCE NO. 2019-41

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RESORT RESIDENTIAL MIXED STRUCTURE" (RRMS), TO +/- 306 ACRES OF REAL PROPERTY OWNED BY THE CITY OF LINCOLN CITY WITHIN THE PROJECT KNOWN AS "THE VILLAGES AT CASCADE HEAD"

Annotated to show deletions and additions to the code sections being modified. Deletions are ***bold lined through*** *and additions are* ***bold underlined****.*

The City Council finds:

A. This amendment to the Lincoln City Comprehensive Plan is in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".

B. This amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.

C. On June 11, 2019, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610 of its consideration of several proposed amendment(s); staff determined that the proposed amendments including an amendment to add a new FLUM Designation and an amendment to authorize the use of ORS Chapter 94 Development Agreements as an option to implement the new FLUM designation(s), do not require rezoning property or rezone any existing property and therefore an ORS 227.186(4) notice is not required.

D. The Planning Commission, on September 3, 2019 conducted a public hearing and considered the amendments contained within this ordinance. On September 17, 2019 the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes.

E. The City Council conducted a public hearing on October 14, 2019, closed the hearing, closed the record and deliberated on the proposed amendments; Council provided direction to divide the amendments into separate ordinances as follows: (1) authorizing development agreements in the comprehensive plan; (2) creating new FLUM designations and specifying implementing zoning districts including optional new zoning districts for use with a development agreement; (3) applying the new RRMU FLUM designation to 22.29 acres of City property within "The Villages At Cascade Head"; (4) applying the new RRMS FLUM designation to remaining City property within "The Villages At Cascade Head" project; (5) applying the new RRMS FLUM designation to property owned by others within "The Villages At Cascade Head" project. Council directed the ordinances be brought back for required readings and adoption.

F. This Ordinance concerns only the fourth issue, applying the RRMS FLUM designation to +/- 306 acres of City-owned land within "The Villages At Cascade Head" development.

G. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Comprehensive Plan Map Amendment. The Lincoln City Comprehensive Plan Map, Ordinance 84-01, (which is currently the same as the zoning map adopted by Ordinance 84-02 as amended) is hereby amended to place a new Future Land Use Map Designation of Resort Residential Mixed Structure (RRMS) under the existing zoning designation for the City-owned property described and shown in Exhibit B, attached hereto and made a part hereof by this reference. The existing zoning for the property, and associated land use approvals shall remain in full force and effect according to their terms.

SECTION 2. Concept Plan. The Concept Plan attached hereto as Exhibit C and made a part hereof by this reference is hereby approved to act as a preliminary guide for the rezoning and development of the subject property.

SECTION 3. Findings adopted. Findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 6. Codification. Provisions of this Ordinance may be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate

provisions (i.e. Sections 3-6) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 28th day of October, 2019 (First Reading) and on the 28th day of October, 2019 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 28th day of October, 2019.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A – CPA 2019-02 (Part 4) FINDINGS
[ORDINANCE NO. 2019-41]

The Title of Proposed Ordinance 2019-41 (CPA 2019-02 Part 4) is as follows:

ORDINANCE NO. 2019-41

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO APPLY THE NEW FUTURE LAND USE MAP (FLUM) DESIGNATION OF "RESORT RESIDENTIAL MIXED STRUCTURE" (RRMS), TO +/- 306 ACRES OF REAL PROPERTY OWNED AND CONTROLLED BY THE CITY OF LINCOLN CITY WITHIN THE PROJECT KNOWN AS "THE VILLAGES AT CASCADE HEAD"

Background:

CPA 2019-02 has been divided into five parts: (1) Ordinance 2019-32 - authorizing development agreements in the comprehensive plan [enacted October 14, 2019]; (2) Ordinance 2019-39 - creating two new FLUM designations [RRMU and RRMS] and specifying implementing zoning districts including optional new zoning districts for use with a development agreement [enacted October 14, 2019]; (3) Ordinance 2019-40 - applying the new Recreation Resort Mixed Use [RRMU] FLUM designation to 22.29 acres of City-owned real property at the Villages of Cascade Head; (4) Ordinance 2019-41 applying the new Resort Residential Mixed Structure [RRMS] FLUM designation to +/- 306 acres of City-owned real property at the Villages of Cascade Head; (5) Ordinance 2019-38 applying the new Resort Residential Mixed Structure [RRMS] FLUM designation to +/- 42.65 acres of privately owned real property at the Villages of Cascade Head.

The proposed amendment [Ordinance 2019-41] modifies the Lincoln City Comprehensive Plan Map for +/- 306 acres of land within the city–owned portion of "The Villages At Cascade Head" project. The existing medium density residential (R-1-7.5) designated land is given a new underlying future land use map designation of Resort Residential Mixed Structure [RRMS]. As both the existing land use and zoning maps are the same (see Section 1 of Ord. 2019-39), the change is made only to the underlying comprehensive plan land use map and not to the existing zoning map. **Accordingly, the placement of the new FLUM designation has no immediate effect.**

The new FLUM provides for by-right implementation with the existing R-1-7.5 zoning and Open Space zone (and also allows R-1-10) and thus is not

inconsistent with zoning. As the zoning for the property remains the same, the existing development approval for "The Villages At Cascade Head" remains valid and consistent with the zoning.

It is the City's intention to process an amendment creating a new zoning district to implement the new FLUM – the Resort Neighborhood Residential Zone (RNR). This amendment to the zoning ordinance will be forthcoming. The RNR is implemented with a negotiated development agreement and is not available by-right.

Brief Review of Villages Project.

PROJECT INFORMATION

Applicant/Owner	City of Lincoln City
Map & Lot No.	City purchased a total of 363 acres of "The Villages At Cascade Head" property: 22.29 acres of RRMU FLUM [Ordinance 2019-40] 35.04 acres of "Knoll" Open Space +/-306 acres remainder [subject property] In addition, City owns 58.65 acres of Open Space to the north (dedicated by the original developer) Privately-owned land in Villages: +/- 42.65 acres *See attached maps*
Comprehensive Plan & Zoning	Current Land Use and Zoning: Medium Density Residential Single Family Residential (R-1-7.5) and Open Space
Surrounding Land Uses And Zoning	North: Open Space/Open Space South: Medium Density Residential/Single Family Residential East: Medium Density Residential/Single Family Residential West: Medium Density Residential/Single Family Residential Roads End
Public Notice	Mailed on July 16, 2019; Published on July 24, 2019
Relevant Substantive Criteria	LCMC 17.88

BACKGROUND

In 2011, the City of Lincoln City under Ordinance No. 2011-13, designated a total of 58.65 acres of the land dedicated by the original Villages developer into the City's Open Space land use designation under the Comprehensive Plan and rezoned the area to the City's Open Space zoning district. This designation and rezone preserves the area for passive recreation uses. The 58.65 acres were designated in 1998 as a scenic research area under the approved Villages at Cascade Head Master Plan. The above designations are unchanged by this amendment.

In 2012 City Council approved a ten (10) year extension for the Villages Master Plan. Under Final Order 2012-01 the Villages approval will expire along with any associated approvals on January 31, 2023. Note: *The Villages Residential Planned Unit Development has an unassigned commercial allocation, per LCMC 17.52.210 (allowing some Recreation Commercial Uses in large PUDs) of up to 15 percent of the project area (approximately 54.45 acres based on City property alone, excluding other privately owned properties).* This Final order granting a time extension, requested by the then developers, preserved the approval of this Planned Unit Development project. Unfortunately for the major developer, they lost the property.

In 2014 the City of Lincoln City acquired 363 acres of "The Villages At Cascade Head" project from an FDIC Receiver. The purchase price was $2.5 million.

The City of Lincoln City re-designated approximately 35.04 acres of "The Knoll" to the City's Open Space land use designation under the Comprehensive Plan and rezoned the area to the City's Open Space zoning district, increasing the total open space dedicated land in North Lincoln City to 93.69 acres. The area dedicated as Open Space under Ordinance 2014-31 is part of the approved and currently valid Villages at Cascade Head Master Plan (Villages Master Plan) and was previously designated for future residential development prior to the adoption of Ordinance 2014-31. The Master Plan for the Villages remains un-amended thus the units have not yet been reallocated to other properties.

Due to changes in the housing needs, economy, environment, and recreation of the residents and visitors, the City is currently proposing changes to the Villages FLUM, including City-owned portions of "The Villages At Cascade Head". The City Planning Department initiated a comprehensive plan text and map amendment

for the area to solidify the preservation of natural areas and enable development opportunities for the property. Specifically, the changes are in anticipation of negotiated purchase and sale (property disposition) and development agreements which will allow the City to convey suitably zoned land to development partners with negotiated development agreements to facilitate both economic development and provision of needed housing for all income levels.

Analysis for consistency with Ordinance 2019-39

The Findings for Ordinances 2019-32, 2019-39 and Ordinance 2019-40 are incorporated herein by this reference. The Findings contained in the Planning Commission and City Council staff reports for CPA 2019-02 are expressly incorporated herein by this reference.

The map amendment for this +/- 306 acres of City-owned property within "The Villages At Cascade Head" must be reviewed for compliance with the text of the Comprehensive Plan (contained in Sections 1, 3, & 4 of Ordinance 2019-39) as follows:

> **SECTION 1. Comprehensive Plan Amendment.** The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, is hereby amended to modify the Note on page 5 regarding the Comprehensive Plan Land Use Map for the City of Lincoln City, to read as follows:
>
> > Notes:
> > In accordance with Section 2 of Ordinance No. 84-01, the *Comprehensive Plan* land use designations (as amended) are the same as shown on the *Zoning Map* adopted by Ordinance No. 84-02 (as amended). **Notwithstanding the foregoing, the City is transitioning to maintain both a Comprehensive Plan Future Land Use Map (FLUM) designation and an implementing Zoning District Map designation. Accordingly, Comprehensive Plan Goals, (Development Categories) beginning on Page 50, are being amended piecemeal to list new FLUM designations and implementing zoning districts, until the updated Comprehensive Plan is adopted.**

The above text acknowledges the City's intent to move away from one combined future land use map and zoning map to two maps. The amendment is consistent with this provision.

SECTION 3. Comprehensive Plan Amendment (Creation of new RRMS FLUM designation). The Lincoln City Comprehensive Plan, Ordinance 84-01, as amended, Goals, (Development Categories), beginning on page 50, is hereby amended to add the following paragraph reflecting the creation of the new Resort Residential Mixed Structure (RRMS) Future Land Use Map (FLUM) Designation and specifying implementing zoning districts, to read as follows:

18. Resort Residential Mixed Structure

It is the intent of the Resort Residential Mixed Structure (RRMS) designation to establish a complete, enduring and sustainable resort neighborhood that delivers a distinct balance between nature and development, preserves sensitive environmental resources and ecological biodiversity but also facilitates housing opportunities for all levels of income consistent with a coastal resort community.

Permanent long term housing is the primary use of the RRMS designation. Supportive of the high-use Recreation Resort Mixed Use (RRMU) designation or other employment center located near its center, the RRMS designation will provide compact high density, medium density and some low density residential uses that provide balanced housing opportunities for all levels of income.

The RRMS designation is principally intended for projects in environmentally sensitive areas, where the surrounding natural environment (including proximity to the ocean, the lake, and native forest) creates a desirable mixed residential community supportive of nearby employment centers. This land use designation is reserved for developments committed to provision of workforce housing. To obtain the FLUM designation of RRMS – a property owner must include in any statutory development agreement authorizing residential development of the subject property a condition that a minimum of 10 percent of the housing units shall be affordable to residents making no more than 125% of the Median Family Income for Lincoln City. This commitment is incentivized by provision of assistance (land or subsidy) by the City and enforced with a development agreement and affordability covenant.

Like the RRMU, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A

conservation easement is required to guarantee no disturbance of the sensitive ecologies of open space areas, while allowing for passive recreation. Buffers around these sensitive areas will be required to ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.

To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMS designation surrounds an employment center, which may include the RRMU designation. Uses in this designation are limited to residential, with a live/work use allowance for the high and medium density areas, allowing a maximum of 25% of the residential structure to be utilized as workspace while ensuring protection of the remaining 75% as residential space. Additional commercial uses are not authorized in this designation. Roadways and street dedications in the RRMS shall honor the available view corridors, allow functional movement throughout the neighborhood and must include amenities for pedestrian and non-motorized travel.

The RRMS may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts. Alternatively, the RRMS FLUM may be implemented in a more robust fashion with the newly created Resort Neighborhood Residential Zone (RNR) Zone. The RNR implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.

SECTION 4. Comprehensive Plan Map and Zoning Map Legend Amendment. The Lincoln City Comprehensive Plan and Zoning Map, (Ordinance 84-02, as amended), is hereby amended to add the following new Future Land Use Map Designation (together with implementing zoning districts to the end of the existing Map Legend, as follows:

Future Land Use Map Designations and Implementing Zoning Districts:

Recreation Resort Mixed Use (RRMU) FLUM Designation
Resort Community Commercial District w/ Dev. Agmt
R-1-7.5 and R-1-10 with or without a PUD
Open Space District

Resort Residential Mixed Structure (RRMS) FLUM Designation
Resort Neighborhood Residential District w/ Dev. Agmt
R-1-7.5 and R-1-10 Districts
Open Space District

The subject property for purposes of this amendment is +/-306 acres and is owned in its entirety by the City of Lincoln City. The property is of substantial size comprising most of the Village Planned Unit Development and surrounds (for the most part) the RRMU property designated in Ordinance 2019-40. (Some private owners are adjacent to a portion of the RRMU to the south but this private property is also requested to be designated RRMS). The subject property is within "The Villages At Cascade Head", in close proximity to natural areas and within walking distance to the ocean. "The Villages At Cascade Head" is a large Planned Unit Development project with a great deal of environmental sensitivity. The existing approved master plan required an extensive environmental report including preservation of wetland and associated buffers. The application of this FLUM designation to this property will not alter the City's regulations concerning preservation of environmental resources. The environmental sensitivity of the entire property has served as an attraction since the City of Lincoln City's 2014 acquisition. Council immediately designated the property for interim park use while development options were considered. The property has the requisite proximity to ocean, lake and native forest and is already an attraction for those interested in the hiking trails and views from "The Knoll". The property is attractive for residential development.

The City, as a developer or facilitator of development is endeavoring to set a good example. As noted in Ordinance 2019-40, the requisite rezoning to open space of undisturbed open space land totaling 35.04 was made almost immediately after the City acquired the property. "The Knoll" meets the 1.5 ratio required by Ordinance 2019-39 for the RRMU designation. The City will complete the dedication of "The Knoll" to public recreation use by placing a conservation easement on the property. (See proposed language of Ordinance

2019-40 Section 2.) Note: as conservation easements are subject to statutory process, that ordinance contemplates that process.

The subject residential property to be designated RRMS benefits from the environmental preservation required by the RRMU. Residents of the RRMS designated land will be able to enjoy the proximity of the ocean, lake and forest and the designated "Knoll" open space together with the City-owned 58 acres previously designated in the Cascade Head research area.

The language of the FLUM also contemplates and sets the expectation that a negotiated development agreement will (in the future) ensure and prioritize the protection of natural areas within the subject property.

> **Like the RRMU, this land use designation provides for preservation and improvement of wetlands, streams and their wildlife corridors. A conservation easement is required to guarantee no disturbance of the sensitive ecologies of open space areas, while allowing for passive recreation. Buffers around these sensitive areas will be required to ensure the natural function of wetlands, waterways, and associated fish, and wildlife. Preservation of existing trees, shrubs, and groundcover will be prioritized.**

Like natural areas noted above, the language of the FLUM also contemplates and sets the expectation that a negotiated development agreement will (in the future) ensure and prioritize the separation and buffering of incompatible uses, protection of view corridors and pedestrian and vehicular circulation, within the subject property.

> **To receive this FLUM designation, a concept plan which will guide future development must be submitted and approved with the designation. The concept plan must demonstrate a concentric planning form such that the RRMS designation surrounds an employment center, which may include the RRMU designation. Uses in this designation are limited to residential, with a live/work use allowance for the high and medium density areas, allowing a maximum of 25% of the residential structure to be utilized as workspace while ensuring protection of the remaining 75% as residential space. Additional commercial uses are not authorized in this designation. Roadways and street dedications in the RRMS shall honor the available view corridors, allow functional movement**

throughout the neighborhood and must include amenities for pedestrian and non-motorized travel.

Ordinance 2019-39 also requires a concept plan for this designation. The concept plan must demonstrate that the FLUM surrounds RRMU land or an employment center. It does. The concept plan reflects a mix of high density, medium density and some low density residential as required. Commercial uses are prohibited, except for the typical home occupation allowance (no change from existing codes). The concept plan addresses view corridors and functional movement of pedestrians and traffic. It has a concentric planning form. The City contracted with a land use planning firm to create the Concept Plan attached to the Ordinance. The Council finds and determines that the concept plan conforms with the requirements of the Plan amendment.

Probably the most important part of the FLUM is the requirement to address housing. The text of 2019-39 provides:

This land use designation is reserved for developments committed to provision of workforce housing. To obtain the FLUM designation of RRMS – a property owner must include in any statutory development agreement authorizing residential development of the subject property a condition that a minimum of 10 percent of the housing units shall be affordable to residents making no more than 125% of the Median Family Income for Lincoln City. This commitment is incentivized by provision of assistance (land or subsidy) by the City and enforced with a development agreement and affordability covenant.

* * * *

The RRMS may be implemented one of two ways: The District may be implemented in a limited fashion, by-right, through the Open Space, R-1-7.5 and R-1-10 Zoning Districts. Alternatively, the RRMS FLUM may be implemented in a more robust fashion with the newly created Resort Neighborhood Residential Zone (RNR) Zone. The RNR implements the FLUM designation but is not available by-right; it must be implemented with a Development Agreement. Other future districts may be created as by-right options.

The City-owned portion of the Villages property receiving the RRMS designation can be developed by-right under the R-1-7.5 zoning. However, a private developer will have the voluntary **option** to negotiate with the City (using a statutory development agreement) to develop under the new RNR zoning designation (*which zone will provide for some flexibility in development standards – see Ordinance 2019-30 and 2019-32*). When the subject property is city-owned, the City may also incentivize provision of workforce housing and affordable housing with a land subsidy. As a threshold, the City is committing to requiring a minimum 10% workforce housing in any development agreement.

The City hopes to incentivize workforce housing in this FLUM designation via a new implementing zone. The hope is that the centrally located RRMU resort type uses will create an employment center which may capture trips from the surrounding RRMS residential areas. With the combination of a planned resort employment center and surrounding natural areas, the RRMS designation for the Villages property (both private [Ord 2019-38] and publicly owned [Ord. 2019-41] will further the primary goals of economic development and additional workforce housing.

Analysis of Goals:

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to this proposal were made available for public review and purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The city advertised public hearings on the proposed comprehensive plan map amendments in the local newspaper in accordance with notice requirements. The planning commission and the city council each held a public hearing at which citizens were invited to participate. The findings concerning the Comprehensive Plan Citizen Involvement Program are incorporated herein by this reference. Therefore, the proposed map amendments are consistent with Goal 1.

(2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The City Council considered the proposed map amendments to the Lincoln City Comprehensive Plan in accordance with the process and based on the criteria provided in the municipal code. Therefore, the map amendments are consistent with Goal 2 or Goal 2 does not apply.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed comprehensive plan map amendment is located within the city's urban growth boundary. The area currently is designated and zoned for urban development. There is no agricultural land in Lincoln City. The map amendment does not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed comprehensive plan map amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands. Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The map amendment affects only areas already committed to urban development and within the city's urban growth boundary. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. A portion of the Villages Open Space ("The Knoll") will be burdened (following the statutory process) with a conservation easement to protect the property as a consequence of Ordinance 2019-40 – benefitting this residential area. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. No change to property on the National Register of Historic Places is proposed. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. The findings concerning the Comprehensive Plan Overall Environmental Goal as well as the Shoreland, Beaches, Dunes, Estuary & Ocean Resources Goal are incorporated herein by this reference. The proposed map amendment is consistent with Goal 5.

(6) Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The map amendment will not adversely affect the quality of the air, water, or land resources of the state. The FLUM designation in this plan map amendment does not by itself permit development that might affect air, water, or land quality. The proposed FLUM map change will not serve to increase the waste and process discharges. Such discharges include solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. The R-1 zone requires the availability of the full complement of public facilities and services before its application. The plan amendment concerns only the application of the Resort

Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. A portion of the Villages Open Space ("The Knoll") will be burdened (following the statutory process) with a conservation easement to protect the property as a consequence of Ordinance 2019-40 – benefitting this residential area. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. The findings concerning the Comprehensive Plan Overall Environmental Element are incorporated herein by this reference. The proposed ordinance is consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendment does not allow development within any natural hazard area. The existing ordinance and plan requirement relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. The findings concerning the Comprehensive Plan Natural Hazard Element are incorporated herein by this reference. The proposed ordinance is consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed comprehensive plan map amendment does not adversely affect the provision of or ability to site recreational areas in the City. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. The proposed ordinance is consistent with Goal 8.

(9) Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The plan map amendment relates indirectly to opportunities for economic activity of Oregon's citizens. The plan map amendment will not adversely impact Oregon's ability to provide economic opportunity to its citizens. The City of Lincoln City's most-recent Economic Needs Assessment demonstrated that there is a surplus of land available for development of commercial activity. This amendment actually reduces commercial uses (except for home occupation /live work allowances) within this residential area. That is while existing vested development may continue, commercial uses outside the live/work homwe occupation allowance are prohibited. The intention is to focus such commercial on a commercial RRMU core and prioritize workforce housing on the remaining property. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property.

No change to the land use and zoning of Open Space in the Villages is proposed. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

The placement of the FLUM on the subject property is only the first step to development of the property surrounding the resort commercial mixed use center. The property may only develop by-right under the existing R-1-7.5 zoning. (although R-1-10 is also available as well as Open Space. Any development under a new implementing zoning [RNR] must be in conjunction with a negotiated statutory development agreement. Accordingly, at this time the commercial development potential for the property is limited by the existing development order and PUD code. As has been noted earlier: Note: *The Villages Residential Planned Unit Development has an unassigned commercial allocation, per LCMC 17.52.210 (allowing some Recreation Commercial Uses in large PUDs) of up to 15 percent of the project area (approximately 54.45 acres based on City property alone, excluding other privately owned properties).*

The effect of this FLUM designation will ultimately be to reduce the amount of land in the Villages which may be available for limited recreation commercial use. RRMS does not permit commercial (outside home occupations/ live work allowance) in its implementation – so no new commercial allocation will be available outside the RRMU. At this time, however, the imposition of the FLUM has no effect on the existing PUD commercial allowance as the R-1-7.5 zoning and Villages development order remain in place. Only after the contemplated rezoning of the parcel from R-1-7.5 to a future implementing zone (RNR), the underlying land use approval (as it relates to this parcel), will be lost.

The proposed ordinance is consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The plan amendment does directly relate to the housing needs of the people of Lincoln City. The amendment will not adversely impact the City's ability to

provide needed housing to its citizens. The amendment will facilitate compliance with Goal 10. The City's most recent Housing Needs Assessment demonstrated that there is a substantial surplus of land available for development of needed housing in the city and its urban growth boundary. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

The placement of the FLUM on the subject property is only the first step to development of the parcel as a mixed housing area. The property may only develop by-right under the existing R-1-7.5, R-1-10 or Open Space zoning. Any development under a new implementing zoning [RNR] must be in conjunction with a negotiated statutory development agreement. Accordingly, at this time the property may be developed residential and any commercial development potential for the property is limited by the existing development order and PUD code. (See above Economy discussion). The objective of the amendment is to create a resort residential development area with the full complement of housing types. The findings concerning the Comprehensive Plan Housing Goal are incorporated herein by this reference. The proposed ordinance is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. The FLUM amendment has no immediate effect but facilitates future negotiated

development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections or infrastructure requirements in the Code would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. The plan amendment does not relate directly to public facilities and services.

The placement of the FLUM on the subject property is only the first step to development of the property as a residential housing development. The availability of public facilities and services to the parcel is unchanged by the amendment. Again, there is an approved 1800 unit PUD on the Villages property. Any development under a new implementing zoning must be in conjunction with a negotiated statutory development agreement. Any future development agreement must, by statute, provide for the provision of all public facilities. The findings concerning the Public Services and Utilities goal are incorporated herein by this reference. The proposed rezoning is consistent with Goal 11.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The proposed FLUM designation plan amendment does not relate directly to transportation. The amendment is nevertheless consistent with the City's *Comprehensive Plan* and Transportation Goal and *Transportation Master Plan* because it does not adversely affect any transportation facility. The City has plans for future connections within and across the Villages area. This new roadway would provide both non-motorized and motorized travel means from Sal-La-Sea Road to HWY 101 upon completion. The future roadway was planned for in the 2015 Lincoln City Transportation System Plan and is listed as Project # D1. The findings concerning the city's Comprehensive Plan, TSP and Transportation goal are incorporated herein by this reference. The proposed plan amendment is consistent with Goal 12.

(13) Goal 13: Energy Conservation

"To conserve energy."

The plan map amendment does not relate directly to energy conservation. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

Development agreements may negotiate for energy conservation measures. The objective of the FLUM amendment in 2019-40 and in this amendment is to locate an employment center and attraction in the center of the Villages and capture trips from surrounding residential development. While the immediate effect of the FLUM designation has no impact, the ultimate effect of this first step will be to conserve energy. The findings concerning the city's Energy goal are incorporated herein by this reference. Therefore, the amendments are consistent with Goal 13.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The plan map amendment does not relate directly to urbanization. The subject property is already in the UGB and the City. The proposed map amendment does not include an expansion of the UGB. Goal 14 is met or the Goal is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway." The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The map plan amendment does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). While the subject parcel is located in proximity to the ocean and does include wetlands, it appears the property is not in any way connected to the City's estuarine resources. A FLUM designation, by itself, with the zoning unaltered, has no impact the protected natural resources. Goal 16 is met or the Goal is not applicable.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries.

The city's coastal shorelands include all land west of Highway 101. In the area of the proposed plan map amendment, the coastal shorelands already are zoned for residential development and are fully urbanized. The proposed amendment would not alter any of the regulations governing the protection of the identified resources. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. Goal 17 is met.

(18) Goal 18: Beaches & Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes.

The plan map amendment does not authorize any development in or near beach and dune areas. The proposed amendment concerns an area within walking distance of the ocean but the area is significantly set back from the resources protected by this goal. A FLUM designation, by itself, with the zoning unaltered, has no impact the protected natural resources. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. Therefore, Goal 18 is met or not applicable.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The plan map amendment does not authorize any development in or very close to the ocean. The proposed amendment concerns an area within walking distance of the ocean but the area is significantly set back from the resources protected by this goal. A FLUM designation, by itself, with the zoning unaltered, has no impact the protected natural resources. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement. Therefore, Goal 19 is met or not applicable.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during their preparation, review, and revision. Review of the proposed plan map amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The Comprehensive Plan's Citizen Involvement Program goal is "Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process." The City has developed a Citizen Involvement Program through Resolution 94-33. The public hearing process for the proposed map amendments included mailed, published, and internet posted notice to the public and property owners, and review of proposals by the Planning Commission and the City Council, consistent with the Plan, Goal and Resolution.

Among the policies under the City's Citizen Involvement Program goal is one that says "Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings." The Planning Commission and City Council meetings are publicized widely with hearing notices mailed to property owners in the affected area, and published in The News Guard weekly newspaper and on the City's website. The City holds public hearings in the evening in order to encourage public attendance. Moreover, for those unable to attend in person, the meetings are televised live and rebroadcast on cable television and are streamed live over the internet. Video of meetings and packet

materials is also available on the City's website for review, free of charge. This constitutes a more than reasonable effort to encourage citizens to attend public meetings.

The Goal is met.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."

The plan map amendment does not relate directly to public facilities and services. The findings concerning the Goal 11 are incorporated herein by this reference. The Goal is met or not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The plan map amendment does not relate directly to urbanization. The area affected by the proposed plan amendment is within the urban growth boundary and the city limits. It has an approved Master Plan approved for the area; the proposal to change the land use designation may reduce the impact of future development by requiring all housing types and increasing environmental preservation. This goal is met.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The plan amendment does not authorize development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The city has provisions in place that control development in hazardous areas through such things as requirements for compliance with federal floodplain development regulations and geotechnical engineering review. These provisions will ensure appropriate review if any unknown hazards are discovered. This goal is met.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendment relates directly to the housing needs of the people of Lincoln City. The City's Housing Needs Assessment demonstrated that there is a substantial surplus of land available for development of needed housing in the city and its urban growth boundary. The findings concerning the Goal 9 and 10 above are incorporated herein by this reference. The Goal is met.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The amendment [together with Ordinance 2019-40] does relate somewhat to opportunities for economic activity of Oregon's citizens. The amendment will not adversely impact Oregon's ability to provide economic opportunity to its citizens but should enable economic development by creating affordable workforce housing. The City of Lincoln City's most-recent Economic Needs Assessment demonstrated that there is a surplus of land available for development of commercial activity. This amendment continues the primary residential designation of the subject property by creates incentives to use negotiated development agreements with incentives for workforce and affordable housing. The findings concerning the Goal 9 and 10 above are incorporated herein by this reference. The Goal is met.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances a human's activities while protecting the exceptional aesthetic quality of the area."

The plan amendment does not relate directly to aesthetics. This goal is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The plan map amendment does facilitate transportation and is consistent with planned improvements in the TSP. The findings concerning the Goal 12 are incorporated herein by this reference. The Goal is met.

(10) Energy Goal

"To conserve energy."

The proposed FLUM designation will not impact energy conservation. Ultimately centrally locating employment / attractions near residential development should capture trips and reduce energy use. Accordingly, the amendment will at present cause no changes to the energy demands, but ultimately may decrease energy use. The findings concerning the Goal 13 are incorporated herein by this reference. The goal is satisfied.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The amendment does not change any environmental regulations. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

Ultimately a future rezoning and development of this parcel may abandon the development approval for this parcel but the City's regulations and the requirement to prioritize protection of natural resources in any negotiated development agreement remains in full force and effect. The FLUM amendment

requires the preservation environmental resources (with the added protection of a conservation easement). The Goal is met.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

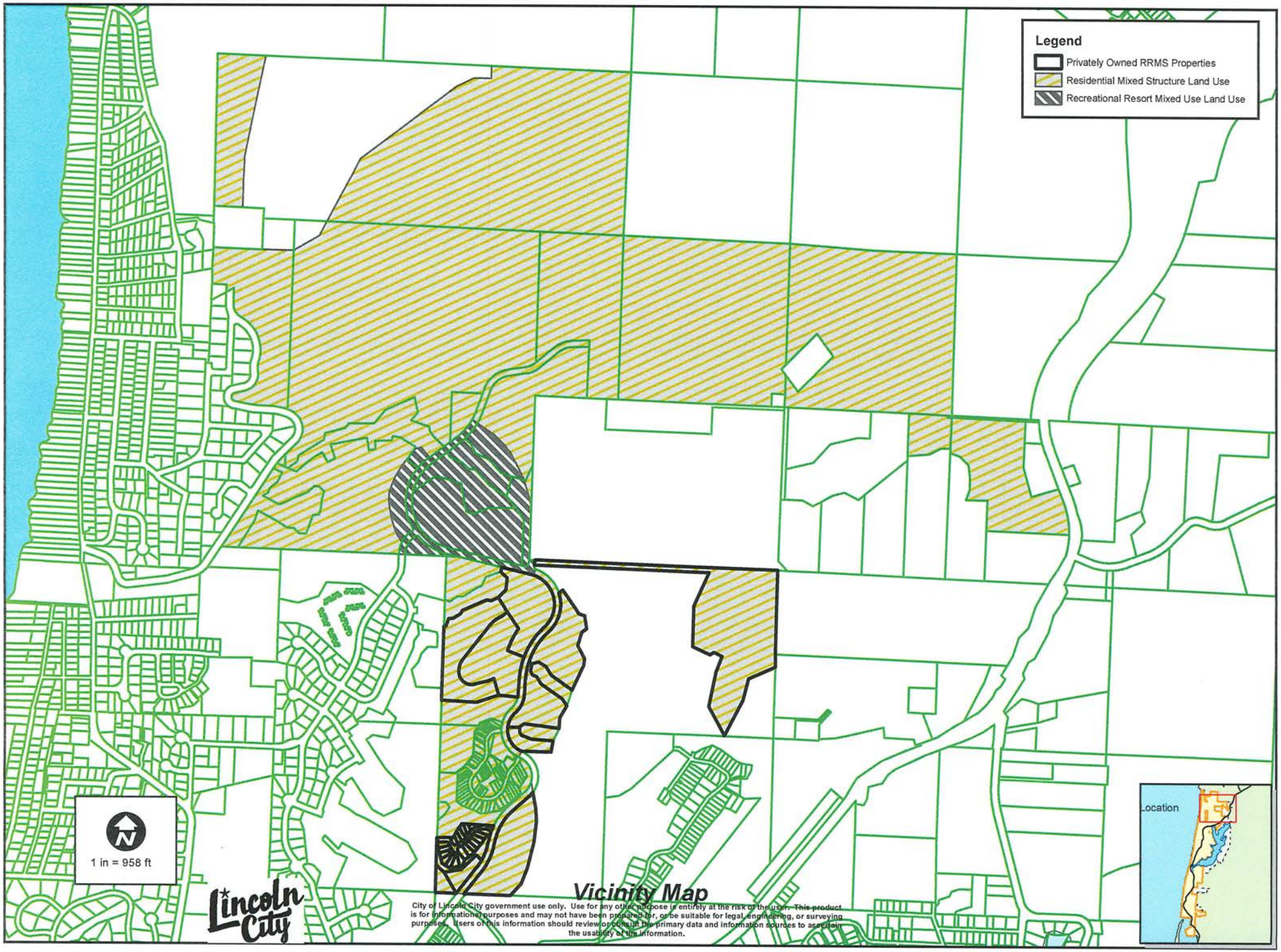
The City's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries.

The area proposed for the comprehensive plan map amendment is located within the city's coastal shorelands. The amendment does not change any natural resource regulations. The plan amendment concerns only the application of the Resort Residential Mixed Structure FLUM designation to +/- 306 acres of property owned by the City of Lincoln City in "The Villages At Cascade Head" development. No change is made to the existing R-1-7.5 zoning on the property. No change to the land use and zoning of Open Space in the Villages is proposed. The FLUM amendment has no immediate effect but facilitates future negotiated development agreements with incentives from the city in exchange for workforce and affordable housing commitments from future developers. Environmental protections are unchanged by this FLUM designation and in fact are prioritized by the FLUM. Any modifications of such protections would have to be specifically called out in the Code as being available for alteration in a negotiated development agreement.

Ultimately a future rezoning and development of this parcel may abandon the development approval for this parcel but the City's regulations and the requirement to prioritize protection of natural resources in any negotiated development agreement remains in full force and effect. The FLUM amendment requires the preservation of environmental resources with the added protection of a conservation easement, directly protecting resources. The Goal is met.

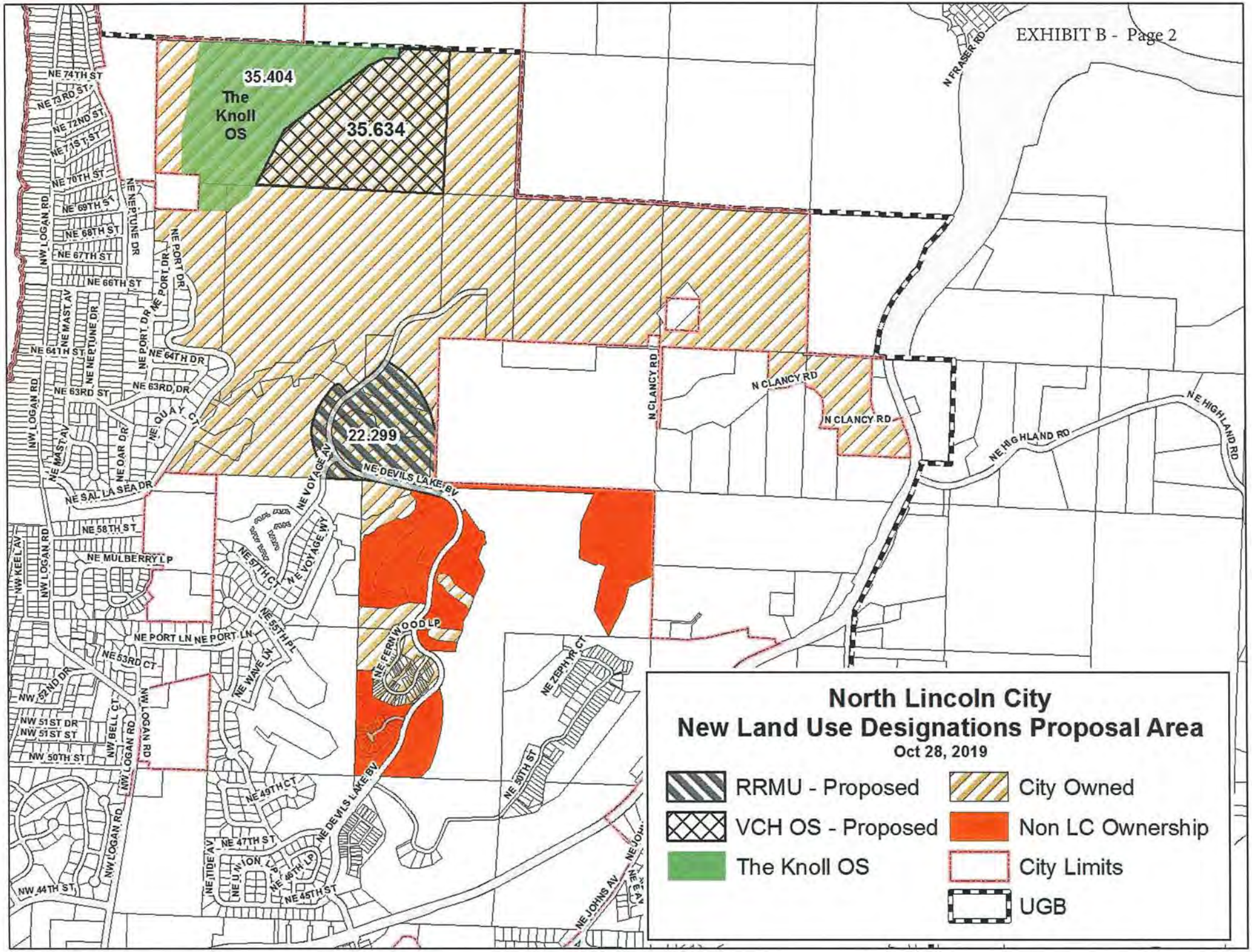
North Lincoln City - New Land Use Designations Proposal Area

EXHIBIT B - Page 1



Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of this information.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The Knoll OS
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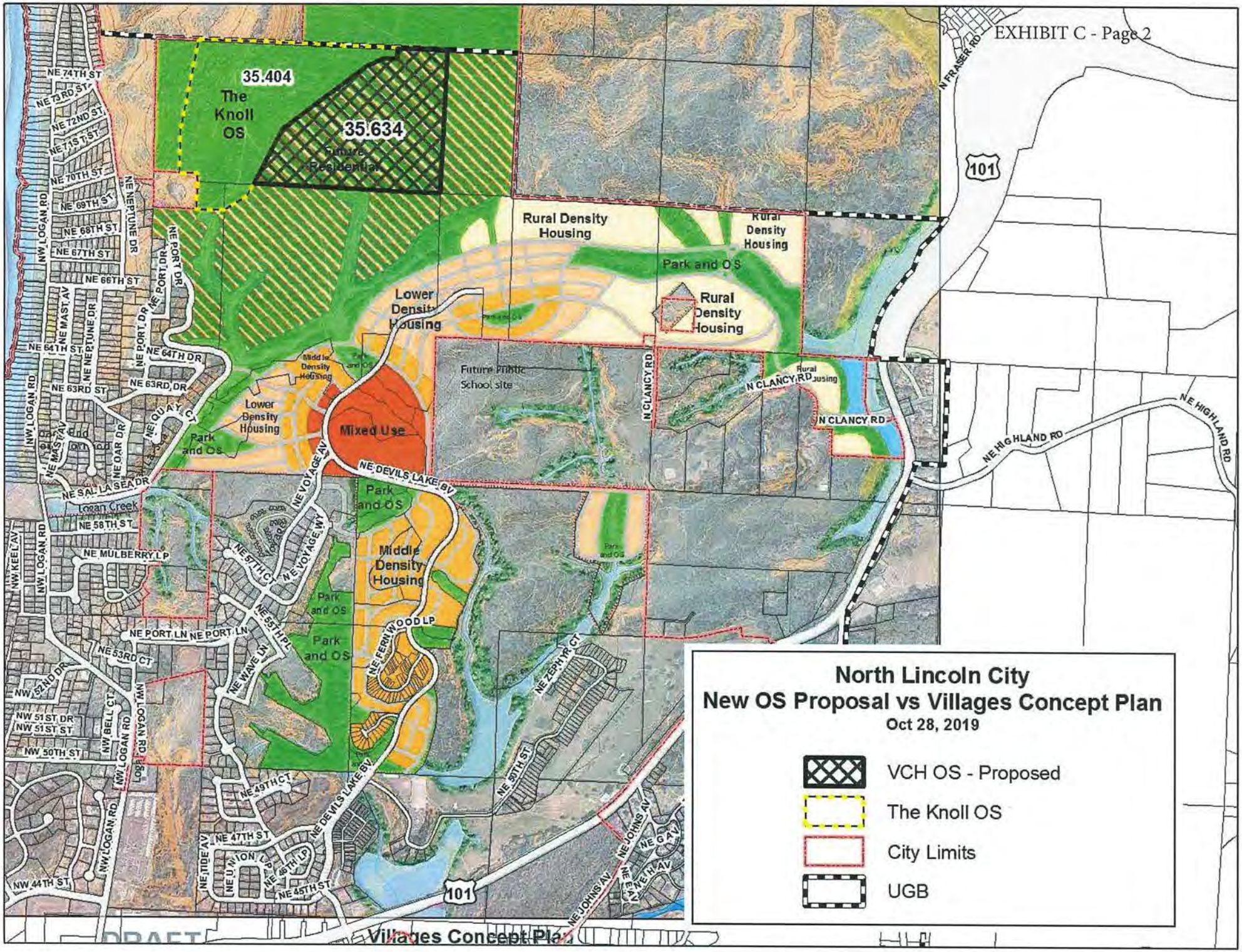
NW LOGAN RD
NE NEPTUNE DR
NE PORT DR
NE MAST AV
NE QUAY CT
NE OAR DR
NE SAL LA SEA DR
NW KEEL AV
NE MULBERRY LP
NE VOYAGE AV
NE VOYAGE WY
NE PORT LN
NE WAVE LN
NW BELL CT
NE TIDE AV
NE UNION LP
NE 48TH LP
NE DEVILS LAKE BV
NE FERNWOOD LP
NE ZEPHYR CT
NE 50TH ST
NE JOHNS AV
N CLANCY RD
N FRASER RD
NE HIGHLAND RD
North Lincoln City
New Land Use Designations Proposal Area
Oct 28, 2019
RRMU - Proposed
VCH OS - Proposed
The Knoll OS
City Owned
Non LC Ownership
City Limits
UGB

DRAFT

Villages Concept Plan
September 18, 2019

- Concept Plan ROW
- Existing ROW
- Lower Density Housing
- Middle Density Housing
- Mixed Use
- Park and OS
- Rural Density Housing
- WATER
- Future Residential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The Knoll OS
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Future Residential
Rural Density Housing
Rural Density Housing
Park and OS
Rural Density Housing
Lower Density Housing
Future Public School site
Middle Density Housing
Lower Density Housing
Park and OS
Mixed Use
Park and OS
Middle Density Housing
Park and OS
Park and OS
Rural Density Housing
N CLANCY RD
N CLANCY RD
N CLANCY RD
NE HIGHLAND RD
NE HIGHLAND RD
NE DEVILS LAKE BV
NE VOYAGE AV
NE VOYAGE WY
NE 57TH CT
NE 55TH PL
NE PORT LN
NE PORT LN
NE WAVE DR
NE FERNWOOD LP
NE ZEPHYR CT
NE 59TH ST
NE DEVILS LAKE BV
NE 49TH CT
NE 47TH ST
NE 46TH LP
NE 45TH ST
NE TIDE AV
NE JOHNS AV
NE JOHNS AV
NE G AV
NE H AV
NW LOGAN RD
NW LOGAN RD
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NE PORT DR
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NE NEPTUNE DR
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NE OAR DR
NE QUAY CT
NE SAILBOAT DR
NE SAILBOAT DR
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NW BELL CT
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NE MULBERRY LP
Logan Creek
N FRASER RD
101
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Villages Concept Plan
DRAFT
North Lincoln City
New OS Proposal vs Villages Concept Plan
Oct 28, 2019
VCH OS - Proposed
The Knoll OS
City Limits
UGB