CITY OF LINCOLN CITY
CITY COUNCIL AGENDA

MONDAY APRIL 10, 2023, 6:00 PM

6:00 PM - The Lincoln City Council will hold a Regular Meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

Public comments can be submitted to: publiccomment@lincolncity.org, by attending the City Council meeting, or by telephone.

Public comments submitted by email to publiccomment@lincolncity.org will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online Agenda packet.

****PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL SENT TO publiccomment@lincolncity.org****

Citizens requesting to give public comment via telephone must email publiccomment@lincolncity.org no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons who will give public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at 541-996-1013 or kmattias@lincolncity.org. Visit the ADA Accessibility | City of Lincoln City, OR webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Government" then select "Public Meeting, Agendas, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour. If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Oregon Liquor Control Commission Change of Ownership for Limited On-Premises Liquor License, Inn at Wecoma
2. Regular Meeting – Minutes of Work Session – March 22, 2023, 5:00 PM
3. Regular Meeting – Minutes of Regular Meeting – March 27, 2023, 6:00 PM

E. COUNCIL DELIBERATIONS

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

G. PRESENTATIONS

4. Annual Housing Update
5. North Lincoln Sanitary Service - Six-month update

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. CPA ZC 2023-01 The Knoll zone change to Open Space
2. CPA ZC 2023-02 TL404 Zone Change to Open Space
3. CPA ZC 2023-03 TL2100 zone change to Open Space
4. CPA ZC 2023-04 TL300 zone change to Open Space
5. CPA ZC 2023-06 D River Wayside Park zone change to Park
6. ZOA 2023-01 Definitions and Restriction Exception

J. ORDINANCES

7. ORDINANCE NO. 2023-04 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.04 (GENERAL PROVISIONS), CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS), ADDING AND AMENDING DEFINITIONS, AMENDING CHAPTER 17.12. (ZONING DISTRICTS ESTABLISHED), SECTION 17.12.010 (CLASSIFICATION OF ZONES), AMENDING CHAPTERS 17.16, (SINGLE-UNIT RESIDENTIAL) 17.17, (SINGLE-UNIT RESIDENTIAL- ROADS END), 17.20 (MULTI-UNIT RESIDENTIAL), 17.24, (PROFESSIONAL CAMPUS), 17.28 (RECREATION COMMERCIAL), 17.32 (GENERAL COMMERCIAL), 17.34 (NELSCOTT PLAN DISTRICT), 17.36 (PLANNED INDUSTRIAL), 17.40 (RECREATION- RESIDENTIAL), 17.50 (OCEANLAKE PLAN DISTRICT), AMENDING CHAPTER 17.74 (DESIGN STANDARDS) TO REMOVE DUPLICATIVE RESTRICTIONS.
8. ORDINANCE NO. 2023-05 AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO OPEN SPACE AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM R-1-7.5 (SINGLE FAMILY RESIDENTIAL) TO OPEN SPACE FOR FOUR CITY-OWNED PROPERTIES WITHIN THE VILLAGES AT CASCADE HEAD, INCLUDING TAX LOTS: [06-11-26-00-00500-00 (OPEN SPACE), 06-11-35-00-00404-00 (OPEN SPACE), 06-11-35-00-02100-00 (OPEN SPACE), 06-11-35-DB-00300-00 (OPEN SPACE).

9. ORDINANCE NO. 2023-06 AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RECREATION-COMMERCIAL TO PARK AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM RECREATION COMMERCIAL ZONE TO PARK FOR STATE-OWNED PROPERTY COMMONLY REFERRED TO AS THE D-RIVER WAYSIDE, INCLUDING TAX LOT: [07-11-15-AC-00101-00].

K. RESOLUTIONS

10. RESOLUTION NO. 2023-06 A RESOLUTION OF THE CITY OF LINCOLN CITY, CALLING FOR A SPECIAL ELECTION ON NOVEMBER 7, 2023 TO FILL THE VACANT COUNCIL WARD 1 POSITION ON THE CITY COUNCIL FOR THE CITY OF LINCOLN CITY

L. SPECIAL ORDER OF BUSINESS

11. Proposed Nelscott Urban Renewal Plan: Update and Boundary

M. CITY MANAGER/CITY ATTORNEY REPORTS

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

Council Communication

OLCC - Change of Ownership for Limited On-Premises Liquor License - Inn at Wecoma

Meeting Date:	April 10, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 mins

Questions:
Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a Change of Ownership for the Limited On-Premises Liquor License for Inn at Wecoma?

Staff Recommendations:
A review was conducted by Chief Broderick, and staff recommends that City Council provide a favorable recommendation to grant the license to the applicant.

Legal Background and Framework:
LCMC 5.20 (Liquor License Review) sets forth the City's procedures for OLCC license recommendation under Oregon Revised Statute (ORS) 471.166.

Council Options:
Approve a favorable recommendation to the Oregon Liquor Control Commission (OLCC) for a Change of Ownership for the Limited On-Premises Liquor License for Inn at Wecoma.

Potential Motions:
Motion to approve the Oregon Liquor Control Commission Change of Ownership for the Limited On-Premises Liquor License for Inn at Wecoma.

Attachments
Oregon Liquor Control Commission (OLCC) application for a Change of Ownership for the Limited On-Premises Liquor License for Inn at Wecoma.

Attachments:
Inn at Wecoma Ownership Change_Redacted (PDF)

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:
☐ New Outlet | ☑ Change of Ownership | ☐ Greater Privilege | ☐ Lesser Privilege

Select the license type you are applying for.

More information about all license types is available online.

Full On-Premises
- ☐Commercial
- ☐Caterer
- ☐Public Passenger Carrier
- ☐Other Public Location
- ☐For Profit Private Club
- ☐Nonprofit Private Club

Winery
- ☐Primary location
- Additional locations: ☐2nd ☐3rd ☐4th ☐5th

Brewery
- ☐Primary location
- Additional locations: ☐2nd ☐3rd

Brewery-Public House
- ☐Primary location
- Additional locations: ☐2nd ☐3rd

Grower Sales Privilege
- ☐Primary location
- Additional locations: ☐2nd ☐3rd

Distillery
- ☐ Primary location

Additional tasting locations: ☐2nd ☐3rd ☐4th ☐5th ☐6th

☑ **Limited On-Premises**

~~☐ Off-Premises~~

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

INTERNAL USE ONLY

Application received: 12/29/2022

Minimum documents acquired: 12/29/2022

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp

RECEIVED
MAR 28 2023
CITY OF LINCOLN CITY
LINCOLN CITY OR

☑ Recommend this license be granted
☐ Recommend this license be denied

[redacted]

Printed Name Date

Return this form to:

Investigator name: JOHN HILL

Email: JOHN.HILL@OREGON.GOV

REVISIONS PER EMAIL 3.9.23 -JH

LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:	Name of entity or individual applicant #2:
Saarthi, LLC	
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):
Inn at Wecoma

Business phone number:	Business email:
541-994-2984	gm@innatwecoma.com

Premises street address (The physical location of the business and where the liquor license will be posted):
~~2945 NW U.S. 101~~ 2945 NW HWY 101

City:	Zip Code:	County:
Lincoln City	97367	Lincoln

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):
2945 NW U.S. 101

City:	State:	Zip Code:
Lincoln City	OR	97367

Does the business address currently have an OLCC liquor license? ☑ Yes ☐ No	Does the business address currently have an OLCC marijuana license? ☐ Yes ☑ No

APPLICATION CONTACT INFORMATION

Contact Name:
Dineshkumar Patel

Phone number:	Email:
[redacted]	[redacted]

Mailing address:
[redacted]

City:	State:	Zip Code:
[redacted]		

Please note: liquor license applications are public records.

LIQUOR LICENSE APPLICATION

ATTESTATIONS

By signing this form, you attest that each of the following statements are true. I understand the Commission may require a licensee to provide proof of any of the below or below referenced documents at any time.

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311(6)) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an un-waivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Print name	Signature	Date	Atty. Bar Info (if applicable)
Dineshkumar Patel	[redacted]	12/29/2022	
Manisha Patel	[redacted]	12/29/2022	

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

WHO MUST COMPLETE THIS FORM?

You must complete this form if:

- Your name is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.

- A corporation is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:

  → President, a Vice President with responsibility over the operation of the business, Secretary, or Treasurer.
  → A Director.
  → An individual who owns 10% or more of issued stock.

- A limited liability company (LLC) is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:

  → A Managing Member of the LLC (this is an individual designated to manage the LLC; it may or may not be the same individual designated to manage the business).
  → A Member who owns 10% or more of the membership.
  → An Officer (such as a President or Secretary) with responsibilities over the operation of the business.

You must work with the OLCC to determine who must complete this form if you are:

- Part of an entity *other than* a corporation or LLC that is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form, or
- Part of an entity that owns 10% or more of an entity listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.

IN ADDITION, THE OLCC MAY REQUIRE OTHER PEOPLE TO COMPLETE THIS FORM WHEN THERE IS REASON TO BELIEVE IT MAY HELP THE OLCC IN ITS INVESTIGATION.

PRINT FORM

RESET FORM

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

1. Name (Print):	Patel (Last)	Dineshkumar (First)	R (Middle)

2. Other names used (maiden, other):

3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes ☒ No ☐
If yes, you must list your SSN: [redacted]

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).

4. Do you consent to the OLCC's use of my SSN as described above? Check this box: ☑

5. Date of Birth (DOB):	[redacted] (mm)	[redacted] (dd)	[redacted] (yyyy)

6. Driver License or State ID #: [redacted]	7. State OR

8. Contact Phone: [redacted]

9. E-mail Address: [redacted]

10. Mailing Address:	[redacted] (Number and Street)	[redacted] (City)	(State)	(Zip Code)

11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?

No ☒ Yes ☐ (If yes, explain in the space provided, below) Unsure ☐ Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, ***may not*** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Patel (Last)	Dineshkumar (First)	R (Middle)

Signature: [redacted] **Date:** 12/29/2022

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

PRINT FORM

RESET FORM

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

1. Name (Print):	Patel (Last)	Manisha (First)	D (Middle)

2. Other names used (maiden, other):

3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes ☒ No ☐
If yes, you must list your SSN: [redacted]

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).

4. Do you consent to the OLCC's use of my SSN as described above? Check this box: ☑

5. Date of Birth (DOB):	[redacted] (mm)	[redacted] (dd)	[redacted] (yyyy)

6. Driver License or State ID #: [redacted]	7. State OR

8. Contact Phone: [redacted]

9. E-mail Address: [redacted]

10. Mailing Address:	[redacted] (Number and Street)	(City)	(State)	(Zip Code)

11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?

No ☒ Yes ☐ (If yes, explain in the space provided, below) Unsure ☐ Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, ***may not*** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Patel (Last)	Manisha (First)	D (Middle)

Signature: [redacted] **Date:** 12/29/2022

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

PRINT FORM

RESET FORM

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

1. Name (Print):	Lee Last	John First	Won Middle

2. Other names used (maiden, other):

3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes ☒ No ☐
If yes, you must list your SSN: [redacted]

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

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4. Do you consent to the OLCC's use of my SSN as described above? Check this box: ☑

5. Date of Birth (DOB):	[redacted]		
	(mm)	(dd)	(yyyy)

6. Driver License or State ID #: [redacted]	7. State OR

8. Contact Phone: [redacted]

9. E-mail Address: [redacted]

10. Mailing Address:	[redacted]			
	(Number and Street)	(City)	(State)	(Zip Code)

11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?

No ☒ Yes ☐ (If yes, explain in the space provided, below) Unsure ☐ Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☐ Yes ☒ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

Majestic Inn & Spa - Anacortes Washington - 2011 to present

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, ***may not*** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Lee Last	John First	Won Middle
Signature:	[redacted]		**Date:** 3/20/2022

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY
CITY COUNCIL
MINUTES OF THE WORK SESSION MEETING

March 22, 2023, 5:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. *(See Channel 4 guide on the hour at http://www2.lincolncity.org/program-guide/.*

APPROVED BY CITY COUNCIL

DATE:

1. CALL TO ORDER

Mayor Wahlke called the meeting to order at 5:00 PM.

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Chief Broderick, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Alison Robertson, Economic Development and Urban Renewal Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder. Liz Francis, Executive Administrative Legal Assistant.
Others Present: David Hawker, Consultant.

2. DISCUSSION ITEMS

A. Council Training

Daphnee Legarza, City Manager, explained the agenda of the Council Training.

Anthony LaSoya, IT Director, spoke to Council regarding two-factor authentication through Duo to use with web-based Outlook. Mr. LaSoya explained Sysco Umbrella for security on City issued laptops. Mr. LaSoya also explained IT welcomes all questions and they are available for help as needed.

Richard Appicello, City Attorney, showed a video from 5:10 PM- 5:17 PM regarding indemnity. Mr. Appicello reviewed the rules of Council with examples and consequences.

David Hawker, former City Manager, introduced himself and talked to Council regarding governmental accounting and reviewed the different forms of government. Mr. Hawker asked Council to make sure to review the packet before each meeting. Mr. Hawker spoke regarding employee evaluations and the relationship with the Confederated Tribes of the Siletz Indians. Mayor Wahlke said that she always recommends people read "The People are Dancing Again". Mr. Appicello recommended Council visit the LOC website. Councilor Kasner asked a technical question regarding the switch from iPads to laptops.

Abigail Edwards, Human Resources, spoke to Council regarding communication and the avenues to contact the League of Oregon Cities and CIS.

3. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 6:28 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY
CITY COUNCIL
MINUTES OF THE MEETING

March 27, 2023, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. *(See Channel 4 guide on the hour at http://www2.lincolncity.org/program-guide/.*

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Remote	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Chief Broderick, Lincoln City Police Department; Stephanie Reid, Public Works Director; Anne Marie Skinner, Planning and Community Development Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	**Consent Agenda**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed**

1. Oregon Liquor Control Commission New Outlet On-Premises Commercial and Caterer Liquor License for Enrique's Taqueria LLC

2. Oregon Liquor Control Commission Change of Ownership for On-Premises Liquor License New Foon Hing Yuen

3. Regular Meeting – Minutes of Regular Meeting – March 13, 2023, 5:00 PM

4. Regular Meeting – Minutes of Regular Meeting – March 13, 2023, 6:00 PM

E. COUNCIL DELIBERATIONS

None

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

None

G. PRESENTATIONS

None

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Continuation of Delake Heights LID Formation Public Hearing

MOTION:	**Motion to Close the Public Hearing and the Record**
MOVER:	**Riley Hoagland, Councilor Ward 2**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed via Voice Vote**

Mayor Wahlke opened the public hearing at 6:06 PM.

Stephanie Reid, Public Works Director, presented different assessment methods and options for payments. Mayor Wahlke asked if the DIA's (differed improvement agreements) were for sewer only. Ms. Reid said the DIA's were for everything. Councilor Kasner asked about the "do nothing option". Ms. Reid explained and said it would decrease the number of buildable lots. Councilor Mark asked for an explanation of the DIA. Ms. Reid explained the definition and history of the DIA'. Council and Staff had a lengthy discussion regarding septic systems and the options for the LID.

Patrick Alexander spoke against the Delake Heights LID.

Andrew Edwards spoke against the Delake Heights LID.

Chad Pyatt spoke against the Delake Heights LID.

Gregory O'Keefe spoke against the Delake Heights LID.

Lezlie Pyatt spoke against the Delake Heights LID.

Steve Rova spoke against the Delake Heights LID

Gregory Ernst spoke against the Delake Heights LID.

Ms. Legarza summarized public comments received via email from Steve Rova, James Covert via Patrick Alexander, Laura Quillman, James Covert via Laura Quillman, and Lezlie Pyatt.

2.

MOTION:	**Motion to do Nothing with the Delake Heights LID**
MOVER:	**Riley Hoagland, Councilor Ward 2**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Voice Vote**

J. ORDINANCES

None

K. RESOLUTIONS

3. RESOLUTION NO. 2023-05 A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING TRAFFIC CONTROL MEASURES FOR A PORTION OF SW 3RD STREET AT SW EBB AVENUE

MOTION:	**Motion to Approve Resolution 2023-05 SW 3rd Street and Ebb Traffic Regulation**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

L. SPECIAL ORDER OF BUSINESS

4. Ward 1 -Council Vacancy Discussion / Direction

MOTION:	**Motion to Direct Staff to Prepare a Resolution for a Future Meeting to Declare a Vacancy in the City Council Position Ward 1 and Call for a Special Election in November 2023 to Fill the Position of Councilor Ward 1 for the Remainder of the Vacant Term**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Rick Mark, Councilor Ward 3**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed via Roll Call Vote**

5. Replace Former Councilor Starmer on the Third-Party Non-Profit Grant Subcommittee, Solid Waste Advisory Committee, and Interview Committee

Mayor Wahlke appointed Councilor Casper as the representative and Councilor Hoagland as the alternate on the Lincoln County Solid Waste Disposal Service District Advisory Committee (SWAC).

Mayor Wahlke was appointed as the board member and Councilor Parsons as the President on the Villages at Cascade Head HOA.

Mayor Wahlke appointed Councilor Kasner as the interviewer for the Parks Board to replace Councilor Starmer.

Mayor Wahlke appointed Councilor Mark to the vacant position left by Councilor Starmer's resignation on the Non-Profit Grant Committee.

6. AutoCAD and Structural Engineering Consultant Services Approval

MOTION:	**Motion to Approve the Engineering Consultant Selection as Listed**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed via Voice Vote**

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza said HB4123 had no new update since the last meeting. Ms. Legarza gave an update on 2023/24 Budget status. Ms. Legarza gave an update on grant opportunities. Councilor Mark asked about the charging stations. Ms. Legarza will provide further information at a work session. Councilor Mark asked for an update on Helping Hands. Ms. Skinner said they are anticipating April and May for occupancy of the two buildings.

Mr. Appicello said he will be getting with the City Manager to schedule an executive session to update.

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

None

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Hoagland gave an update on upcoming events.

Councilor Mark spoke about the Nelscott URA and upcoming meetings. Councilor Mark spoke about the Transportation Committee that he is a part of and they are looking at solutions between Newport and Depoe Bay.

Councilor Kasner said she is on the state-wide transportation committee and gave an update.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 7:48 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Annual Housing Update

Meeting Date:	April 10, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:	Economic Development	Secondary Contacts:	Alison Robertson
Approval:	Daphnee Legarza	Estimated Time:	20 Min

Objective:

The objective of this presentation is to provide City Council with an official update on housing efforts in Lincoln City.

Timeline of Activities and Meetings:

- 2009
  - Urban Renewal Agency adopts a Substantial Amendment to the Urban Renewal Year 2000 Development Plan to include an Economic Development assistance program as a project category to the plan.
- 2011
  - Lincoln Community Land Trust (now Proud Ground) completes County Workforce Housing Needs Assessment.
- 2012
  - Economic Development options were presented to the Urban Renewal Agency for consideration at a future meeting
  - New commercial tools adopted in 2013 and 2014
- 2014
  - Workforce Housing added to the Year 2000 Development Plan list of possible projects
- 2017
  - Housing Needs Assessment adopted by City Council
- 2018
  - City-owned properties offered to development community through Request for Expressions of Interest (RFEI)
    - 3 properties for residential projects
    - 4 properties for mixed-use projects
  - Housing update to City Council
- 2019
  - City Council work session on housing

  - Ordinance amendments pertaining to housing
    - Reduced parking count for multi-unit residential development
    - Four-flat dwellings and tiny house developments
    - Revised accessory dwelling unit requirements to remove subjective design standards and owner-occupancy requirements as mandated by state legislation
  - County Housing Strategy Plan accepted by City Council via Resolution 2019-02
  - Lincoln City, Newport, and the Tribes partnership with Lincoln County on affordable housing grant from Oregon Department of Land Conservation & Development (DLCD)
  - Economic Development Toolbox created by Urban Renewal Agency and City Council
    - Staff directed to establish criteria for tools, including those to assist with housing
- 2020
  - July 1, 2020 Population: 9,912
  - City entered into agreement with Helping Hands Re-entry Program to address transitional housing
  - Housing update to City Council (May 11th)
  - City Council emergency (fire/wind event) Resolution 2020-22
    - Allow temporary RV/mobile home parks for emergency housing
- 2021
  - July 1, 2021 Population: 10,067 (threshold over 10,000 Pop for different statewide housing rules)
  - Lincoln Palisades V final plat is recorded
  - Lincoln Palisades VI preliminary plat approval is received
- 2022
  - July 1, 2022 Population: 10,134
  - Housing update to City Council (March 28th)
  - Planning Department creates Housing Resources Pamphlet (yellow)
  - Planning Department completes Lincoln City Housing Needs Analysis Update (updates must occur every 5 years; update will be adopted with the Comprehensive Plan)
  - Work continues on the Helping Hands transitional housing facility
  - IHI receives development review approval and building permits for 107 affordable housing apartment units
  - Sam Health receives development review approval for 18 market-rate apartment units

- Wecoma Place receives development review approval and building permits for 44 affordable housing units
- Camy Tiny Houses receives development review approval for 21 tiny houses
- Lincoln County Housing Authority applies for development review approval for a 12-unit affordable tiny house development
- Market-rate units at The Ocean and The Ocean II are completed and opened for occupancy
- Final plat is recorded for Lincoln Palisades Phase 5
- Ordinance amendments to Title 17 are made to remove obstructions to housing development
- Planning Director Participated in Lincoln County Workforce Housing Funding – Action Plan.
- Planning Director & Ec Dev Director presented on Housing Panel for the North Coast Housing Summit (December)

Summary of Need and Annual Unit Counts:
Lincoln City has been proactive in addressing housing efforts at all parts of the housing continuum. The 2022 Updated Housing Needs Assessment, which addresses land within the Lincoln City Urban Growth Boundary (UGB), says:

- There are a total of 6,735 housing units in Lincoln City as of 2019
- Owner-occupied housing units represent 52% of the occupied housing inventory, while renter-occupied units account for the other 48% of the occupied inventory.
- The need for additional housing units in Lincoln City, over the next 20 years (2022 to 2042) is 1,458 (1,469 with 11 units for Group Quarters).

From 2016 to 2022, structural permits were issued for 786 housing units. 43% of the permits were for single-unit dwellings (detached, attached, or accessory dwelling units). 5% of the permits were for manufactured homes, 3% for duplexes, and 49% for multi-unit dwellings (structures containing three or more dwelling units).

This update notes that 2022 saw a significant increase in the number of issued permits for multi-unit dwellings. These include the following projects that are actively under construction:

- IHI with 107 affordable units at NE 25th and Hwy 101 (City and Urban Renewal Agency provided funding for property acquisition, pre-development work, environmental and archaeological surveys, tax abatement, SDC deferral)

- Wecoma Place with 44 affordable units at NE 29th and Hwy 101 (City provided SDC deferral and tax abatement)

This update notes that two of the issued permits for detached single-unit dwellings were for Habitat for Humanity houses (home ownership for below 80% AMI/MFI) that are under construction, nearing completion for a goal of occupancy by the end of 2023. City provided $75,000 in partnership grant funds toward the project for pre-development/early development work (excavation and foundation).

Budget as Proposed for FY2023-24:

- City Workforce Housing Fund
  - Partnership opportunities with Housing Providers like Habitat for Humanity, Proud Ground, etc. ($100,000 for pre-development or other assistance)
  - Land acquisition ($129,000)
- Economic Development Fund: Continued development partnership funding for housing on public properties in 2018 Development Offering ($350,000)
- Villages at Cascade Head Fund: Continued development partnership funding for housing on city-owned property for Fernwood re-zoning, planning, etc.

Attachments:

Planning Report to DLCD (PDF)
2022 Housing Needs Analysis Update FINAL (PDF)
2022_LCity_HousingResourcesPamphlet (PDF)
Housing Summit Panel (PDF)
Lincoln_County_ActionPlan_20221209 (PDF)

lousing Portal

Permitted & Produced Submission

Year: 2022 City: Lincoln City Submitted Date: 01/06/2023 1/23/2023 8:09:18 am

Permitted Units		Produced Units	
Total Residential Units	**183**	**Total Residential Units**	**63**
Total Single-Family Units	**62**	**Total Single-Family Units**	**63**
Single-Family Detached	48	Single-Family Detached	55
Single-Family Attached	0	Single-Family Attached	0
Duplex (total number of units)	6	Duplex (total number of units)	8
Accessory Dwelling Unit	2	Accessory Dwelling Unit	0
Manufactured Home	6	Manufactured Home	0
Total Multi-Family Units	**121**	**Total Multi-Family Units**	**0**
Triplex (total number of units)	0	Triplex (total number of units)	0
Fourplex (total number of units)	12	Fourplex (total number of units)	0
Building with five or more units (total number of units)	109	Building with five or more units (total number of units)	0
Total Regulated Affordable Residential Units	**153**	**Total Regulated Affordable Residential Units**	**0**
Total Regulated Affordable Single-Family Units	**2**	**Total Regulated Affordable Single-Family Units**	**0**
Single-Family Detached	2	Single-Family Detached	0
Single-Family Attached	0	Single-Family Attached	0
Duplex (total number of units)	0	Duplex (total number of units)	0
Accessory Dwelling Unit	0	Accessory Dwelling Unit	0
Manufactured Home	0	Manufactured Home	0
Total Multi-Family Units	**151**	**Total Multi-Family Units**	**0**
Triplex (total number of units)	0	Triplex (total number of units)	0
Fourplex (total number of units)	0	Fourplex (total number of units)	0
Building with five or more units (total number of units)	151	Building with five or more units (total number of units)	0

Comments

FCS GROUP
Solutions-Oriented Consulting

| Memorandum

To: Anne Marie Skinner, City of Lincoln City **Date:** July 27, 2022
From: Todd Chase & Tim Wood; FCS GROUP
CC: Steve Faust, 3J Consulting
RE Lincoln City Housing Implementation Plan Background Report and HNA Update

INTRODUCTION

Purpose of Housing Implementation Plan

The objective of the Lincoln City Housing Implementation Plan (HIP) is to identify locally preferred strategies the city can implement to foster the development of needed housing in the City of Lincoln City (City). The HIP process will build upon the findings contained in the Lincoln City Housing Needs Analysis, with focus on evaluating and recommending housing development incentives. This evaluation will cover potential legislative, regulatory and policy options for the expansion of housing for households at all income levels. The HIP will also build upon and complement efforts previously undertaken by the City.

CONTENTS

Housing Implementation Plan Purpose….1
Housing Policy Background……..…….2
Housing Needs Analysis Update……..…..5
Policy Tools & Strategies...……....11
Next Steps……...….12

HIP Work Products

The HIP Work Plan tasks include the following:

- This **Lincoln City Housing Background Report** contained in this Memorandum sets the stage for the overall HIP. The background report summarizes findings from the recent housing studies; identifies actions already taken by the City to foster housing production; identifies housing policies the City should consider going forward; and sets forth a set of draft policy evaluation criteria to be used for prioritizing future housing policies.
- **Stakeholder Interviews**. Interviews shall be conducted with housing stakeholders such as developers, affordable housing advocates, real estate brokers and others to confirm housing development barriers and opportunities.
- **City code evaluation and recommendations**. During the HIP process, the City and consultant team will review current city codes and recommend draft code amendments for Lincoln City to consider to help foster housing investment and production.
- **Planning Commission and City Council Presentations**. On July 19th, a meeting was held with the Planning Commission to review the results of the study and refine the policies, tools and strategies. A meeting with the City Council was held on August 22nd as well. Both meetings were open to the public.
- **Final Report**. The HIP findings and recommendations have been compiled into this final report. Final housing policy and strategy recommendations were provided in separate documents.

HOUSING POLICY BACKGROUND

Lincoln City Housing Needs Analysis (2017)

The Lincoln City Housing Needs Analysis (HNA) was adopted in 2017 along with the Economic Opportunity Analysis (EOA).

Key findings contained in the 2017 HNA include:

- As a year-round resort community, Lincoln City has a high level of demand from permanent residents, seasonal residents, and short-term visitors. As the result, the HNA identified a nearly even split within the existing housing inventory from owner-occupied units (1,801), renter-occupied units (1,918), and second homes or short-term rentals (1,834).
- In light of the development pressure generated by seasonal housing demand, the HNA noted high levels of rent burdens which has led to relatively long-distance commutes by workers that reside well outside the City.
- Given these unique market conditions, the HNA included two alternative housing needs forecasts. Scenario A includes a baseline forecast that only addresses demand generated by housing needed to accommodate the PSU population growth forecast. Scenario B includes demand from the baseline scenario A plus the addition of workforce housing needed to address a portion of the gap created by a lack of attainable housing.

  Scenario A Baseline Housing Need: over the next 20 years, this scenario forecasts the overall housing need to increase by 1,484 net new housing units to keep pace with population growth.

  - 798 single-family detached units
  - 160 single family attached units
  - 385 multifamily units
  - 141 mobile home/other units

  Scenario B Baseline plus Workforce Housing Need: over the next 20 years, this scenario forecasts the overall housing need to increase by 1,814 net new housing units to keep pace with population growth and to address a share of the current gap in workforce housing demand.

  - 940 single-family detached units
  - 205 single family attached units
  - 484 multifamily units
  - 185 mobile home/other units

After 2017, the state of Oregon changed its requirements for HNAs, which are now required to comport with the 20-year official population forecast prepared by Portland State University. This change in methodology results in reduction in the growth assumptions and related housing needs for Lincoln City (as reported later in this Memorandum).

While the updated housing needs analysis described later in this Memorandum reflects the amount of housing required to address the latest coordinated population growth forecast for the Lincoln City UGB, the prior Buildable Land Inventory from 2017 concluded that there is an adequate supply of vacant buildable land area within the current UGB to fully address the most robust housing scenario from the 2017 HNA (Scenario B). As such, we recommend that the City continue to plan for Scenario B, (the *Baseline plus Workforce Housing* growth scenario) that anticipates demand from

population growth as well as demand from narrowing the existing gap in workforce housing over the next 20 years.

Lincoln County Workforce Housing Toolkit

The 2009 Lincoln County Workforce Housing Toolkit was a component of a larger effort to address the lack of workforce housing in the County. The report is organized around providing tools to six distinct stakeholder groups. Highlights are detailed below:

Renter Tools

Suggested tools for renters include rental assistance in the form of vouchers from employers or the government as well as units run by nonprofits with controlled rents. Educational resources about renting responsibly are also suggested as well as contact information for housing nonprofits and other community-based organizations.

Homebuyer Tools

Suggested tools for homebuyers included lists of numerous local and national resources for down payment assistance and home purchase loans. Like with renters above, tools also included educational resources for prospective home buyers.

Employer Tools

Tools listed for employers include both employer-assisted housing (in which an employer provides subsidies, loans, or education to employees) and employer-developed housing (in which the employer develops employee housing). Additionally, employers are provided with information with which to advocate for an improved housing policy.

Developer Tools

These tools are focused on the types of housing that developers would most likely consider including attached or multifamily housing types. The findings also identified technical and financial assistance resources for developers.

Local Government Tools

Local government tools include potential changes to development code to allow construction of more affordable housing types. Financial tools are also discussed in the context of lowering development costs including SDC waivers for affordable housing, the use of urban renewal funds, and allowance of property tax abatement for multifamily development.

Community Tools

Community tools include education and advocacy tools and formation of non-profit organizations and volunteer opportunities for community members.

At Home in Lincoln County 2.0

At Home in Lincoln County 2.0 is a revision to the 2007 original with an increased focus on addressing homelessness. Key aspects are described below.

Goals for 2017

- Provide improved emergency response and prevention of homelessness
  - Increased provision of overnight shelters
  - Intervention for unaccompanied minors and foster children aging out of the system
- Provide coordinated outreach

  - Coordination with hospitals, first responders, and court systems to cover gaps in housing coverage
  - Development of new channels of communication between governments to address local housing issues
- Develop Housing Opportunities
  - Identify housing for people who have special needs
  - Investigate the feasibility of non-traditional housing models such as single room occupancy (SROs) and co-housing

Prior 2007 Goals

  - 18 units of permanent supportive housing
  - 6 new emergency and transitional shelter facilities
  - Policy toolkits
  - 4 local government Workforce Housing Funds
  - 5 more policy goals are in progress

Lincoln County Housing Strategy Plan

In 2019, Lincoln County completed a countywide Housing Strategy Plan. The findings of this study are not specific to Lincoln City; however, highlights from the study are listed below:

- Lincoln County population levels are expected to increase by about 15,000 over the next 50 years with virtually all growth to be concentrated in the urban areas, especially Newport and Lincoln City.
- 50% of Lincoln City renters are experiencing rental cost burden (30% or more of household income being spent on housing). For reference, 46% of Newport renters experience cost burden.
- Stakeholders highlighted challenges with developing housing in the County including a lack of available land, low rents leading to a low rate of return on multifamily development, and relatively higher labor and materials costs in Lincoln County.
- Vacation rentals contribute to a lack of housing inventory in the County, especially for communities along the US 101 corridor.
- Several strategies were recommended for Lincoln County including development code amendments, implementation of a construction excise tax (CET), a regional buildable land inventory (BLI), and system development charge (SDC) updates and deferrals.

HOUSING NEEDS ANALYSIS UPDATE

At the request of Lincoln City staff, FCS GROUP has prepared an update to the housing needs projection and related residential land needs. This current 2022 housing needs forecast is consistent with the latest Portland State University (PSU) population growth forecast for the Lincoln City Urban Growth Boundary (UGB).

Population

Lincoln City recorded a record-high population of 8,865 in 2020, up from 7,307 in 2000. In that timeframe, the population growth rate in the City outpaced Lincoln County as a whole. As shown in **Exhibit 1**, Lincoln City's population expanded an average annual growth rate (AGR) of 0.97% between 2000 and 2020. In comparison, Lincoln County's overall growth rate was 0.63%.

Exhibit 1: Population Trends (2000-2021)

	2000	2010	2020	2000-2020 AGR
Lincoln County	44,479	46,135	50,387	0.63%
Lincoln City	7,307	7,935	8,865	0.97%

Sources: Population Research Center, Portland State University July 1 estimates for cities and counties.

Population Growth Forecast

Long-range population forecasts prepared by PSU predict a much slower rate of growth in population for Lincoln County and Lincoln City that what has occurred over the past decade. As indicated in **Exhibit 2**, the forecasted AGR for population growth over the next 20 years is 0.51% for Lincoln County and 0.55% for the Lincoln City UGB. This amount of growth would result in 1,124 year-round permanent residents being added to the Lincoln City Urban Growth Boundary (UGB) over the next 20 years. Based on these forecasts, the Lincoln City UGB would "capture" approximately 22% of the overall increase in Lincoln County population growth over the next 20 years.

Exhibit 2: Population Projections (2022-2042): Lincoln County and Lincoln City UGB

Population Forecasts, Lincoln County and Lincoln City, 2020-2042					
	2020	2022	2042	2022-2042 change	2022-2042 AGR
Lincoln County	48,304	48,793	53,969	5,176	0.51%
Lincoln City UGB	9,671	9,777	10,900	1,124	0.55%
UGB Capture Rate	20%	20%	20%	22%	

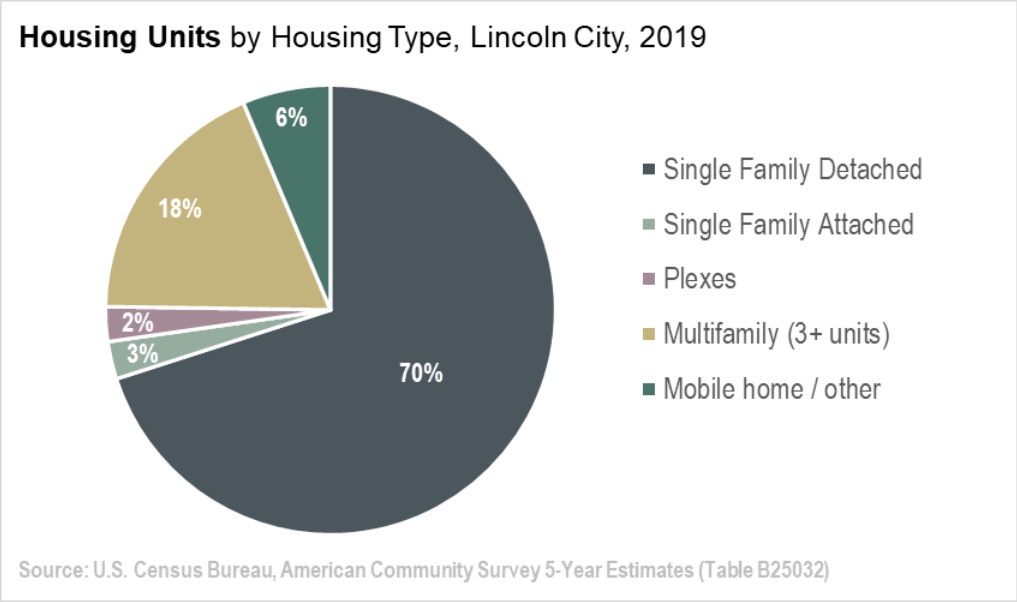
Sources: Population Research Center, Portland State University, June 2021.

Housing Inventory and Tenancy

Current housing inventory and tenancy characteristics shed light on housing demand preferences. In 2019, there were 6,735 housing units in Lincoln City of which 3,975 units were classified as occupied and 2,756 units were classified as for seasonal or occasional use.

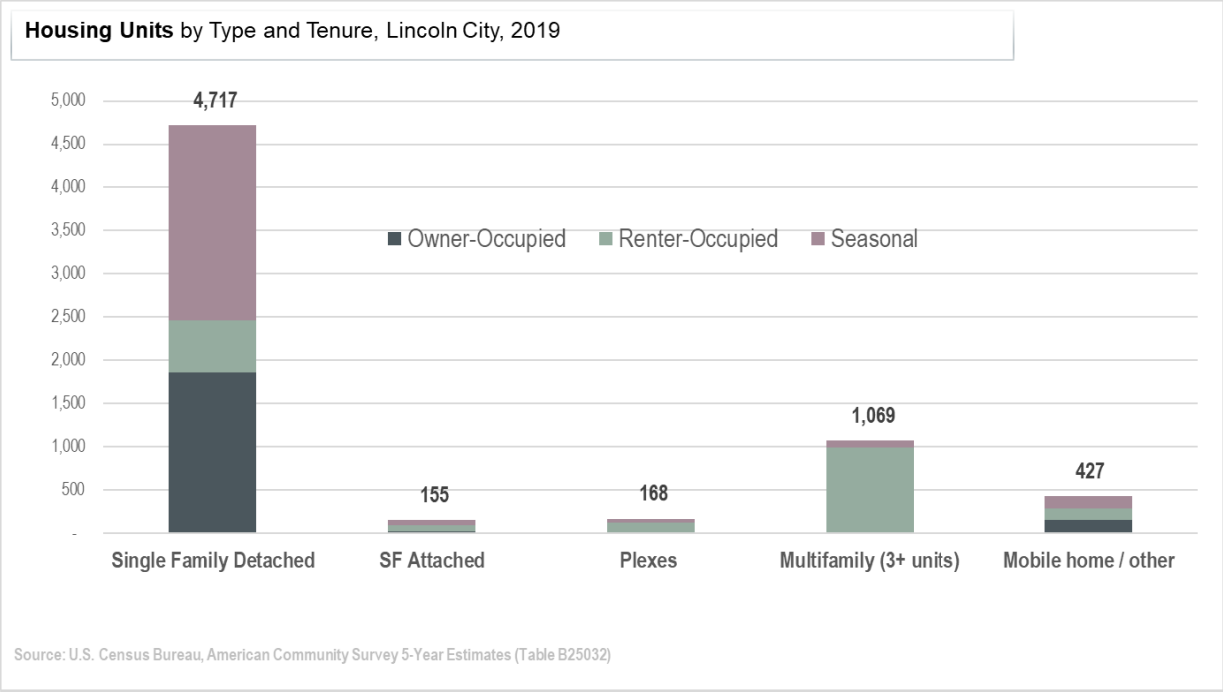
Like most Oregon cities, single-family detached housing is the most prevalent housing type representing 70% of total housing stock in the City. The remaining housing inventory includes multifamily (16%), townhomes and duplexes (8%), and mobile home/other (6%), as shown in **Exhibit 3**.

Exhibit 3: Existing Housing Mix and Tenancy



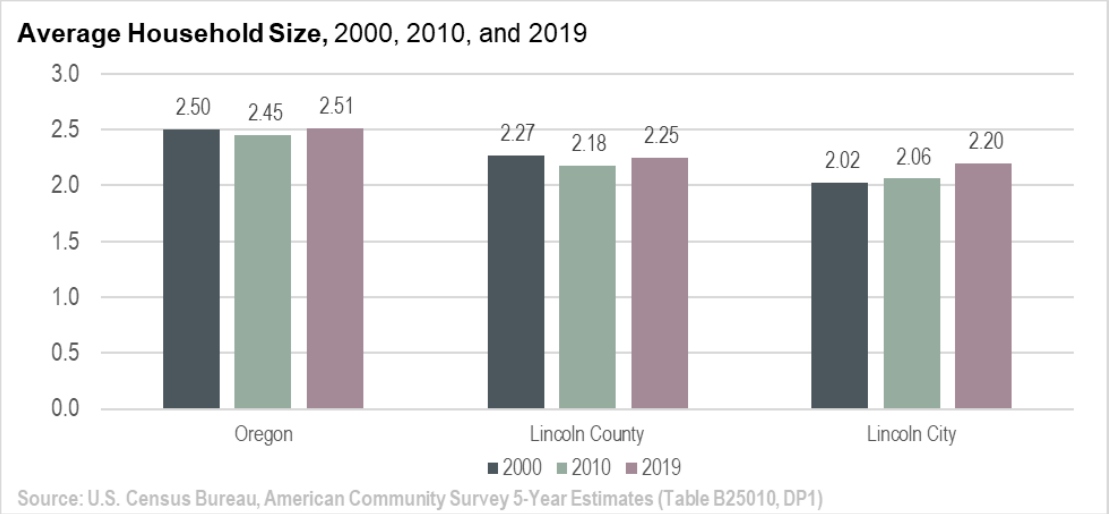
Owner-occupied housing units represent 52% of the occupied housing inventory while renter-occupied units account for the other 48% of the occupied inventory (**Exhibit 4**).

Exhibit 4: Existing Housing Mix: City of Lincoln City



Average household size in Lincoln City is well below County and Oregon state averages, but has increased from 2.02 people per HH in 2000 to 2.2 in 2019 (**Exhibit 5**).

Exhibit 5: Average Household Size: Oregon, Lincoln County, City of Lincoln City, 2000-2019



Housing construction activity has been relatively steady over the past five year in Lincoln City with a total of 452 new housing units permitted between 2016 and 2021. This growth in construction equates to an average of 83.8 dwellings added over the past five years (**Exhibit 6**). The largest demand segment has been single family detached housing followed by multi-family construction. The city is experiencing moderate construction activity for manufactured housing as well as duplexes.

Exhibit 6: New Housing Units Permitted, City of Lincoln City, 2016-2021

Housing Type	2016	2017	2018	2019	2020	2021	Total	Avg. Annual
Single Family Detached	42	49	53	49	43	46	**282**	**56.4**
Townhouse	0	0	0	0	0	2	**2**	**0.4**
Accessory Dwelling	0	3	1	0	1	0	**5**	**1**
Duplex	4	8	4	0	1	2	**19**	**3.8**
Multi-Family (3+)	29	0	30	0	42	10	**111**	**22.2**
Manufactured Home	5	6	3	6	7	6	**33**	**6.6**
Total	**80**	**66**	**91**	**55**	**94**	**66**	**452**	**83.8**

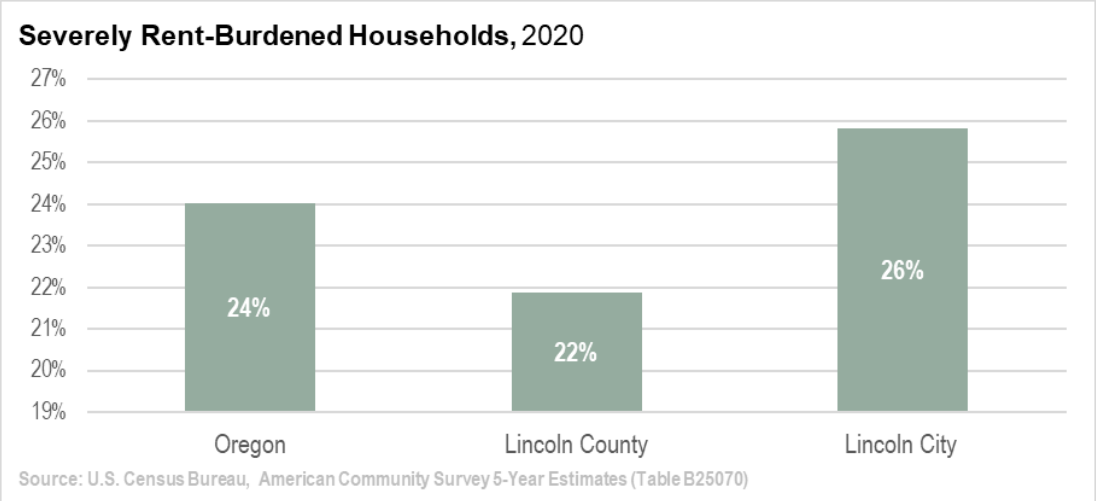
Source: City of Lincoln City.

Housing Cost Burdens

According to the U.S. Housing and Urban Development (HUD), households are considered "cost burdened" if they pay over 30% of their gross income on housing and utilities. Households are "severely cost burdened" if they pay over 50% of their gross income on housing and utilities.

As of 2020, over 1 in 4 renters (26%) in Lincoln City were severely cost burdened by housing expenses alone (**Exhibit 7**). If housing costs continue to rise faster than income levels, the share of severely cost burdened households will continue to increase.

Exhibit 7: Severe Rent Burdened Households, 2020



Houselessness

The level of houselessness has been increasing for several years nationally and is a perplexing issue facing Lincoln County and Lincoln City. A recent study by Corvallis First and SHELTERWARE (June 2020) estimated that there were between 750 and 1,100 individuals confronting houselessness in Lincoln County. Approximately 68% of these individuals have lived in the County for over one year, and only 73 individuals were "sheltered." These estimates appear to be at least three times higher than they were back in 2017. No accurate counts are available for the City of Lincoln City.

Housing Needs Forecast

The Lincoln City housing needs forecast is based on the most recent PSU population projections described earlier. The forecast assumes that the current household size (2.2 people per dwelling) and group quarters allocation (0.6%) remains constant. Group quarters includes residents that live in non-traditional housing situations such as students in dorms or individuals living in congregate care facilities or emergency/transitional shelters. The forecast assumes that the current ratio of seasonal-to-permanent housing also remains constant.

The resulting projected baseline housing need in Lincoln City over the next 20 years equates to approximately 821 housing units. In addition, it is assumed that there will be an additional 11 people living in group quarters by 2042 (see **Exhibit 8**).

Exhibit 8: Lincoln City UGB Housing Needs Forecast: Baseline Scenario A

	2022	2042	Change
Lincoln City UGB Population	9,777	10,900	1,124
Less Group Quarters (0.6%)	95	106	11
Pop in Households	9,681	10,794	1,113
Avg. Household Size	2.20	2.20	2.20
Households (year round)	4,401	4,906	506
Seasonal Housing Assumption	38%	38%	315
Growth-related Housing Demand (dwelling units)	**7,140**	**7,961**	**821**

Source: Previous Tables

Housing Demand by Dwelling Type and Tenancy

Like the previous HNA for Lincoln City, this update includes two housing growth scenarios.

Scenario A: Baseline Growth Forecast

This baseline housing need forecast is generally consistent with the observed mix of housing types in Lincoln City. The baseline housing forecast predicts a range in the demand for housing types to address market preferences. The baseline forecast includes approximately: 548 single-family detached homes; 26 single-family attached townhomes; 24 duplexes; 151 multifamily units (apartments); and 72 manufactured housing units **(Exhibit 9)**. In addition, it is anticipated that there will also be the need to accommodate at least 11 people in some form of group quarters housing (such as single room occupancy units, congregate care, in-patient care, etc.).

Exhibit 9: Projected 20-year Housing Need, Lincoln City UGB: Baseline Scenario A

Housing Type	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Seasonal Units	Total Dwelling Units
Single Family Detached	226	38	283	548
Single Family Attached	6	12	7	26
Plexes	5	13	6	24
Multi family (3+ units)	2	139	9	151
Mfg. homes	11	52	9	72
Total Dwellings	**251**	**254**	**315**	**821**
Group quarters (beds)				**11 +**

U.S. Census, American Community Survey 5-Year Estimates (Tables B25032 and CP04) & previous tables.

Please note that this updated housing need forecast is based on the most current PSU population forecast, which assumes a lower growth rate than was assumed by the previous 2017 HNA.[1]

In contrast to the PSU forecast described above, the 2017 HNA population and housing growth forecast was considered "bottom up" forecast based on post-Great Recession trends in housing starts, population growth, seasonal housing demand and other factors unique to the Lincoln City UGA. The 2017 HNA growth forecast was independently prepared by the City's planning consultants. In 2018, the State of Oregon required all cities in Oregon to utilize PSU population forecasts for updating HNAs.

[1] A more detailed description of the current PSU population forecast methodology is reported *in Coordinated Population Forecast: 2021 through 2071, Lincoln County*, PSU Population Research Center. Weblink.

Scenario B: Baseline + Workforce Housing Forecast

The Scenario B forecast includes the baseline forecast plus a reasonable capture of the "middle housing" demand based on the current lack of attainable housing inside the City for people working in Lincoln City but now having to commute long distances (50 miles or more per day) to their homes. Using the prior adopted 2017 HNA methodology, Scenario B assumes an additional amount of housing demand for 635 dwellings to account for a share of the existing unmet housing needs. When combined with the baseline housing forecast, the total housing demand with Scenario B equates to 1,458 dwelling units (**Exhibit 10**).

Exhibit 10: Projected 20-year Housing Need, Lincoln City UGB: Scenario B

	2016	Estimate 2022	Forecast 2042	Proj. Change 2022-42
Existing Workforce In-commuters	1,753	5,611		
Avg. Household Size	2.20	2.20		
Housing Unit Demand	797	2,550		
City Capture Rate Policy Goal*		------->	**25%**	
Existing Unmet Workforce Housing Demand		------->	638	**638**
Baseline Scenario: Resident Housing Units	3,853	4,401	4,906	**506**
Baseline Scenario: Seasonal & Short-term Units	2,177	2,739	3,054	**315**
Total Housing Units	6,030	7,140	7,961	**1,458**

* Represents city policy aimed at capturing share of workforce in-commuters that currently travel over 25 miles (each way) into Lincoln City.

Source: U.S. Census, On The Map. FCS GROUP.

Exhibit 11 reflects the 20-year housing growth forecast under Scenario B.

Exhibit 11: Projected 20-year Housing Need, Lincoln City UGB: Scenario B

Scenario B	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Seasonal Units	Total Dwelling Units
Housing Tenure Distribution:	**447**	**696**	**315**	**1,458**
	30.6%	**47.8%**	**21.6%**	**100.0%**
Housing Type Distribution				
Single Family Detached	402	104	283	790
Single Family Attached	11	33	7	51
Plexes	9	36	6	51
Multi family (3+ units)	4	381	9	395
Mfg. homes	20	141	9	171
Total Housing Units	**447**	**696**	**315**	**1,458**
Group quarters (beds)				**11 +**

* Represents city policy aimed at capturing share of workforce in-commuters that currently travel over 25

Source: prior tables and stated assumptions.

Reconciliation of Housing Supply and Demand

The projected buildable land area that is needed to accommodate housing growth in the Lincoln City UGB is shown in **Exhibit 12**. This analysis indicates that 112.4 acres (net buildable land area) are needed under Scenario A and 181.4 acres are needed under Scenario B. The acreage and density assumptions represent net land requirements and do not reflect additional land associated with potentially environmentally constrained unbuildable portions of development sites (such as wetlands or floodways).

It is also recommended that the City assume some additional land area that would be needed for roads and other public facilities. This would typically increase the net acre requirements by 15% to 18%.

The Buildable Land Inventory for the Lincoln City (2022 update by City planning staff) has concluded that there is an adequate supply of vacant buildable land area within the current UGB to fully address the most robust housing scenario (Scenario B). However, during the policy review process it is recommended that the City evaluate optimal locations for addressing both housing and employment land needs within the UGB. This could include and evaluation of potential rezoning of areas to ensure that the most cost effective sites are provided for housing and employment growth.

Exhibit 12: Projected 20-year Housing Land Need, Lincoln City UGB (buildable acres)

Housing Type	Scenario A: Housing Forecast (units)	Scenario B: Housing Forecast (units)	Avg. Density (units per acre)	Scenario A: Land Need (acres)	Scenario B: Land Need (acres)
Single Family Detached	548	790	6	91.3	131.7
Single Family Attached	26	51	8	3.2	6.4
Plexes	24	51	14	1.7	3.6
Multi family (3+ units)	151	395	18	8.4	21.9
Mfg. homes	72	171	10	7.2	17.1
Subtotal	**821**	**1,458**		**111.8**	**180.8**
Group quarters Demand	11 +	11 +	18	0.6	0.6
Total	**832**	**1,469**		**112.4**	**181.4**

Source: prior tables and stated assumptions.

HOUSING TOOLS AND STRATEGIES

As a part of the HIP planning process, the City will evaluate a range of potential housing policies and actions. A preliminary list of "best practice" strategies that have been utilized throughout Oregon are provided in **Appendix A**. This draft list of strategies shall be reviewed and refined as part of this HNA update.

As the city reviews its past accomplishments and actions with regard to housing strategies, it is recommended that a set of objective criteria be used to evaluate and compare each policy. An example of housing policy evaluation criteria is provided in **Appendix B**.

NEXT STEPS

Input provided during the planning process shall be utilized to evaluate these and other potential housing action plan policies.

Appendix A: Potential Housing Policy Options

Policy Option	Description
1. Land Use Policies and Regulations, Examination of Current Development Code Options.	Future Comprehensive Plan revisions to Housing and Land Use element policies and implementation directives that reflect the updated Housing Needs Assessment and community input.
2.Minimum density requirement	Minimum density standard in any residential zone.
3.Inclusionary zoning	Deed restrictions on bonus units for a specified amount of time to assure affordability.
4.Housing types	Limitation of single-family homes in the medium density residential district to a certain percentage of the total land area specified for medium family residential use.
5.Lot size reduction	Lot size reduction for new lots in residential areas.
6.Reduced setbacks	Revisit the lot line setbacks for residentially zoned property to refine as needed.
7.Parking requirements	Modification of parking requirements for certain housing types.
8.Middle income zoning	Middle Housing (triplexes and quadplexes) in single-family low-density residential zoning districts with design standards for compatibility with single family homes.
9.Current non-conforming Housing Limitations	Examine zoning limitations on existing non-conforming housing uses.
10.Non-Profit/ For Profit partnerships with the City	Working with non-profit or for-profit developers to identify and develop housing opportunities in partnerships with the City. A successful example is the City's policy to collaborate with the development community to make City land available for housing. Another alternative could be making City property available on a long-term ground lease to enable development of manufactured home housing with ground ownerships by the City.
11.Exploration of Establishment of Vacant Property Program registration	Explore establishment of a City vacant property registration program to engage a community partner such as a non-profit housing corporation to follow up with property owners for housing rehabilitation or purchase.
12.Naturally occurring affordable housing opportunity program analysis	A program in partnership with a housing nonprofit to acquire naturally-occurring affordable housing such as foreclosures.
13.Limited Tax Abatement	Exploration of the opportunities offered in statute including tax exemption for low income housing developments and single unit housing in distressed areas as well as property tax freezes.
14.Up zoning	Identify appropriate locations for "up-zoning" to create a high-density residential area to meet multifamily land needs. Use areas that were previously zoned for high density residential but are now medium density.

Policy Option	Description
15.Displacement minimization	Preventing displacement and preserving "naturally occurring" affordable housing through acquisition, low-interest loans/revolving loan fund for preservation, and/or code enforcement.
16.Increased Housing Funding	Create affordable housing fund with construction excise tax and/or partial dedication of city transient room tax Consider other options to increase owner-occupied affordable housing such as general obligation bonds for affordable housing, a construction excise tax, and inclusionary housing requirements as specified in ORS 197.309.

Appendix B: Criteria for Evaluating Policy Strategies

An important part of setting policy direction includes criteria for evaluating the effectiveness of a given policy. Below are potential evaluation criteria that community members can consider to further refine which local policies are most appropriate. Each potential policy or incentive (action) should be evaluated for potential to produce targeted affordable and middle housing using a scoring system ranging from 0 (no impact), 1 (little impact), 2 (medium impact) and 3 (high impact). Potential evaluation criteria include:

Evaluation Criteria	Score
Political feasibility: Odds of support from City Council.	**1 to 3**
Public Opportunity Cost: Assessing measurement of policy costs such as foregone property tax income or staff time requirements, against estimated additional low or middle-income housing units added.	**1 to 3**
Compatibility with the targeted housing numbers and types: Options for new and / or revised policies and regulations and whether each can be used to quantify low/middle income housing development opportunities.	**1 to 3**
Compatibility with other City Policies: Assessing if/how policy is compatible with other existing city policies to avoid conflict with other city objectives.	**1 to 3**
Development Feasibility: The ability for a policy or development incentive to enhance overall project feasibility improves the chance that a developer will be willing to risk private equity and leverage debt required to construct and sustain new investment.	**1 to 3**

The following affordable housing apartment complexes are under construction in Lincoln City:

NE 25th St and Hwy 101
Innovative Housing

Phone: 360-635-1216
Email: jgarver@innovativehousinginc.com
Web: www.innovativehousinginc.com

Wecoma Place at NE 29th and Hwy 101
Stewardship.net

Phone: 617-512-3321
Email: becky@stewardship.net
Web: www.stewardshipdevelopment.net

HOUSING RESOURCES

A list of resource organizations and projects addressing affordable housing/ houselessness in the Lincoln City area.



December 2022
For information about this list contact the City of Lincoln City Planning Department
801 SW Highway 101
541-996-1232

Houselessness is simply lacking a place to live. We use the term "houseless" because we have learned that is the term most of this particular population chooses to use. We choose to listen to their preference and make the conscious effort to empower these individuals in any way we can, which sometimes means adjusting our word choice.

211info

Helping people identify, navigate, and connect with the local resources they need.
Phone: 211
Email: help@211info.org
Web: www.211info.org

Housing Authority of Lincoln County

Providing affordable housing options throughout Lincoln County.
Address: 1039 NW Nye St, Newport, OR
Phone: 541-265-5326
Email: info@halc.info
Web: www.halc.info/

Contact People:
Robyn Cole, Housing Program Manager (ext 315)
Eva Gonzalez, Family Center Coordinator (ext 316)

Home Share Oregon

Connecting homeowners who have a spare bedroom to rent and those in need of affordable housing.
Phone: 503-515-2397
Email: info@homeshareoregon.org
Web: www.homeshareoregon.org

Oregon Housing and Community Services

Providing resources to reduce poverty and increase access to stable housing.
Phone: 503-986-2000
Email: HCS_Housing.Info@hcs.oregon.gov
Web: **www.oregon.gov/OHCS**

Northwest Coastal Housing

Providing affordable, safe, decent, and stable housing with compassion and integrity.
Phone: 541-574-0320
Email: nwcoastalhousing@gmail.com
Web: www.nwcoastalhousing.org

Proud Ground

Helping homeowners purchase affordable homes through the largest Community Land Trust in the Pacific Northwest.
Phone: 503-493-0293
Email: info@proudground.org
Web: www.proudground.org

Helping Hands Reentry

Serving homeless men, women, & children who are ready to make sustainable changes to improve their lives.
Phone: 541-574-0320
Email: contact_us@helpinghandsreentry.org
Web: www.helpinghandsreentry.org

From: Alison Robertson
To: Anne Marie Skinner
Subject: Housing update - something to mention
Date: Monday, February 6, 2023 3:37:23 PM
Attachments: image001.png

We presented as a Local Government Panel at Seaside:

Government partners hold North Coast Housing Summit

OHCS staff appreciate the opportunity provided at the North Coast Housing Summit in Seaside on Dec. 6 to connect with a variety of federal, state, county, and other local leaders, as well as private developers. The purpose of the summit was to highlight housing challenges and opportunities specific to North Coast communities including land use and financing.

The Department of Land Conservation and Development (DLCD) presented updates on the Oregon Housing Needs Analysis. OHCS Housing Integrator Kim Travis also gave a high-level overview of different programs and funding sources OHCS offers for developers in rural communities, along with successful recent projects in the North Coast region as part of the 3,600 units funded to surpass the Statewide Housing Plan Rural Priority goal.

A developer panel showcased a variety of different types of projects to meet local needs in Clatsop, Tillamook, Lincoln, and Columbia counties. Given the positive response to the summit, OHCS hopes to participate in more summits throughout the state.

Alison Robertson, AICP, LEED AP
DIRECTOR

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Lincoln County Workforce Housing Funding

Action Plan

December 2022

Prepared for: Lincoln County

Final Report

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Acknowledgments

This action plan was written for and with Lincoln County by ECONorthwest and Logan Simpson with helpful contributions from numerous people. We are sincerely appreciative of interview participants who were willing to share their experiences and expertise with the project team. We sincerely appreciate the continued and ongoing dedication of the Lincoln County Workforce Housing Recovery Team.

The Environmental Protection Agency and Federal Emergency Management Administration provided funding and allowed for the facilitation of the Lincoln County Workforce Housing Recovery Team and development of this action plan.

Lincoln County Workforce Housing Recovery Team

In alphabetical order

- Amanda Fox, OEM
- Onno Husing, Lincoln County
- Kaety Jacobson, Lincoln County Board of Commissioners
- Thomas Kemper, OHCS Consultant
- Lynda Lowe, FEMA
- Krista Mendelman, EPA
- Casey Miller, Lincoln County
- Elizabeth Otto, FEMA
- Garrett Reeves, OEM
- Karen Rockwell, Housing Authority of Lincoln County
- Anne Marie Skinner, City of Lincoln City
- Sheila Stiley, NW Coastal Housing
- Derrick Tokos, City of Newport
- Jaime White, City of Waldport
- Bruce Wood, OHCS Consultant

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Executive Summary

In September 2020, the Echo Mountain Complex fire destroyed 288 homes in rural Lincoln County. The residences were primarily manufactured homes on rural lots and represented a portion of the County's workforce housing stock. This study presents an action plan for funding and production of workforce housing (defined as housing affordable to households with 80% to 120% of median income).

The primary goal of this project was to develop an action plan describing how workforce housing can be rapidly financed and constructed in Lincoln County. The project had three related objectives:

1. Identifying financial barriers to completing workforce housing projects,
2. Inventorying public, private, and philanthropic funding for workforce housing; and
3. Assessing financing options and strategies, and practical approaches to coordination between public and private sector entities, and the best ways to address on-going supply chain, materials and labor cost challenges associated with the construction of workforce housing.

Key Findings

The overarching finding of the research is that very few federal and state funding sources are available for workforce housing. The implication of this finding is that local governments will have to step up and shoulder the burden for any meaningful progress to be made in developing workforce housing in Lincoln County.

The consulting team conducted a detailed review of where programmatic investments might incentivize development. Our research suggests the communities that have been successful have generated local funding sources. Identifying local funding sources can be extremely challenging as funding for workforce housing is one of many priorities that local governments work to balance. It also requires political support which can also be challenging given the level of need for affordable units. The core areas where local governments can influence or subsidize development costs are land, infrastructure, and public policy (primarily land use regulations and zoning).

These findings are consistent with a recent University of Oregon study that looked at barriers to housing development in Oregon. The study concluded a combination of complex factors that vary by region and municipality. The study confirms that land, infrastructure, and public policy are the key areas where local governments can influence development costs.[1]

[1] IPRE. (2022). (rep.). Barriers to Housing Production. Retrieved from https://www.oregon.gov/lcd/UP/Documents/Appx_F_UO_IPRE_Barriers_Housing_Production.pdf.

Several themes emerged in the consulting teams research identifying local barriers to building workforce housing:

Land

- Funding, topography and jurisdiction flexibility are key issues to development across all income affordability
- Cost of land and infrastructure is a barrier
- Suitable, serviceable sites is a persistent challenge
- County could assist with vacant and serviceable land preservation or direction for affordable or other developers

Construction

- Costs of labor, material, transport & supply availability,
- Contractors familiar with the geography are hard to come by

Other

- Processing time & regulatory burden
- Developed housing units tending to be too expensive
- Waitlists fill quickly
- Higher income households competing with lower income households for lower cost housing
- External factors such as increasing rates are meaning developers across affordability are looking to fill gaps or are unable to build

Through the iterative process of research, interviews and convening of the Workforce Housing Recovery team, four pillars and 13 actions were identified for Lincoln County to make progress toward meeting the workforce housing needs of the community. These pillars are:

- **Develop and Pursue Funding.** As limited funding is available for market rate housing development, Lincoln County and its partners will need to creatively leverage existing and new funding sources to meet the housing needs of its workforce.
- **Increase suitable land availability.** Local developers and planning staff have indicated that the land available for housing development requires prohibitive improvements or is inaccessible. Action is needed to increase the suitability of land available.
- **Improve Processes**. Local developers and planning staff have indicated that planning and permitting processes can add prohibitive costs to development and action is needed to better understand and improve these processes.
- **Collaborate Regionally**. Regional collaboration among private and public entities in Lincoln County is necessary for ensuring the success of any significant progress.

Exhibit 1. Summary of Actions

Pillar Actions	Lead	Potential Impact	Administrative Complexity	Time Frame
Develop and Pursue Funding				
Explore implementing a Construction Excise Tax	County	Small to Large	Medium	Long term
Explore Developing a Regional Housing Trust Fund	Workforce Recovery Team, County or Affordable Housing Work Group	Small to Large	High	Long term
Build planning and grant writing capacity and work with partners to fund rural housing	County and nonprofit partners	Small to Large	Low to Medium	Ongoing
Connect housing implementation to infrastructure and other community priorities	Cities/County	Small to Large	Medium	Ongoing
Increase Land Suitability				
Re-designate/rezone land for housing	Lincoln County Planning & Development	Moderate	Medium	18 months
Land Banking, Parcel Assembly, and Land Disposition	Lincoln County Assessor's Office	Moderate to Large	High	Up to 20 years
Consider Urban Growth Boundary (UGB) Land Swap Initiatives	Cities	Moderate to Large	Medium	18 months
Develop an Opportunity Site database for Lincoln County Communities	Lincoln County Planning & Assessor's Office GIS Division	Moderate	Medium	Short term - Ongoing
Improve Processes				
County Community Development Process improvement plan	Lincoln County Planning & Development	Small to large	Medium	6 months
Expedite and Fast-Track Planning and Building Permit Review	County, Cities	Small to large	Medium	Variable
Consider offering tax abatements	County, Cities	Moderate to Large	Medium	Long term
Other regulatory actions	County, Cities	Small to large	Medium	Ongoing
Collaborate Regionally				
Continue to develop partnerships for production of housing	County/Cities/ Workforce Housing Recovery Team	Small to Large	Low	Ongoing
Work with partners to identify innovative ways to produce housing in rural areas	County	Small to Large	Low	Ongoing

1. Introduction

In September 2020, the Echo Mountain Complex fire destroyed 288 homes in rural Lincoln County. The residences were primarily manufactured homes on rural lots and represented a portion of the County's workforce housing stock. This study presents an action plan for funding and production of workforce housing (defined as housing affordable to households with 80% to 120% of median income).

The devastating wildfires ignited in Western Oregon, spurred by unusually high wind speeds and fuel loads, burned more than 1 million acres burned in diverse parts of the state, forcing tens of thousands of people to evacuate. Statewide, almost 4,200 homes burned; of the 4,200 homes burned, fully half were manufactured homes (MHs).

In Lincoln County, the 2,500-acre Echo Mountain Fire destroyed half of the town of Otis's 1,241 structures, with 288 homes and 339 structures lost. More than 1,200 people were left homeless.[2] The units destroyed were largely workforce housing, either owner occupied or long-term rentals. This event took a significant portion of the county's already strapped workforce housing inventory.

Lincoln County was aware of its affordable housing crisis long before the fires of 2020. In October 2007 the County launched "At Home in Lincoln County," a comprehensive plan to address both homelessness and housing affordability. The plan was an outgrowth of a county-wide summit held in October 2005. In 2009, the county released the *Workforce Housing Toolkit* a document that outlined resources to support workforce housing. In June 2019, Lincoln County created a Lincoln County Housing Strategy Plan. This plan outlined the severe housing challenges in Lincoln County and convened key stakeholders to generate creative solutions. The study concluded that workforce incomes have not kept pace with the price of housing.

Then came the Echo Mountain Complex Fire which exacerbated the pre-existing crisis. While the 2020 fire brought resources to the county the resources were insufficient to fully address workforce housing issues (nor were they intended to).

In August 2021, the Environmental Protection Agency (EPA) Region 10 and Federal Emergency Management Administration (FEMA) finalized an Interagency Reimbursable Work Agreement (IRWA) from FEMA to EPA to access the technical assistance available under the EPA Office of Community Revitalization (ORC) Disaster Resilience Blanket Purchase Agreement to support recovery following the Oregon Disaster Declaration FEMA 4562 DR which runs from August 16, 2021 – February 15, 2023. The Call Order supports efforts for "Research and Pilots for New Disaster Resilience Tools." The Order included three tasks, including one for Lincoln County:

> *Task 3 will provide technical assistance to Lincoln County to evaluate critically needed workforce housing options for the county. The request for technical assistance seeks to work directly on issues pertaining to recovery from the 2,500-acre Echo Mountain Fire*

[2] https://www.co.lincoln.or.us/emergencymanagement/page/long-term-recovery-group-ltrg-voadcoad

which destroyed half of the town of Otis's 1,241 structures, with 288 homes and 339 structures lost. These homes where largely workforce housing.

The primary goal of Task 3 (this project) was to develop an action plan describing how workforce housing can be rapidly financed and constructed in Lincoln County. The project has three related objectives:

1. Identifying financial barriers to completing workforce housing projects
2. Inventorying public, private, and philanthropic funding for workforce housing; and
3. Assessing financing options and strategies, and practical approaches to coordination between public and private sector entities, and the best ways to address on-going supply chain, materials and labor cost challenges associated with the construction of workforce housing.

This report is the final deliverable under Task 3 of the EPA/FEMA Call Order.

Process

The consulting team, led by ECONorthwest and supported by Logan-Simpson used a multi-pronged approach to develop an action plan. The team worked to answer three primary questions:

1. What funding programs exist that are available to support workforce housing projects in Lincoln County?
2. What are the options for financing workforce housing in Lincoln County?
3. What are the home ownership opportunities?

We used the following process to address the project goals, objectives and questions.

- **Workforce Housing Recovery Team:** With assistance from a Workforce Housing Recovery team (including County agencies, i.e.- Housing Authority, Affordable Housing Group, Planning and Development Department, public housing corporations, philanthropic organizations, and representatives of the local development industry.
- **Literature review and Market Analysis:** A review relevant Lincoln County, city and statewide materials to understand the challenges of, barriers to, and knowledge gaps around the issues of affordable housing for the county's workforce including the impacts of the 2020 wildfires and how they impacted workforce housing. Current housing market data specific to Lincoln County was incorporated.
- **Key person interviews:** key stakeholders were interviewed to address and incorporate local considerations of barriers (i.e., financial, regulatory, etc.).
- **Land Suitability Analysis:** Logan Simpson provided an evaluation of zoning, utilities availability and topography to confirm the location of buildable Lincoln County housing sites consistent with adopted comprehensive plans.

2. Workforce Housing Funding Evaluation

The reason that an inadequate number of workforce housing units are being built is that the market does not support their development. In short, projects don't "pencil," or more specifically the costs of developing do not generate the required return on investment to make development attractive. The core objective of this project is to identify potential funding sources for workforce housing. To better understand where funding gaps exist, the consulting team analyzed how workforce housing is funded with a focus on areas where cost reductions or funding support might incentivize development.

How is workforce housing construction funded?

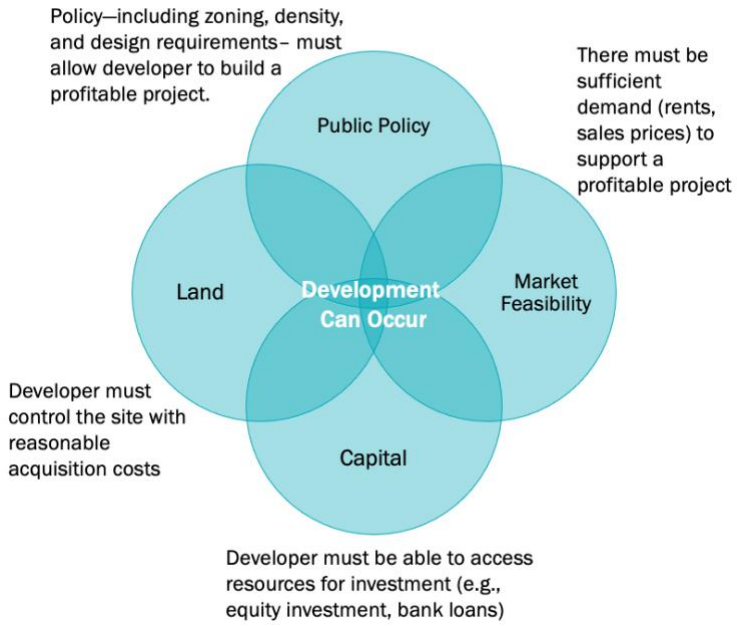
Funding is needed for staff time to implement the County's plans but also to build units, preserve housing, support infrastructure development, and support redevelopment. Identifying realistic funding sources will be necessary for increasing access to housing in Lincoln County.

Our inventory of external funding programs that are available for workforce housing shows that few exist. (see Appendix C. Funding Sources and Other Strategies and the next section "What funding programs exist that are available to support workforce housing projects in Lincoln County?"). The consulting team identified numerous programs targeting affordable housing (housing affordable to households with less than 80% of the median). With limited external funding sources, communities are left to their own devices to develop funding streams for workforce housing. Our research suggests the communities that have been successful have generated local funding sources. Identifying local funding sources can be extremely challenging as funding for workforce housing is one of many priorities that local governments work to balance. It also requires political support which can also be challenging given the level of need for affordable units.

In part because of the limited public funding available to support income-restricted housing, supporting and leveraging the private market's ability to deliver market-rate development at the broadest possible range of price-points is critical to increase the supply of housing more broadly. The graphic in Exhibit 2 illustrates how four factors must intersect so that development can occur, and where the County has most influence.

Lincoln County does not control all of these factors entirely. Public policy at the local level is shaped through state policy. Land is generally controlled by the individual land-owners and development of infrastructure necessary to make land development can be prohibitively expensive.

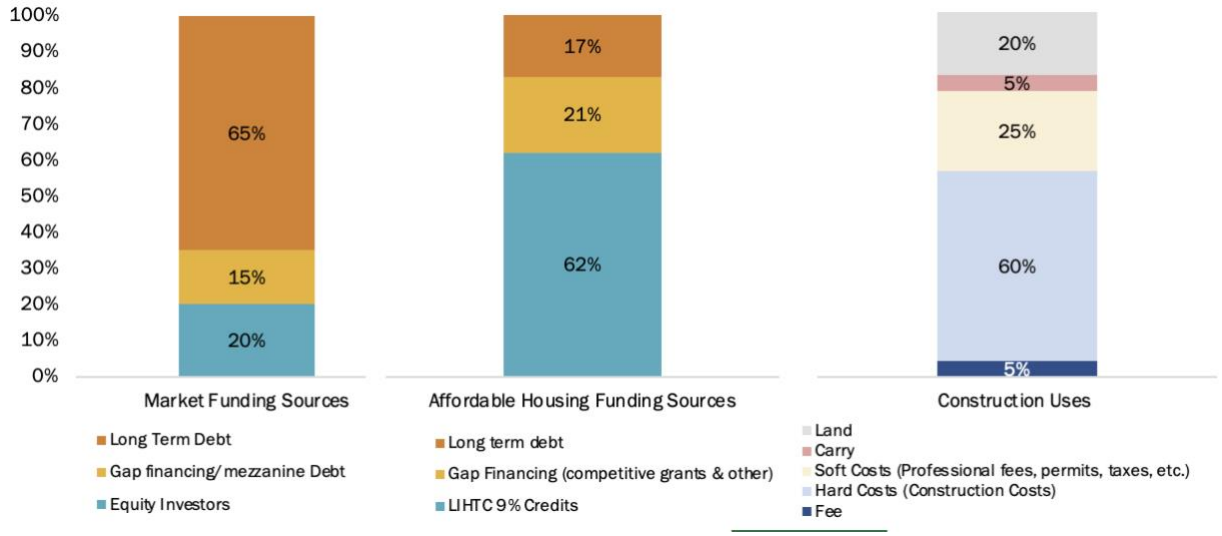
Exhibit 2. Four Necessary Factors that Allow Development of New Market-Rate Housing
Source: ECONorthwest



Market feasibility is largely affected by market forces, such as construction costs and achievable rents. Access to capital is largely controlled by investors and banks. However, the County can directly influence public policy (through its development code) and availability of land (through zoning, density, planning for new land needed for housing, redevelopment, government owned surplus land, acquisitions, and infrastructure planning). The County can also have a limited influence on market feasibility (through policies that reduce costs like tax abatements or waiving fees).

As shown in Exhibit 3, market rate developments tend to depend on long term debt, rather than gap financing or other subsidies and tax credits. Because of this, the feasibility of developing market rate housing in the current market requires creative thinking and identifying alternative ways to lower the cost of development to increase the availability of workforce housing.

Exhibit 3. Market Rate To Affordable Capital Stacks Comparison and construction uses
Source: ECONorthwest, REACH CDC's Orchards at Orenco Station Apartments (completed in 2015), Stockton, ULI Terwilliger Center for Housing, ECONorthwest, MapCraft.io, The Economics of Inclusionary Development. Washington, DC: Urban Land Institute, 2016.



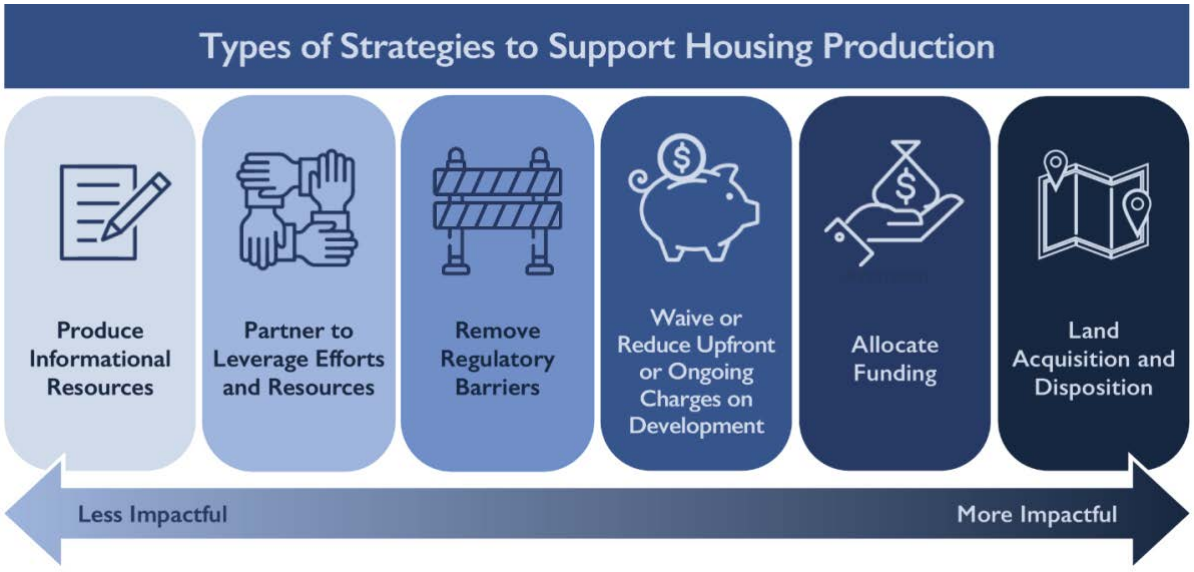
What programs exist that are available to support workforce housing projects in Lincoln County?

This section provides a summary of a range of potential funding sources to support residential development as well as potential housing policy options for the County and its partners to consider as it addresses its workforce housing needs. These policy options are commonly used by municipalities in Oregon and other states.

While the workforce is made up of individuals who earn at all ranges of the income spectrum in Lincoln County, for the purpose of this project, **Workforce Housing is defined as housing affordable to those who have incomes between 80% and 120% of Lincoln County's MFI or income between $51,040 to $76,560**. Housing policies can interact in complex ways—in some instances they may be mutually reinforcing and lead to impacts bigger than the individual policies; in others they may serve different purposes and decrease the scale of impact. Because there is not a proposed policy package, we do not attempt to evaluate interactions among policies or funding strategies here.

Because the market is often expected to be able to provide for housing affordable to those in the 80% to 120% range, external funding sources are primarily focused on housing under 80%. These factors all suggest that the County should consider a wide range of actions. Exhibit 4 shows the range of strategies, characterizing some strategies as more impactful and some as less impactful. Impactful strategies are those that provide funding or direct resources to support housing development (like land acquisition and disposition). While removing regulatory barriers and partnerships are shown as less impactful strategies, they are often necessary (but not sufficient on their own) to support housing development.

Exhibit 4. Types of Strategies to Support Housing Production
Source: ECONorthwest



Through the research conducted by the consultant team, paired with the experiences of the Workforce Housing Recovery Team and the stakeholders interviewed, it has become Below is a list of strategies under consideration - described in more detail in Appendix C.

Exhibit 5. Strategies to Support Housing Production in Lincoln County

Workforce Housing Development Funding Strategies	Affordable Housing Funding Strategies	Other Strategies for Aiding in Development of Workforce Housing
These focus on ways to pay for the costs of implementing the housing programs and infrastructure development.	These target affordable housing development. These are not directly applicable to workforce housing.	These focus on ways the County; Cities can lower development or operational costs to increase affordability and available stock.
• Construction Excise Tax (CET) • Local Improvement District (LID) • Urban Renewal / Tax Increment Finance (TIF) • Multifamily Housing Loan Guarantees • Rural Housing Site Loans • Oregon Housing and Community Services Programs • Oregon Community Foundation/Oregon Community Rebuilding Fund • Ford Family Foundation	• Multi-Unit Property Tax Exemption / Multiple-Unit Limited Tax Exemption Program (MUPTE) • Multifamily Housing Direct Loans • Multi-Family Housing Non-Profit Transfer Technical Assistance Grants • Nonprofit Corporation Low Income Housing Tax Exemption and Low-Income Rental Housing Tax Exemption • Vertical Housing Tax Abatement • Oregon Housing and Community Services Programs • Homebuyer Opportunity Limited Tax Exemption (HOLTE) • Foundation Partnerships: o Meyer Memorial Trust o Weyerhaeuser Giving Fund o Roundhouse Foundation	• Expand Land Banking, Parcel assembly, and Public Land Disposition Efforts (required by HB 2918)[3][4] • Public Private Partnerships (P3 • Increasing Housing Types and Regulatory Changes for Workforce Housing Development *(full list included in the following section)*

[3] https://www.oregon.gov/lcd/UP/Pages/Reporting.aspx
[4] https://tools.oregonexplorer.info/OE_HtmlViewer/index.html?viewer=surplus_lands

3. Workforce Housing Funding Action Plan

With assistance from County leadership and the Workforce Housing Recovery team this plan has identified actions that the County and partners can take that will maximize partnership opportunities and encourage practical strategies that can lead to workforce housing construction. Where possible, it includes a sequence of implementation steps customized to Lincoln County's circumstances.

This action plan is also considered a complement to the strategies outline in the 2019 Lincoln County Housing Strategy Plan. Local governments in Lincoln County have implemented some of the recommendations from the 2019 Plan. For example, Lincoln County and the City of Newport have adopted Property Tax Exemptions and Abatements for Affordable and Low-Income Housing for the Newport Urban Growth Boundary (including the City proper) as described below. In addition, Lincoln County and the City of Newport have adopted the provisions of ORS 307.540 through 307.548 Nonprofit Low-Income Housing, and the County, with other taxing entities has provided property tax exemptions in the past for several projects in Lincoln County. Other strategies which should still be under consideration include:

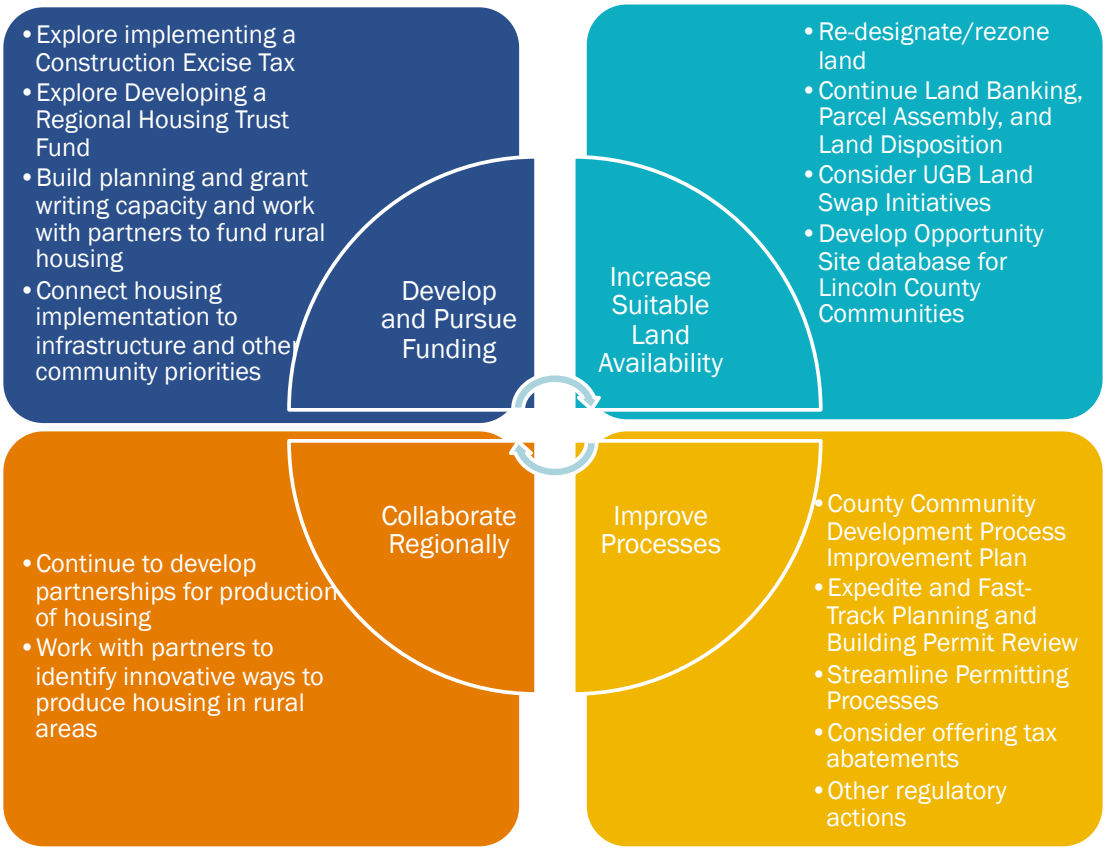
- Comprehensive plan amendments
- Home rehabilitation loan/grant program
- Construction Excise Tax
- Transient lodging tax reallocation
- SDC deferrals or updates
- Tax abatements or exemptions
- Regional buildable land inventory
- Staff allocation to regional housing programs
- Tiny homes, recreational vehicles and similar housing types
- Accessory dwelling units
- Urban growth management agreements

Pillars of the Workforce Housing Funding Action Plan

Through the iterative process of research, interviews and convening of the Workforce Housing Recovery team, four pillars and 13 actions were identified for Lincoln County to make progress toward meeting the workforce housing needs of the community. These pillars are:

- **Develop and Pursue Funding.** As limited funding is available for market rate housing development, Lincoln County and its partners will need to creatively leverage existing and new funding sources to meet the housing needs of its workforce.
- **Increase suitable land availability.** Local developers and planning staff have indicated that the land available for housing development requires prohibitive improvements or is inaccessible. Action is needed to increase the suitability of land available.
- **Improve Processes**. Local developers and planning staff have indicated that planning and permitting processes can add prohibitive costs to development and action is needed to better understand and improve these processes.
- **Collaborate Regionally**. Regional collaboration among private and public entities in Lincoln County is necessary for ensuring the success of any significant progress.

Exhibit 6. Summary of Actions and Pillars



Pillar 1. Develop and Pursue Funding

Action A. Explore implementing a County Construction Excise Tax	
Rationale	Lead
CET is one of few options to generate additional locally-controlled funding for affordable and workforce housing.	County
Description	
Evaluate a County Construction Excise Tax (CET), a tax assessed on new development and expansions as a percent of the permit value. In 2016, the Oregon Legislature passed Senate Bill 1533 which permits cities to adopt a construction excise tax (CET) on the value of new construction projects to raise funds for affordable housing projects. CETs may be residential only, commercial only, or residential and commercial. CETs may be assessed on residential development, commercial/industrial development, or both. The tax is limited to 1% of the permit value on residential construction but uncapped on commercial and industrial construction.	
Implementation steps	• Explore program scenarios. • Analyze the revenue potential of implementing CET and how the County could expand existing funding opportunities for housing as a result of the increased revenue. • Budget and develop program priorities. • Evaluate potential approach. Include projections on potential revenue and what programmatic goals could be accomplished with revenue. • Engage with developers, major employers, and the business community in Lincoln County to evaluate tolerance for a CET on commercial and industrial development and where there are shared interests in supporting local housing production. • Seek direction on whether to proceed with adoption from Commission at work sessions. • The CET can be imposed by adoption of an ordinance or resolution that conforms to the requirements of ORS 320.192–ORS 320.195. • If directed, create a plan for the use of CET funds.
Additional Funding considerations	Implementing a CET would provide additional funding for other strategies. Because a percentage (4%) of the revenue can be applied to the County's costs for administering the program, there should be minimal additional cost for the County. Pros: • Ability to link industrial or other employment investments, which generate new jobs and demand for new housing, with funding for housing development. • Flexible funding source, especially for funds derived from commercial/industrial development. • Allows some use of funds for administration; can fund staff time needed to administer programs. Cons:

Action A. Explore implementing a County Construction Excise Tax	
	• CET increases development costs in an environment where many developers are already seeking relief from system development charges; depending on the rates imposed, it could have an impact on feasibility. More research would be necessary to understand the potential magnitude of the impact. • Where demand is high relative to supply, additional fees on residential development may be passed on to tenants or home buyers through higher housing costs. • Because CET revenue is development-derived, it will fluctuate with market cycles and will not be a steady source of revenue for affordable housing when limited development is occurring.
Partners	Local developers, major employers, and the Lincoln County business community
Timeframe	Long term
Impact	Small to Large
Complexity to Administer	Medium
Examples	*The city of Newport, Oregon enacted a city ordinance in 2017 for an excise tax on all new construction to help fund affordable housing for those with incomes equal to or higher than 80% of the Lincoln County median family income (workforce housing). The construction excise tax is 1% of the total construction value for residential, commercial, and industrial improvements. The tax revenue is to be used to support down payment assistance programs, affordable housing development incentives, and other affordable housing programs where none currently exist. This construction excise tax was designed in conjunction with SDC reductions, "the council anticipates that this excise tax when considered in conjunctions with corresponding reductions to System Development Charges instituted with Resolution No. 3786, will not lead to increased negative impacts to the viability of construction projects."* *In the City and County of Hood River, a Construction Excise Tax have been adopted –The City use the funds for housing affordable up to 80% AMI, County is up to 120% AMI. The County will use the industrial/commercial CET funds for developer incentives, rent subsidies, down payment assistance and foreclosure assistance, as well as expenses that have a nexus related to housing creation, such as infrastructure, roads, and water.*

Action B. Explore Developing a Regional Housing Trust Fund	
Rationale	Lead
Workforce housing is a regional issue that affects the entire county. There is a local and regional need to develop local funds to invest locally as well as to allow the community to go to fed/state funds with their own to leverage and match.	Workforce Recovery Team, County or Affordable Housing Work Group
Description	
An HTF would provide ongoing funding for housing projects or programs that address the housing needs of residents. The purpose is to encourage the development, preservation, and rehabilitation of housing for homeownership or rent, at the cost that will enable residents to afford quality housing while paying no more than 30% of gross household income on housing. Housing trust funds are designed locally so they take advantage of unique opportunities and address specific needs that exist within a community. Housing trust funds provide a lot of local flexibility and can support virtually any housing activity that serves the targeted beneficiaries and would typically fund new construction and rehabilitation, as well as community land trusts and first-time homeowners. Successfully implementing this tool requires a dedicated funding source.	
Implementation steps	• Coordinate with local jurisdictions. • Determine governance structure. • Determine funding sources (startup and ongoing). • Determine allocation priorities. • Program structure, guidance, and collaboration could come from the Community Housing Fund, the Network for Oregon Affordable Housing, a non-profit agency, or a community development financial institution (CDFI).
Additional Funding considerations	Funding depends on the structure and jurisdiction of the HTF, whether it is a County fund or countywide fund. Funding could come from; Existing fund sources, OHCS, ARPA, Cannabis Tax, CET, General Taxes, Special Districts, CDBG, Cities, and potentially other sources. Cities can utilize urban funding for HTF, and Urban Renewal Agencies often have flexibility with how they can use funds.
Partners	Cities, HALC, Community banks, Community development financial institutions (CDFI), Non-profit trust funds, Cities, Developers
Timeframe	Long term
Impact	Small to Large
Complexity to Administer	High

Examples	*The City of Ashland established a Housing Trust Fund that provides 50% match of up to $179,000 for households earning up to 120% AMI. Funded in part by CDBG and City's portion of the State Marijuana Tax, these funds can be used for; Acquisition and Construction of new affordable housing, Conservation, Land Banking, Predevelopment activities, Bridge loans, Capacity , Rehabilitation and Emergency Repairs, Hazardous materials abatement, Direct benefits to low-moderate income households through an established program, Transitional and Emergency Housing for homeless individuals and families through an established program to move people toward self-sufficiency. See more information here: https://www.ashland.or.us/Page.asp?NavID=10828* *ECONorthwest helped the City of Bakersfield to establish a Housing Trust Fund to support community economic development and new affordable housing production for households earning up to 80% AMI. Funded entirely by public sources (local sales tax, low-interest loan "residual receipts," state real estate fees, state HTF funding, and federal ARPA funds), key programs supported by the HTF include; 1) ADU fee waiver and deferred-interest for lower- and moderate-income homeowners, 2) Expanded first-time homebuyer down payment assistance for lower and moderate-income families (down payment assistance up to $23,000 with homeowner contribution of 1% or $5,000, whichever is greater), and 3) New affordable rental and ownership housing production funding implemented through annual NOFAs.*

Action C. Build planning and grant writing capacity and work with partners to fund rural housing	
Rationale	Lead
The county and municipalities have limited financial resources and many priorities that must be balanced. Develop and Pursue Funding Sources with additional capacity	County and nonprofit partners
Description	
Limited local funding sources are available for rural, manufactured, or modular housing presently, additional partnerships will be necessary to leverage outside money and fill gaps needed to develop desired housing in these areas.	
Implementation steps	• Build internal grant writing expertise. The Ford Family Foundation's Pathways to Securing Rural Federal Funding Toolkit includes need-based mentoring to build grant writing expertise as well as (coming soon) a grant writer roster to assist agencies in developing and managing federal grant proposals. • Explore collaborative municipality models by talking with other cities that have implemented collaboration agreements to gather information on their experiences and how the cities may want to structure an agreement (e.g., Regional Rural Revitalization Strategies is a developing partnership between the Cities of John Day, Burns, and Lakeview). • Work with the Cities to identify which projects the cities would like to pursue that require the expertise of a planner and/or a grant writer. • Consider needs across the cities. How would a shared planner and/or grant writer split their time? Is there enough work for full-time employees between the cities and County? What are the cost differences between full-time employees and contract services? How can the County best support the cities? • Monitor state activity that might create opportunities for direct funding and capacity building. Examples include legislation, direct appropriate, DLCD Housing Needs and Analysis report recommendations, and DLCD or other state funding to create a regional program to help build capacity for small cities.

Additional Funding considerations	• Existing staff, RARE, resource pooling, foundation grants, Partnerships with HALC/Developers,
	• Loans from USDA, -
	• USDA Multifamily Housing Loan Guarantees
	  o Rural Housing Site Loans
	  o Foundation grants.
	• Ford Family Foundation maintains a Federal Funding Opportunities Prospect List.
	• Jurisdiction cost share for housing specialist.
	• Resource Assistance for Rural Environments AmeriCorps – RARE AmeriCorps members will spend at least 1,700 hours over 11 months serving full time, RARE matches $14,530 of the cost (38%).

Action C. Build planning and grant writing capacity and work with partners to fund rural housing	
	• Ford Family Foundation – grants help organizations build their internal capacity to make a positive impact, must be 501(c)(3) or Tribal Organization. • Administrative costs for projects and grants should be considered when pursuing funding opportunities
Partners	HALC, Cities, developers, RARE, Foundations
Timeframe	Ongoing
Impact	Small to Large
Complexity to Administer	Low to Medium
Examples	*The Regional Rural Revitalization Strategies is a developing partnership between the Cities of John Day, Burns, and Lakeview. The purpose of this partnership is to share staff and resources among the three municipalities to better cover costs related to housing needs and other public improvement projects.* *Current RARE Placements supporting housing include Pendleton, where the Development Commission is expanding housing support by working with their second story grant program. City of Toledo currently has a RARE.*

Action D. Connect housing implementation to infrastructure and seek funding for infrastructure investments to support housing and other community priorities	
Rationale	Lead
Relatively few sources of funding exist for market rate workforce housing development, therefore it is critical to look at opportunities to leverage funding connected to broader community development goals. Development readiness, including roads and other infrastructure – especially if required of a housing developer – can add prohibitive costs to development.	Cities/County
Description	
Investments in infrastructure, amenities and transportation can help to improve quality of life in the communities and can help to attract new residents. ODOT's Transit and Housing Study[5] completed in September 2022, highlights how transportation and housing are interrelated and affect a household's quality of life, physical environment, health outcomes, economic mobility, educational and cultural opportunities, and many other factors. Reducing infrastructure requirements/demands can reduce the cost burden on developers for housing.	
Implementation steps	• Reach out to Business Oregon One Stop forum and invite local jurisdictions to participate. • Work with Cities to leverage and pursue Infrastructure Investment and Jobs Act (IIJA) funds as a countywide collaboration • Work with the Cities to communicate transportation improvement needs to ODOT. ODOT occasionally receives regional allocations and communicating transportation needs preemptively could help ensure the cities receive funding when it is available. • Review ODOT's Transit and Housing Study Toolkit to understand how the cities and County can employ different tools and actions to encourage and promote diverse transit-supportive housing options. Consider how these efforts can align with County Transit efforts to add transit service and to create a ride share program to create new commute options for workers throughout the County • Pursue targeted funding (ODOT, US Economic Development Administration, USDA, private foundations). • Consider leveraging grant writing and collaboration options to enhance capacity to pursue grants.
Additional Funding considerations	• Ford Family Foundation maintains a Federal Funding Opportunities Prospect List • Available ODOT funding could include:

[5] Oregon Transit and Housing Study. ECONorthwest. September 2022. https://www.oregon.gov/odot/Planning/Documents/ODOT_Transit_%26_Housing_Study_Final_Report.pdf

Action D. Connect housing implementation to infrastructure and seek funding for infrastructure investments to support housing and other community priorities	
	○ The Small City Allotment Grant: Includes up to $250K for street improvements ○ Funding related to implementation actions identified through the Transit and Housing Study. The cities and County should remain vigilant for new ODOT funding opportunities that could become available in response to this Study. ○ Available grants to support rural public transportation includes 5311 Formula Grants for Rural Areas. • Other funding sources could include: ○ Regional Rural Revitalization ($30 million) ○ Oregon Heritage grants for historic preservation of buildings or second level redevelopment in historic buildings ○ Ford Foundation grants for community development ○ USDA Rural Development grants for placemaking ○ US Economic Development Administration grants if improvements are tied to economic development
Partners	Cities, State agencies
Timeframe	Ongoing
Impact	Small to moderate
Complexity to Administer	Moderate
Examples	*The City of Hood River purchased a property at 780 Rand Road and is currently working on parcel assembly with Hood River County & the adjacent landowner. The City of Hood River purchased the property in January 2020 for $1.2M. Business Oregon granted $410,000 for the purchase and the remainder was financed by the City. Construction Excise Tax is a repayment source, and other funding sources include local, state and other community partners. More information can be found here: https://cityofhoodriver.gov/planning/780-rand-road-housing-development-strategy/* *John Day successfully applied for and was awarded an IFA Loan of $1,850,000 to develop new streets with stormwater, water, sewer, power, and fiber optic infrastructure for three separate housing development projects that provide an additional 100 multifamily and single-detached units (no income restrictions). One of the developments receiving these improvements sites Oregon's first 3-D printed concrete housing. The City of John Day assumes ownership, maintenance, and operations of the infrastructure improvements until the loan is fully repaid. More information can be found here.*

Pillar 2. Increase Suitable Land Availability

Action E. Redesignate/rezone Land for Housing	
Rationale:	Lead
Rezoning that results in the opportunity for additional residential development can help to increase workforce housing options.	Lincoln County Planning & Development Department
Description:	
Rezone land to provide for additional workforce housing opportunities	
Implementation steps	• Initiate a Comprehensive Plan Amendment and rezoning process to redesignate specific serviceable parcels on the County's future land use map that will accommodate additional housing. • Conduct community engagement process with potentially affected property owners. • Public hearings with Planning Commission and Board of County Commissioners.
Additional Funding considerations	County General Fund
Partners	Lincoln County residents and development community
Timeframe	18 months
Impact	Moderate
Complexity to Administer	Moderate
Examples	• Grand County, UT • Greeley County, NE

Action F. Land Banking, Parcel Assembly, and Land Disposition	
Rationale:	Lead
Reduce costs for land available to private or non-profit workforce housing developers	Lincoln County Assessor's Office
Description:	
A County Land Bank Program to acquire, hold and sell property to assist workforce housing developers for rental and for-sale projects.	
Implementation steps	• Establish a County Land Bank Program through action of the Board of Commissioners, including a Board of Directors selected by the Commissioners. • Evaluate properties available through voluntary donations, the open market or bank or tax foreclosures. • Due diligence. • Site acquisition(s). • Hold the properties for 5 to 15 years to allow for anticipated property appreciation. • Sell site(s) or engage with a workforce developer to develop the housing. • Consider the lease of properties for temporary uses that can generate revenues.
Additional Funding considerations	• County General fund • OHCS has the Affordable Housing Land Acquisition Revolving Loan Program helps municipal, non-profit, and tribe organizations purchase land for affordable housing for households earning up to 80% AMI, specifically targeting rural areas.
Partners	Lincoln County Planning & Development Department; Local and Regional Workforce Housing Developers
Timeframe	Up to 20 years
Impact	Moderate to Large
Complexity to Administer	High
Examples	• City of Eugene Landbank Program • Sullivan County Land Bank, New York

Action G. Consider Urban Growth Boundary (UGB) Land Swap Initiatives	
Rationale:	Lead:
Swapping land within the Urban Growth Boundary that is unlikely to develop for a serviceable area of the same acreage can increase the supply of land available for workforce housing	City of Newport, and City of Lincoln City Planning Departments; potentially other cities if opportunities exist.
Description:	
Swap Urban Growth Boundary (UGB) boundaries to increase the serviceable land supply while maintaining the same land area within the Urban Growth Boundary (UGB)	
Implementation steps	• Establish Urban Growth Boundary Land Swap Study Area. • Prioritize candidate sites for the UBG swap(s), including willingness of landowners to commit to deed restrictions specifying housing type and affordability targets. • Choose preferred swap site(s) based on Goal 14 Boundary Location Factors. • Pre-application meeting between the County and impacted Cities. • An application is filed with the impacted Cities for a Comprehensive Plan Map Change and Zone Change. • City Council to take tentative action, based on the Planning Commission's recommendation, pending Lincoln County's review and action. • Lincoln County Planning Commission public hearing and recommendation to the Board of Commissioners for review and approval of UGB Land Swap application. • Board of Commissioners hold public review hearing and take final action. • Application for the UGB Swap(s) submitted to DLCD (OSR 660-024) • DLCD review of UGB Land Swap(s) application request. • UGB Land Swap(s) and Comprehensive Plan Map Amendments approved by DLCD. • Urban Growth Management Agreement modified by Lincoln County and the impacted municipality.
Additional Funding considerations	DLCD Technical Assistance Grants available to fund comprehensive plan amendments. DLCD and League of Oregon Cities have included priorities for UGB initiatives in their funding considerations.
Partners	Lincoln County, City of Newport, City of Lincoln City, possibly other communities.
Timeframe	18 months
Impact	High.
Complexity to Administer	Moderate.
Examples	• City of Millersburg UGB land swap of approximately 160 acres.

Action G. Consider Urban Growth Boundary (UGB) Land Swap Initiatives	
	• City of Gearhart land swap of approximately 34 acres. • City of Sutherlin UGB land swap removed 298 acres from its UGB and added 203 acres with the intent of residential development. https://www.oregon.gov/lcd/NN/Press%20Releases/20180613_Press_Release_Sutherlin_UGB.pdf

Action H. Develop an Opportunity Site database for Lincoln County Communities	
Rationale:	Lead
Saves time and effort for developers searching for sites to accommodate workforce housing projects	Lincoln County Planning & Development Department and County Assessor's Office GIS Division
Description:	
Assemble and maintain a GIS database identifying high-priority (e.g., sites vetted by developers as being highly desirable for lower cost housing development) developable residential parcels available County-wide.	
Implementation steps	• Lincoln County to create common GIS database for buildable lands and opportunity that is accessible through the existing County GIS webpage. • 2020 Data sets from the County's Land Suitability Analysis and buildable lands inventories from the Cities of Newport, Lincoln City, Toledo, and Waldport, aggregated into one searchable database.
Additional Funding considerations	Unlikely to fund through federal or state resources.
Partners	Lincoln County, and Cities of Newport, Lincoln City, Toledo, Waldport and Yachats
Timeframe	2022 buildable lands data presently available for the Cities of Newport, Lincoln City, Toledo and Waldport; updates needed on a regular basis to maintain the database.
Impact	Moderate.
Complexity to Administer	Medium. Straightforward to add datasets to the existing County GIS database, but time consuming to maintain over time.
Examples	No other examples within the State.

Pillar 3. Improve Processes

Action I. County Community Development Process Improvement Plan	
Rationale	Lead
Reducing time spent in the County's development review process can result in corresponding time and cost savings for applicants.	Lincoln County Planning & Development Department
Description:	
There is a need within the County to expand staff capacity to meet the increasing developer and local needs for assistance provided by the County. The plan will evaluate the Lincoln County Development Review process and help to develop an Action Plan that will be addressing needed improvements to support staff in conducting efficient business.	
Implementation steps	• Interviews of County leadership, Planning Commission and related Boards and Commissions, County staff, and members of the local development community to understand the challenges and opportunities in the development process. • Conduct focus group meetings with customers. • Confidential and anonymous employee questionnaire. • Survey recent customers in the County's development review and permitting processes. • Review of the County website, forms, handouts, policies, files and ordinances pertaining to development review. • Observation of staff involved in the process. • Develop draft development review process improvement findings and recommendations, and issue for public review and comment. Recommendations may include changes to performance standards for review timelines, staffing, addressing backlog, management and organization, facilities, and technological enhancements. • Finalize Implementation Plan, setting priorities and targeted timing for improvements.
Additional Funding considerations	Lincoln County has already committed funds to this initiative and is pursuing a consultant contract for the development of this plan. ARPA funding is being used to digitize septic records
Partners	Lincoln County Planning & Development, Public Works, and Parks Departments, Special Districts, and members of the development community.
Timeframe	6 months
Impact	Small to Large
Complexity to Administer	Medium.
Examples	• Washington County Development Review Process Improvement Report. • City of Ashland Oregon Community Development Planning Division Operational and Organizational Review.

Action I. County Community Development Process Improvement Plan	
	• City of Austin Analysis of the Planning and Development Review Department.

Action J. Expedite and Fast-Track Planning and Building Permit Review	
Rationale	Lead
Allows for faster development review for affordable housing, or for pre-approved housing development types, thereby reducing time and cost of new development to allow for lower rents to be charged	County, Cities
Description	
The County and cities could explore how to expedite or fast track certain planning or building permit review processes. State legislation has reduced the processing times for certain types of developments to a maximum of 100 days. Cities can explore options to make the permitting process more efficient while recognizing the requirements of the state land use system. A decreased building permit review timeline would save developer carrying costs, helping reduce overall development costs. Faster permitting also reduces a developer's exposure to unexpected construction cost increases and decreases the lag between demand and supply in the housing market.	
Implementation steps	• Work with Planning Commission to develop goals for the length of time the permitting process may take. • Identify inefficiencies in the permitting process and make the necessary changes to streamline procedures. Examples include: o simplifying administrative approvals; expediting development o reviews; offering online application submissions and permit tracking; or making administrative changes where the County controls the development process. • Work with Cities to revise and coordinate procedures. • Develop a system to measure and report Community Development Department activity and progress. • Survey applicants annually to assess the Departments service and areas for improvement.
Additional Funding considerations	• Can enable quicker development timeframe and increase the availability of property to be taxed. • Demonstrative responsiveness to developer needs and improves the County's image as one that is easy to do business.
Partners	Cities, developers
Timeframe	Variable
Impact	Small to Large
Complexity to Administer	Medium
Examples	City of Portland (https://www.portlandoregon.gov/bes/58878)

Action K. Consider Adopting Tax abatements	
Rationale	Lead
Support cities in their efforts to reduce the cost of workforce housing for community members through new abatement programs. Developers indicated tax abatement can be a significant factor in making projects financially viable.	County, Cities

Description

Oregon has several property tax abatement programs that can be used to support development of affordable housing or to leverage private housing development to provide benefits (e.g., a portion of units at reduced rents, or ground floor retail in key areas) that the market may not deliver on its own. Each program differs in the type of housing it incents (eligibility criteria), the geographic specificity, and other policy parameters. Some programs, such as the Homebuyer Opportunity Limited Tax Exemption (HOLTE) can be applied to workforce housing (up to 120% of area median sales price).

The purpose of this program is to encourage homeownership among low- and moderate-income households. As authorized by ORS 307.651 through 307.687, a rehabilitated or newly constructed eligible unit types can be granted the tax exemption for up to 10 years for the value associated with the property's structural improvements, but not the land value. The property values for the structural improvements and the land are reassessed at the end of the exemption period. Eligible building types include single-family housing units, multifamily homeownership units (e.g., condos and townhomes), and manufactured housing. Effective October 2017, the law was expanded to allow for exemptions for low- and moderate-income homebuyers of existing homes and low-income property owners at risk of losing their homes. At the time of the application, the market value for the land and the improvements must be no more than 120% of the median sales price of single-unit housing in the city, though some cities may opt for a lower threshold. Each city can formulate the eligibility criteria, required design elements, and public benefits that would be applied to properties using the exemption.

Other tax abatement programs could include Multiple Unit Property Tax Exemption or affordable housing abatements such as Low-Income Rental Housing Exemption or Nonprofit Low-Income Rental Housing Exemption.

MUPTE: (MUPTE, sometimes called MULTE): A flexible program that can be used to incent multifamily housing with particular features or at particular price points by offering qualifying developments a partial property tax exemption for 10 years. Though the state enables the programs, each city has an opportunity to shape the program to achieve its goals by controlling the geography of where the exemption is available, application process and fees, program requirements, criteria, and program cap. An important implementation consideration is the need to monitor compliance over the course of the abatement.

Implementation steps	• Explore the following implementation considerations:
	  • How much revenue would the City be willing to forgo on an annual basis?
	  • Does the City want to limit the number of abatements provided?
	  • How can the City best assess the benefit it receives in exchange for the
	  • abatement?
	  • How would the City evaluate and select projects that would receive the abatement?

Action K. Consider Adopting Tax abatements	
	• Would the City be interested in leading an effort to abate its own taxes, in addition to working with other taxing jurisdictions to seek abatement of their taxes, to encourage deeper levels of affordability? • Determine City goals for how many units can receive an abatement. • How would the City accommodate reporting requirements? • How does the City weigh the temporary (up to 10 years) loss of tax revenue against the potential attraction of new investment to targeted areas? • Is there a threshold at which the City would end the program, such as after certain number of units receive the abatement? • Identify geographies where specific abatements would be most effective. • Conduct a financial analysis of the expected cost to the City and other taxing jurisdictions and potential program impact. • Reach out to overlapping taxing districts to gauge support for the City's priority program(s). To extend the exemption to all taxing districts, the City must secure support (in the form of a resolution) from governing boards representing at least 51% of the total combined rate of taxation levied on the property. • If the City ultimately decides to implement, the City must adopt the provisions of ORS 307.600 to 307.637 by resolution or ordinance. The City must designate a specific area if MUPTE will be applied to market-rate housing; for housing subject to affordability restrictions, the City can designate the entire city for the exemption. • Prior to passing an ordinance or resolution to adopt, the City must hold a public hearing to determine whether qualifying housing would otherwise be built or preserved without the benefit of the exemption (most cities do this per project). The City must also establish standards and guidelines to consider applications and make decisions, including setting eligibility criteria. • Adopt the selected tax abatement(s) by resolution, including specifying any local parameters and definitions required for the abatement in question
Additional Funding considerations	
Partners	Cities, developers
Timeframe	Variable
Impact	Moderate to Large
Complexity to Administer	Medium
Examples	*Lincoln County and the City of Newport have adopted Property Tax Exemptions and Abatements for Affordable and Low-Income Housing for the Newport Urban Growth Boundary (including the City proper) as described below. In addition, Lincoln County and the City of Newport have adopted the provisions of ORS 307.540 through 307.548 Nonprofit Low-Income Housing, and the County, with other taxing entities has provided property tax exemptions in the past for several projects* *The City of Portland employs this limited tax exemption as the "Homebuyer Opportunity Limited Tax Exemption," which provides a ten-year property tax exemption for structural improvements to single-unit housing with at least*

Action K. Consider Adopting Tax abatements	
	three bedrooms and single-unit housing with two bedrooms in transit-oriented areas. The program is highly competitive; only 100 units can be approved each year, though properties with long-term affordability covenants are exempt from this cap. The units must be occupied by the owners as their primary residence. Eligibility requirements restrict the incomes of homeowners to 100% of AMI for a family of four. If a housing unit transfers ownership during the 10-year exemption period, the new homebuyer must meet the affordability and owner-occupancy requirements of the program to be eligible. The City of Portland also specifies design standards and requires participation in a green building program.

Action L. Consider Other Regulatory Actions	
Rationale	Lead
Increasing Housing Types and Promote Regulatory Changes for Workforce Housing Development	County, Cities

Description

The following policies focus on ways in which the County and Lincoln County cities can modify current land use regulations in order to increase housing affordability and available housing stock. Policies are broken into two categories: those that affect regulatory changes, and those which increase the land available for housing. This set of strategies primarily applies to municipal development codes. While the County does not have authority over municipal development codes, these strategies can help cities remove regulatory barriers and/or increase housing options.

- Allow Duplexes, Cottage housing, Townhomes, Row Houses, and Tri- and Quad-Plexes
- Allow Stacked Townhouses, Cottage Courts, Duplex/Townhouse Courts, & Garden Apartments
- Remove barriers to Development of Accessory Dwelling Units (ADUs) in single-family zones
- Develop Pre-Approved Plan Sets for ADUs and Middle Housing Typologies
- Broaden the Definition of Housing Type
- Allow Live-Work housing or Mixed-use housing in commercial zones
- Allow multifamily buildings in commercial zones without commercial uses
- Allow for Single Room Occupancy and Co-Housing in Residential Zones
- Allow small or “tiny” homes
- Administrative and Procedural Reforms
- Expedited / Fast-tracked Building Permit
- Streamline Zoning Code and other Ordinances
- Allow Small Residential Lots
- Mandate Maximum Lot Sizes
- Mandate Minimum Residential Densities
- Increase Allowable Residential Densities
- Allow Clustered Residential Development
- Reduced Parking Requirements
- Reduce Street Width Standards
- Preserving Existing Housing Supply
- Inclusionary Zoning
- Re-designate or rezone land for housing
- Encourage multifamily residential development in commercial zones
- Transfer or Purchase of Development Rights
- Provide Density Bonuses to Developers

Implementation steps	• Apply for code audit funds from DLCD/TGM
Additional Funding considerations	
Partners	Cities, developers, consultants
Timeframe	Variable
Impact	Small to Large
Complexity to Administer	Low
Examples	City of Newport and City of Lincoln City have already begun to make some of these changes.

Pillar 4. Collaborate Regionally

Action M. Continue to develop project-focused partnerships for production of housing	
Rationale	Lead
Ongoing regional collaboration will be necessary to leverage limited funding available for workforce housing projects and programs. Regional collaboration on workforce projects by establishing ad hoc partnerships can help leverage limited capacity.	County/Cities/ Workforce Housing Recovery Team

Description

The County, cities, and nonprofit housing agencies of Lincoln County may benefit from ongoing regular partnerships and convenings of staff and partners. This Team has so far had a limited focus on funding workforce housing, but more could be done to plan for, preserve and develop affordable and workforce housing. Already the benefits of convening have been felt and momentum in the face of wildfire recovery could be leveraged to continue to aim to meet the housing underproduction and affordability crises in Lincoln County.

The collaborations/partnerships envisioned by this action would be project-focused and project specific. At the most direct levels they would involve coordinated action to develop workforce housing. Partnerships/collaborations could also focus on implementation of other actions identified in this action plan.

The key to maintaining an effective collaboration is developing a focused purpose and identifying achievable outcomes that partners are invested in. One approach to managing complex collaborations is to apply principles of agile strategy. Strategic Doing™ is one framework that can help move partners from conversation to action (see https://strategicdoing.net). The Strategic Doing framework focuses on moving towards outcomes by identifying "pathway projects" that partners have energy and motivation to pursue. A typical Strategic Doing workshop is 2.5-3 hours and would engage partners in a meaningful dialog about priorities and result in specific actions.

Implementation steps	• Identify specific priority projects that are ripe for action and collaboration • Maintain and facilitate the Workforce Housing Recovery Team - invite more strategic partners • Work with Affordable Housing Workgroup and Workforce Housing recovery Team to execute Workforce Housing Funding Action Plan • Host a workshop using the Strategic Doing framework to identify specific project priorities • Monitor progress through 30/30 meetings on priorities
Additional Funding considerations	Would require a Strategic Doing practitioner to facilitate the workshop. Cost would be <$5,000 and possibly less than $2,000 depending on the scope.
Partners	HALC, Counties, Cities, other interested parties
Timeframe	Ongoing
Impact	Small to Large
Complexity to Administer	Moderate to High

Action M. Continue to develop project-focused partnerships for production of housing	
Examples	*Northeast Oregon Economic Development District. More information on the ongoing activities of the NEODD Workforce Housing Action teams can be found at the website: https://sites.google.com/view/neo-workforce-housing-collab/home* *To date, the Union County Action Team has had several meetings:* *Oct 5, 2021 - Workforce Housing Action Team Workshop: formed Union County action group; identified need for more rental options in Union County; decided to plan informational meetings on how to become a landlord* *Nov 2, 2021 - Planned Union County landlord informational meeting. Brainstormed agenda items, potential guest speakers, how to reach our audience. Scheduled meeting for January.* *Jan 20, 2022, 6-8pm PST - "So You Want to be a Landlord? Learn about investing in rental property in Union County" - This presentation and table talk taught how to get started with building a rental property or accessory dwelling unit (ADU) in Union County. Held at La Grande Middle School Commons from 6-8pm PST. For more information see this flyer.* *Feb 2022 - No future plans are being made after the successful presentation/table talk in January. Need to regroup after completing our big easy. Interested in looking into ADU's and incentive programs.*

Action N. Work with partners to identify innovative ways to produce housing in rural areas	
Rationale	Lead
The County and cities may benefit from exploring how other rural cities have attracted developers through different types of incentives, innovative development models, or coordinated regional efforts.	County

Description

The County may benefit from exploring how other rural areas have attracted developers through different types of incentives, innovative development models or coordinated regional efforts (E.g., OregonBLDS, SVDP (HOPE), Mass Timber Coalitions modular housing, etc.)

Market-rate developers have little incentive to invest in the area due to limited opportunities for profitability. Nonprofit organizations face staffing barriers to being able to manage development projects. Some contractors that have previously worked in the cities are backed up for multiple years. Financing also remains a barrier for both market-rate and not-for-profit developers.

Implementation steps	• Talk to developers who have been developing housing at a larger scale (e.g., GCT Land Management, which developed the Veteran's Village in La Grande, Oregon, but is also working on market-rate housing) • Talk to prefabricated and modular builders (Homes Direct has a prefabricated home viewing location in Albany, Oregon; Eastern Oregon Home Center is a KIT Custom Homebuilder–authorized retailer in La Grande, Oregon). This will allow the cities to explore how alternative housing types (modular and prefab housing) might alleviate limited developer and contractor capacity and reduce time and costs to build housing. • Oregon Housing and Community Services or UDSA's rural housing development programs could be a partner in helping on key projects.
Additional Funding considerations	Existing staff, RARE, Partnerships with HALC/Developers
Partners	HALC, Cities, developers, RARE, Foundations
Timeframe	Ongoing
Impact	Small to Large
Complexity to Administer	Low
Examples	*Medford Mosaic is 148 units of prefabricated modular workforce housing is being developed by Portland-based Project^. The project is utilizing a loan of $10M from Oregon Housing and Community Services with 0% interest for the first 24 months and only 1% interest thereafter. MOSAIC will use some of the $150M funds set aside by the "Oregonians Rebuilding Oregon." It will be principally constructed off-site and will consist of nine three-story buildings The developers are partnering with Klamath Falls construction company InteliFab, Oregon iSector, and the Housing Innovation Partnership. They are also receiving a "master permit" for prefabricated construction to speed up the permitting process and lower development costs. More details can be found here: https://www.medfordoregon.gov/files/assets/public/planning/agendas-minutes/ld/09-07-2022/ac-22-252_ld_agenda_packet.pdf*

Action N. Work with partners to identify innovative ways to produce housing in rural areas	
	Legion Cottages in Cottage Grove were built on an American Legion owned 0.16 acre parcel next to its building to provide more affordable housing for veterans in Cottage Grove. Homes for Good purchased the property and secured $225,000 grant from Lane County to help with construction. OregonBILDS students designed four studio cottages in one school term and constructed the homes in two terms through a University of Oregon program led by Professor Rob Thallon. Residents pay up to 30% of their income and VASH vouchers are paired with Section 8 housing assistance. The City's Housing Development Cost Assistance Program provides system development and building fees relief to nonprofit and government housing developments. *Housing Options Production Enterprise Community Corporation (HOPE), Eugene is planning the construction of manufactured-homes to begin in mid/late 2023. Utilizing $15M in funding from the State of Oregon in 2022, financing from the nonprofit Oregon Community Foundation, and aligned House Bill 4063 to expedite manufactured homes across the state. HOPE Community Corporation is a nonprofit affiliate of St. Vincent de Paul of Lane County and will employ an estimated 112 workers with a target rate of production: 4 units per day.* ***Prefabricated Housing:** Prefabricated and modular housing provide modern cost-saving methods to produce market-rate housing at a more affordable rate. These homes are built in a factory to about 80-90% of completion (typically 4-8 weeks) and are then trucked to the building site in "modular" pieces for quick on-site assembly. The building is subject to on-site inspection and approval after assembly to ensure local, state, and regional building codes are met (foundation approval can begin before assembling the building on the site). Construction labor shortages and large-scale unmet demand of housing in the Pacific Northwest make modular and prefabricated construction particularly intriguing. Some of the benefits of modular and prefabricated housing include:*[6,7,8] ***Reduced costs.** Prefabricated housing is typically 10-35% less expensive than on-site stick-built homes. Prefabricated housing generally produces less building material waste, has lower material transportation costs, and lower labor costs.* ***Faster construction and quicker move in.** Prefabricated homes can typically be built 20-50% quicker than on-site stick-built homes, requiring fewer manufacturers, suppliers, and subcontractors. They are less impacted by weather with on-site assembly ranging from 1 day to 3 months.* *Personal and customizable homes that can be easily expanded in the future.*

[6] Manufactured or Modular Home - What's the Difference? Next Modular. (2021, May 10). Retrieved August 31, 2022, from https://www.nextmodular.com/modular-manufactured-prefabricated-home/

[7] Warwick, S. (2021, September 25). What are modular homes and what do they cost? we have the lowdown. Real Homes. Retrieved August 31, 2022, from https://www.realhomes.com/advice/what-are-modular-homes

[8] Bertram, N., Fuchs, S., Mischke, J., Palter, R., Strube, G., & Woetzel, J. (2019). (rep.). "Modular Construction: From projects to products." McKinsey & Company. Retrieved September 1, 2022, from https://www.ivvd.nl/wp-content/uploads/2019/12/Modular-construction-from-projects-to-products-full-report-NEW.pdf.

4. Appendix A. Challenges And Opportunities to Affordable Workforce Housing

As a required component of the workplan, this section summarizes the consulting teams review of market data, planning documents and interviews and documents conclusions related to challenges and opportunities related to workforce housing in Lincoln County.

Market Conditions

As early as 2009, when the Lincoln County Workforce Housing Toolkit was developed, the area had a notable shortage of buildable land and the available buildable land is highly sought after for all housing types, including second homes and vacation rentals.[9] In 2019, Lincoln County adopted a countywide Housing Strategy Plan. During the process of developing the plan they had already identified a number of challenges being faced: [10]

- Housing was needed across all types and prices in Lincoln County,
- Low achievable rents resulted in a low likelihood of unsubsidized MF housing,
- Supply of land and zoning is an issue,
- High labor costs and low worker availability,
- Weatherization for coastal areas was adding to project costs,
- Transporting materials from elsewhere increased costs,
- Weatherization, maintenance and transporting materials adding to costs,
- Significant portions of land are costly to serve with infrastructure, due to steep slopes or wetland issues and,
- Profit margins need to be higher than similar work in metropolitan areas, but smaller scale makes them less attractive to developers.
- The workforce and housing market indicated a need for housing at or below $250k.

[9] Lincoln County, OR Workforce Housing Committee. (2009). Workforce Housing Toolkit. https://www.co.lincoln.or.us/WorkforceHousingToolKit.pdf

[10] Lincoln County, OR. (2019). *Lincoln County Housing Strategy Plan.* https://www.co.lincoln.or.us/sites/default/files/fileattachments/board_of_commissioners/page/6020/housing_strategy_plan_lincoln_county_exhibita_6.21.19.pdf

Echo Mountain Fire

The 2020 fires compounded these issues, even years later. The Echo Mountain Fire destroyed or damaged 288 housing units. Seventy seven percent of these were manufactured homes. Comparatively, only 333 building permits were issued in the same year.[11]

Exhibit 7. Lincoln County Damaged/Destroyed Homes by Type
Source: Oregon Housing and Community Services. (2022). *CDBG-DR Action Plan.*

Single units	Multi dwelling units	Manufactured homes	Major damaged homes	Destroyed/ Damaged homes
65	0	223	0	288

Lincoln County had the second highest number of estimated homeowners who were uninsured and had severe and serious unmet need damage.

Exhibit 8. Uninured Homeowners with Serious Damage
Source: Oregon Housing and Community Services. (2021). *Oregon Disaster Housing Recovery Action Plan*.

County	Major		Severe	Total Serious Unmet
	Low	High		
Jackson	-	-	483	483
Douglas	-	1	9	10
Lincoln	-	-	43	43
Lane	-	-	14	14
Total	-	1	549	550

Lincoln County is estimated to have the third highest number of estimated renters who had serious damage.

Exhibit 9. Renters with Serious Damage and Incomes <$20K
Source: Oregon Housing and Community Services. (2021). *Oregon Disaster Housing Recovery Action Plan*.

County	Renters with Serious damage*				Renter Serious Unmet (Income less than $20K)			
	Major		Severe	Total Serious Damage	Major		Severe	Total Serious Unmet
	Low	High			Low	High		
Jackson	92	286	223	601	54	168	104	326
Douglas	9	32	168	209	9	28	162	199
Lincoln	9	22	18	49	5	10	7	22
Lane	9	15	20	44	8	10	8	26
Total	119	355	429	903	76	216	281	573

* Renters with FEMA Inspection Showing Serious damage based on Personal Property Loss

[11] Oregon Housing and Community Services. (2021). *Oregon Disaster Housing Recovery Action Plan*.

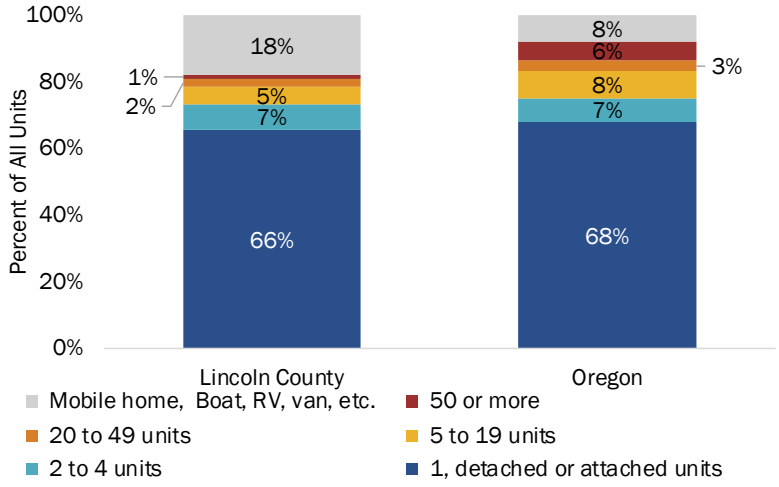
Current Housing Market

Sixty six percent of Lincoln County households lived in single detached or attached units, compared to sixty eight percent across Oregon.

Eighteen percent of households lived in mobiles homes, boats, RVs, vans etc. Only eight percent of Oregonians lived in the same structures.

Exhibit 10. Housing Stock, Lincoln County and Oregon, 2016 – 2020

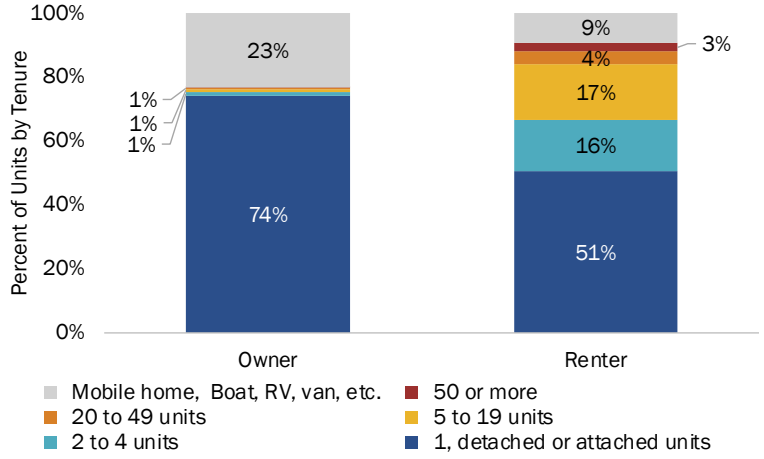
Source: ACS 2016-2020 5–Year Estimates: B25024



Renters in Lincoln County are more likely to live in a variety of different housing whereas owner households are more likely to live in single detach/attached units (74 percent) or mobile homes (23 percent).

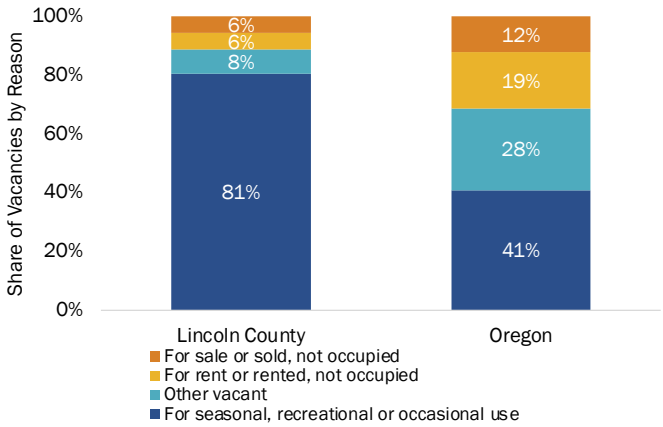
Exhibit 11. Housing Stock by Tenure, Lincoln County, 2016 – 2020

Source: ACS 2016-2020 5–Year Estimates: B25032



With a dwindling supply of rental units, many households that rent are severely cost-burdened due to the steep competition.
Based on vacancy rate for rent/sold, the vacancy rate in Lincoln County was 31 percent, compared to 8 percent for Oregon.
In Lincoln County, vacancies due to seasonal, recreational or occasional use vacancies was around 81 percent, compared to Oregon's 41 percent.

Exhibit 12. Vacancy by Reason, 2016-2020
Source: ACS 2016-2020 5 Year Estimates, Table B25004



Affordability and Availability

In Lincoln County, according to the ACS 2016-2020 survey, 35 percent of all households are cost burdened or severely cost burdened but approximately 27 percent of renters are cost-burdened and 25 percent of them are *severely* cost-burdened.

Fair Market Rent for a 2-bedroom apartment in Lincoln County is $1,012.

Exhibit 13. HUD Fair Market Rent (FMR) by Unit Type, Lincoln County, 2022
Source: US Department of Housing and Urban Development.

$659	*$812*	*$1,012*	*$1,460*	*$1,767*
Studio	*1-Bedroom*	*2-Bedroom*	*3-Bedroom*	*4-Bedroom*

A household must earn at least $19.46 per hour to afford a two-bedroom unit at Fair Market Rent ($1,012) in Lincoln County.

Exhibit 14. Affordable Housing Wage, Lincoln County, 2022
Source: ECONorthwest Analysis of data from US Department of Housing and Urban Development

$19.46 per hour

Affordable housing wage for two-bedroom unit in Lincoln County

About 21 percent of Lincoln County households are middle income (with incomes between $51,040 and $76,600) and 28 percent are high income (with incomes above $76,600). These households can afford rental housing in Lincoln County, and some can afford the cost of homeownership. In ideal market conditions, private housing developers can build most types of housing affordable to these income groups without government subsidy.

Exhibit 15. Share of Households by Median Family Income (MFI) for Lincoln County, 2016-2020
Source: US Department of HUD, Lincoln County, 2022. US Census Bureau, 2016-2020 ACS Table 19001.

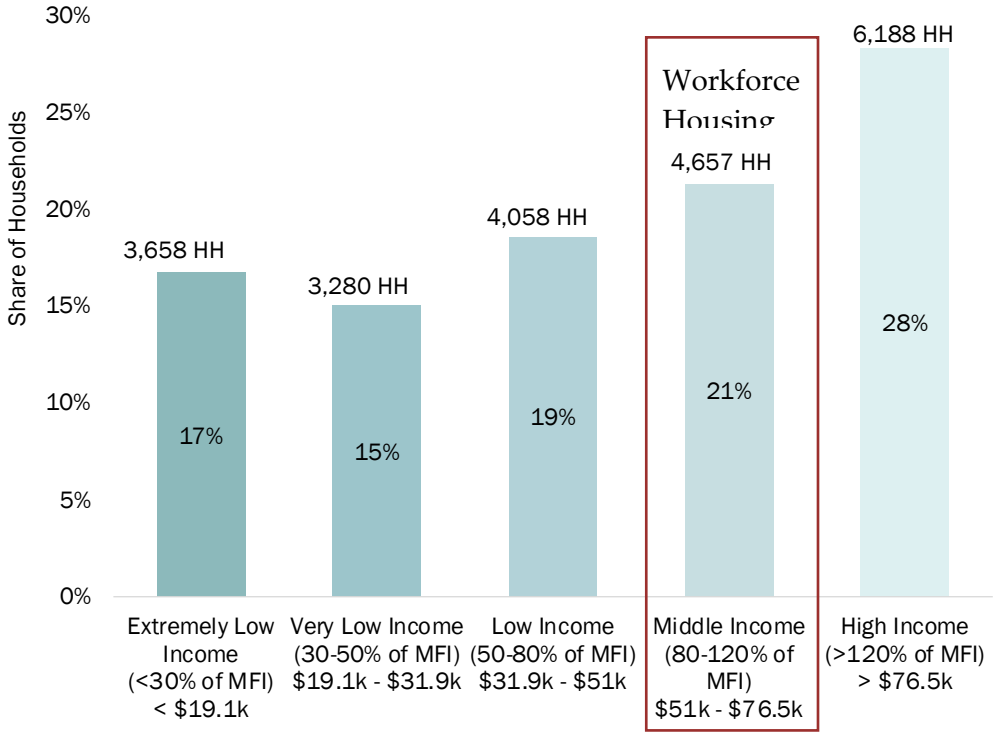


Exhibit 16 compares the number of households by income category with the number of units affordable to those households in Lincoln County. Lincoln County currently has a deficit of housing units for households earning 0-50% of the MFI (less than $31,900 per year), resulting in cost burden of these households. Additionally, Lincoln County has a surplus of units affordable to households earning 50-80% of the MFI ($31,900 to $51,000) who are also cost burdened. However, this becomes a deficit when accounting for renting down.

This indicates a deficit of more affordable housing types (such as income-restricted housing, existing lower-cost apartments, and manufactured housing). There is also a deficit for households earning more than 80% of the MFI, however, some households are renting or buying down. These households could afford more costly housing but either cannot find higher-cost housing that meets their needs or choose to live in less costly housing.

Exhibit 16. Unit Affordability by Household Income, Lincoln County, 2015-2019
Source: CHAS, 2015-2019, Table 18.

		Household Income			
Unit Affordability		0-50% MFI $0 to $31.9K	50-80% MFI $31.9K to $51K	80% MFI $51K +	Total
0-50% (Monthly housing costs of $800 or less)		2,135	765	1,090	3,990
50-80% (Monthly housing costs of $800 – $1,280)	Cost	1,865	1,345	2,920	6,130
+80% (Monthly housing costs of $1,280 or more)	Burdened	1,741	1,680	7,741	11,162

Renting/ Buying Down

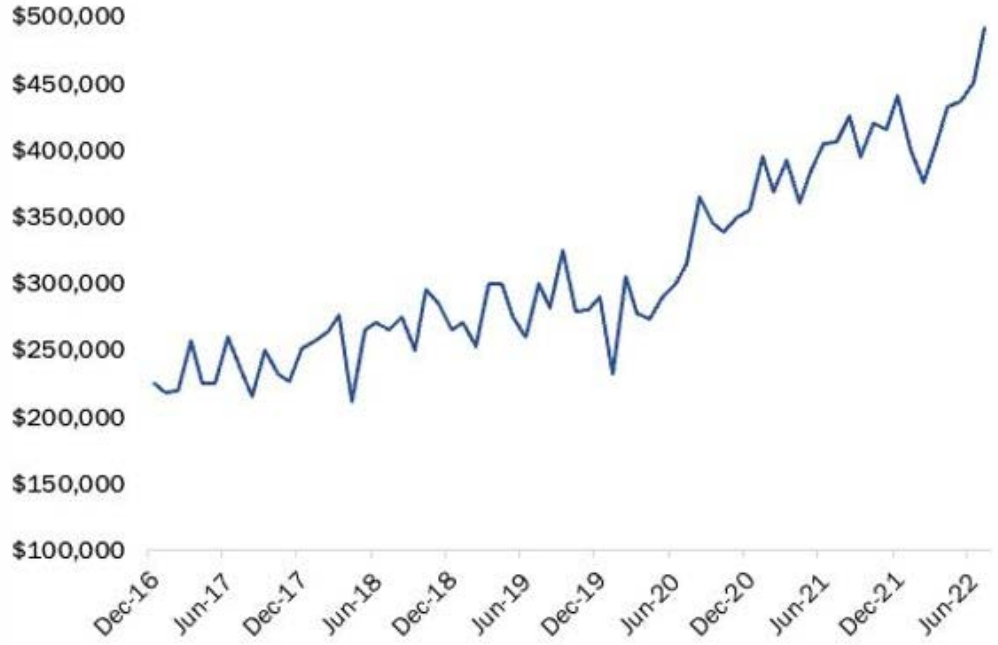
CHAS data provides a limited view of number of households and housing units by income. In the 2015-2019 period (for which data is most recently available), there was a housing unit shortage for those with incomes less than 50% AMI and those households with incomes with greater than 80% AMI. When accounting for renting or buying down, the shortage increases, as demonstrated in Exhibit 17 and Exhibit 18.

Exhibit 17. Household to Housing Units, Lincoln County, 2015-2019
Source: CHAS, 2015-2019, Table 18.

Income Range	Households	Housing Units	Households Minus Units	Shortage	Shortage Including Renting or Buying Down
0-50%	5,741	3,990	1,751	1,751	3,606
50-80%	3,790	6,130	(2,340)	-	580
80% +	11,751	11,162	589	589	589
Total	**21,282**	**21,282**	**-**	**2,340**	**4,775**

The median sales price of single unit dwellings increased by 119 percent, from $225,000 to around 492,250 from December 2016 to July 2022. Housing sales prices for 80 to 120 percent MFI would be between $179,000 and $306,000 in Lincoln County (36 percent to 62 percent of current median sales price). *From April to July 2022, 402 single unit residences were sold, of which only 81 (20 percent) were under $306,000.*

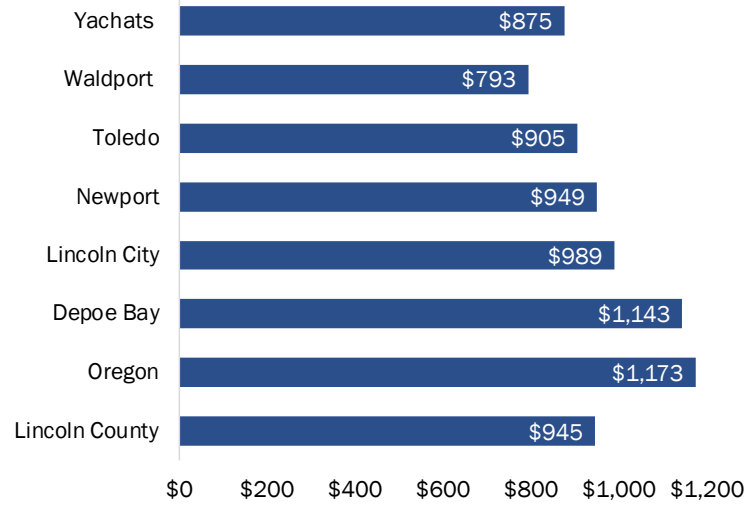
Exhibit 18. Median Single Unit Monthly Sales Price, Lincoln County, Dec 2016 to July 2022
Source: PropertyRadar, Calculations by ECONorthwest



Thirty two percent of Lincoln County's households have extremely low or very low income, earning below $31,900. These households can afford monthly rent of $800 or less, below the HUD Fair Market Rent of $1,102 for a two-bedroom unit and would be unable to afford the median gross rent across the county (Exhibit 19).

About 19 percent of households in Lincoln County are low income, earning between $31,900 and $51,040. These households can afford rents of $800 to $1,280.

Exhibit 19. Median Gross Rent, 2016-2020
Source: ACS 5-Year 2016-2020 Table B25064



Projected Need in the Next 20 Years

This section describes the key assumptions and presents an estimate of new housing units needed in Lincoln between 2022 and 2042 and are based on best available data. A 20-year population forecast (in this instance, 2022 to 2042) is the foundation for estimating needed new dwelling units. According to the 2016-2020 ACS the average household size in Lincoln County was 2.23 people. Thus, for the 2022 to 2042 period, we assume an average household size of 2.55 persons. According to the 2016-2020 ACS, Lincoln County's vacancy rate was 31 percent, and excluding vacancies due to other reasons for vacancy (such as seasonal rentals), the vacancy rate was around 3.5 percent. So, for the 2022 to 2042 period, we assume a vacancy rate of 3.5 percent.

Lincoln County will have demand for 2,404 new dwelling units over the 20-year period, with an annual average of 120 dwelling units.

Exhibit 20. Forecast of Demand for New Dwelling Units for Permanent Lincoln County Residents, 2022 to 2042
Source: Calculations by ECONorthwest. *Vacancy rate based on vacancy rate for rent/sold - excludes other reasons for vacancy

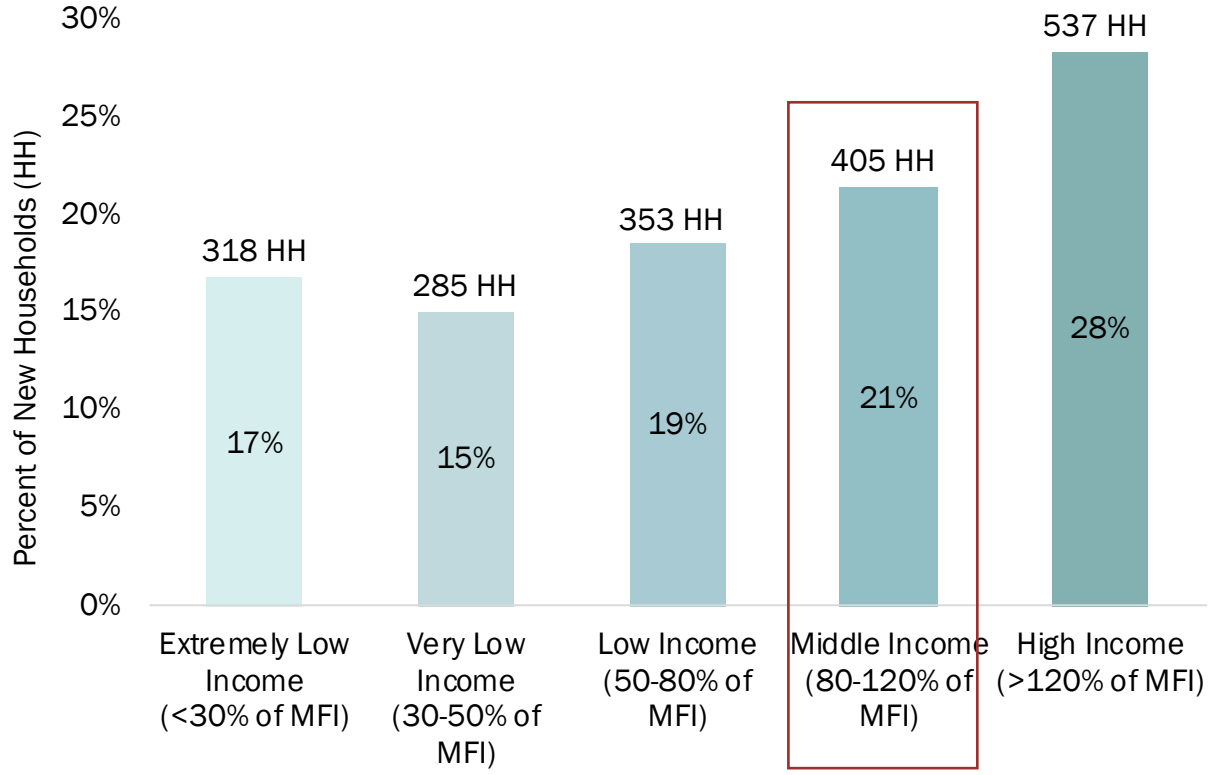
Variable		New Dwelling Units (2022-2042)
Change in persons		4,137
minus Change in persons in group quarters		51
equals Persons in households		4,086
Average household size		2.23
New occupied DU		1,832
times Vacancy rate	3.5%	
equals Vacant dwelling units		65
Total new dwelling units (2022-2042)		**1,897**
Annual average of new dwelling units		**95**

Needed Housing by Income Level

Estimates presented in this section are based on secondary data from the Census and analysis by ECONorthwest. This analysis requires an estimate of the income distribution of current and future households in the community.

The analysis in Exhibit 21 is based on ACS data about household income levels for existing households in Lincoln County. Income is distributed into market segments consistent with HUD income level categories, using Lincoln County's 2022 median family income (MFI) of $63,800. The exhibit assumes that approximately the same percentage of households will be in each market segment in the future. As Lincoln County's population changes, Lincoln County's will continue to have demand for housing across the affordability spectrum.

Exhibit 21. Future (New) Households, by MFI ($63,800), Lincoln County, 2022 to 2042
Source: US Department of HUD, Lincoln County, 2020. US Census Bureau, 2016-2020, ACS Table 19001.



Regional Need

Prior to the Echo Mountain Fire, Oregon Housing and Community Services commissioned a Regional Housing Needs Assessment, the North Coast was estimated to have an underproduction estimate of 295 units from 2020 to 2040.

Exhibit 22. Housing Need by Income Category, North Coast Region, 2020-2040

Source: Oregon Housing and Community Services. (2021). "Regional Housing Needs Technical Report (Implementing a Regional Housing Needs Analysis Methodology in Oregon)." https://www.oregon.gov/ohcs/about-us/Documents/RHNA/02-21-2021-ECONW-OHCS.pdf, ECONorthwest analysis; PSU, 2020-2070 Coordinated Population Forecasts; HUD, FY 2018 Income Limits; U.S. Census Bureau, 2018 ACS 1-year PUMS estimates; HUD, 2019 PIT count; ODE, SY 2018-2019 McKinney Vento data

	New units for each of the following...				
Median Family Income	Projected Need	Under-production	Housing for the Homeless	Total Units	% of Units
+120% ($77,130+)	6,421	23	-	6,444	37%
80-120% ($51,420 to $77,130)	2,777	51	-	2,828	16%
50-80% ($32,140 to $51,420)	2,890	94	69	3,054	18%
30-50% ($19,280 to $32,140)	1,494	64	185	1,743	10%
0-30% ($0 to $19,280)	1,148	62	2,055	3,265	19%
North Coast Region	14,731	295	2,309	17,335	100%
% of Units	85%	2%	13%	100%	

Challenges

Interviews conducted with key stakeholders in 2019 involved with needed housing in Lincoln County yielded several insights, building on the prior study with new interviews with local planning staff, developers, contractors and county staff as well as the market analysis conducted in the prior section, highlighted that while much has changed in the world, many of the issues and opportunities are still the same in Lincoln County.

- **High construction materials costs.** According to the National Association of Home Builders, prices have surged for building materials since January 2020, with a 35.7 percent increase.[12] Coastal conditions (weather, sand) demand specific building materials that generally come at a higher price. Additionally, the relatively long distance from major metropolitan areas and distribution centers adds to the cost of building materials transportation.
- **High construction labor costs.** Building costs in Lincoln County are higher than nearby metropolitan areas due to both a shortage of local availability and the additional cost of commute time for workers from the Willamette Valley. Developers interested in working within Lincoln County expressed a difficulty of connecting with local subcontractors and establishing reliable partnerships that would otherwise help to reduce these higher costs.
- **Limited availability of development ready sites.** The geographic limitations of Lincoln County constrain the amount of available buildable land. This especially constrains larger/denser multifamily developments that require larger amounts of contiguous land, which are scarce or costly to service and add infrastructure to.
- **Difficult terrain.** Related to the geographic limitations of the available buildable land, difficult terrain dramatically increases the cost of development. Steep slopes, excessive and difficult site clearance, and many other topographic features all contribute to the difficulty of development in Lincoln County.
- **High infrastructure costs.** Outstanding infrastructure costs associated with new development in un-serviced areas further increase development costs in Lincoln County. Collector roads, sewage pump stations, water lift, septic systems, and bridges among other necessities all add outstanding infrastructure costs for a development to provide that reduces overall feasibility. This cost becomes especially prohibitive when it is not distributed across a larger amount of units, which is particularly difficult given the geographic constraints.
- **Lower local median incomes.** Lower achievable rents decrease the achievable net operating income or revenue that a new development can expect, which decreases the likelihood for market rate development to occur. Developers discussed the value of developing in more metropolitan areas where higher rents and lower development costs

[12] Logan, D. (2022, August 1). *Building Material Prices Continued Climb In July*. NAHB. Retrieved August 30, 2022, from https://www.nahb.org/blog/2022/08/building-material-prices-continue-to-climb-in-july

make for easier and more profitable development to take place. Additionally, higher income households (both local and regional) compete with lower income households due to the lack of diverse available housing supply, further reducing the supply of affordable housing to lower income households.

- **System Development Charges (SDCs).** System Development Charges are the one-time fees associated with a development to help cover the municipality's infrastructure maintenance and improvements. Some developers reported SDCs as a limiting factor to feasibility in an already difficult development environment, with no financial incentive to financiers to absorb these costs.
- **Disproportionate supply of vacation homes and short-term rentals.** Much of the development that is taking place within Lincoln County appears to be for vacation and/or short-term rental houses. These new houses are often not designed for local residents (luxury homes or 2 bedroom and 1 bath units). Currently there is no reliable method of tracking the number of houses that are vacation or short-term rental units in Lincoln County.
- **High interest rates.** Rising interest rates increase the cost of borrowing. This affects individual home mortgages and developer financing, especially for those developments that are already in process and incur inflated costs not previously budgeted.

Opportunities

In 2019, the Lincoln County Housing Strategy aimed to address housing supply issues and proposed a variety of strategies. Because of the underlying economic reality, removing barriers to development (e.g., SDC deferrals) likely will not be sufficient. Rather, development of more affordable housing will require public subsidy and investment. To make rents and housing prices more affordable, Lincoln County should continue to work with partner agencies and focus on developing housing across the affordability spectrum.

- **Proactive water and wastewater infrastructure investment.** The County has been proactive in recovery and has secured a number of funds for water and wastewater infrastructure. $2.5 Million was secured through Business Oregon for septic. $800,000 in dollars for wells, septic, and navigation services - septic and well money spent out, almost spent out on navigation services. Business Oregon has provided $500,000 money for wells that will go to damaged or destroyed property. An additional 1.2 million from DEQ for septic was also acquired.
    - There was also about 12 million for Panther Creek Water District to rebuild and improve their system. The County was proactive in writing the funding package and the funding went directly to them.
- **Ongoing land banking efforts.** 2 million direct allocations from OHCS. The preliminary goal is land banking for CDBG with perhaps some of this funding going to clean up or development of property, with pending parameters. CDBG money - there are some ideas here, but since the money is not here, and allocations to county still flop around,

there is no direct plan other than to land bank as we can with 2 million in direct allocation.

  - The County also donated a tax foreclosed lot to Habitat; they will rapidly develop with a modular from the state.
  - The County is additionally looking at potential other properties coming in through tax foreclosures for a similar partnership but can't commit until they know what exactly is coming in and that can change up until they take title.

- **Supportive housing investment.** The County has received monies for mental health housing from the state, that Health and Human Services is working on a plan for. This is not related to wildfire recovery, but there could be some kind of leveraging perhaps.
- Active Environment for Affordable Housing Programs.
  - **Affordable Development**: Housing Authority of Lincoln County (HALC) is working on a **44-unit** apartment complex in Lincoln City breaking ground in October. Additionally, local governments have implemented many of the recommendations from the 2019 study. For example, Lincoln County and the City of Newport have adopted Property Tax Exemptions and Abatements for Affordable and Low-Income Housing for the Newport Urban Growth Boundary (including the City proper) as described below. In addition, Lincoln County and the City of Newport have adopted the provisions of ORS 307.540 through 307.548 Nonprofit Low-Income Housing, and the County, with other taxing entities has provided property tax exemptions in the past for several projects in Lincoln County, including:
    - The Ridge Apartments, an 80-unit apartment complex in Lincoln City
    - Sa Da Munn, 50 units in Waldport
    - Our Coastal Village, 21 townhomes in Yachats
    - Fisterra Gardens Apartments, 25 units in Yachats
    - Mariner Heights Apartments in Newport, 16 units
    - Salmon Run apartments, 40 units in Newport
    - Vandehaven-by-the-Bay Apartments, 18 units in Waldport
    - Agate Heights Apartments, 44 units in Newport
    - Surfview Village Apartments, 110 units in Newport
  - **Section 8/Housing Choice Vouchers:** Housing Authority of Lincoln County (HALC) manages **570 vouchers** for Lincoln County. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects. A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The

family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program.

  - **Property Management:** Housing Authority of Lincoln County (HALC) owns and manages **242 units** of subsidized housing, including 99 units of public housing. Our housing inventory has eleven barrier-free accessible units, including two for the visually impaired.

- **Local Governments Already Offering Property Tax Incentives.** Reduced, waived, or abated property taxes for new housing helps to offset the development costs. While this necessarily results in missed tax revenue, the benefits of the added housing and the eventual increase in tax base revenue must be considered and developers regularly mentioned this as a barrier to feasibility. For example, the Multiple Unit Property Tax Exemption (MUPTE) is a 10-year property tax exemption on structural improvements for multi-family rental projects with an affordable component.
- **Local Governments Already Offering System Development Charge (SDC) waivers.** Many developers mentioned SDCs as a financial barrier to a project's feasibility. The cost of SDCs do not result in any financial return on a development's profitability, and so is often considered a sunk cost by developers. Reducing this upfront cost does add additional burden to the municipality to maintain site service and infrastructure but improves the likelihood of development. Newport, for example, updated its SDC policies to benefit residential development and incentivize modestly sized homes.
- **Increasing Partnership Potential.** Local general contractors and subcontractors know the local conditions and constraints of Lincoln County better than anyone else. The opportunity to develop, expand, and employ this skill base is beneficial both to local residents and to outside developers interested in working and partnering in Lincoln County.
- **Programs Are Already Working to Reduce Land Acquisition Costs.** Land acquisition costs vary and depend on the seller and buyer agreeing to a mutually agreeable price of sale. Because of differing interests and expectations between these two parties, the cost of land a seller will accept versus that cost *plus* the cost to develop can greatly reduce the amount of development potential. Existing programs such as the Lincoln Community Land Trust and the Habitat for Humanity of Lincoln County can help acquire and transfer land at a more feasible price for strategic development.
- Other Opportunities to Address Challenges
  - **Permit Extensions.** Development is a difficult and timely process that inevitably faces delays. When those delays (supply chain, labor shortage, weather, COVID-19, etc.) extend past the expiration of previously acquired permits, the cost and time to re-apply for these permits can reduce the feasibility of a project or disincentivize developers from beginning in the first place. Lenient permit extensions are an opportunity that cities and the county can consider making a more favorable development environment.

- **Rent Guarantees.** Programs such as the OHCS Rent Guarantee Program help provide incentives and financial assistance to landlords that rent or lease to low-income households for unpaid rent, eviction, and property damage costs above and beyond security deposits. Rent guarantee programs incentivize landlords to rent to low-income households and improve the feasibility of smaller unit developments in the area.
- **Down Payment Assistance.** Difficult economic conditions in Lincoln County make it particularly difficult for low- and moderate-income families to save 5 –20 percent for a down payment on a house, especially given the market competition with higher income families competing for a limited supply of housing. Down payment assistance can help level the playing field, such as the agreement with Newport, Lincoln City, and Lincoln County with Proud Ground to provide eight down payment assistance grants for households making 80 – 120 percent of median family income.
- **Invest in Housing in Major Employment Areas.** Recognizing where the major employers and employment opportunities reside within Lincoln County can help guide where the greatest demand for future housing exists.
- **Diversify housing stock.** Lincoln County should continue to support and reduce barriers for the production of smaller housing units, such as small single-family detached homes, cottage cluster housing, and duplexes

5. Appendix B. Land Suitability Analysis

Overview of Methodology

Available Geographic Information System (GIS) data was provided by the Lincoln County Assessor and GIS Departments and federal data sources, to analyze existing property types, zoning designations, valuation, and environmental constraints through ArcGIS Pro software. Lincoln County property assessment data was used as a basis for determining land vacancy status and lot sizes, which was then refined with an analysis of potential environmental constraints (floodways, wetlands, high ground water, steep slopes) to remove lands that are generally unsuitable for additional development based on natural feature limitations. In addition to environmental factors, considerations were given to the cost of providing site access and utility services.

Draft maps were subsequently subjected to "ground truthing" through Google Earth maps and other digital data sources to confirm on-site conditions identified through the initial GIS site screening.

The steps taken to perform this analysis were as follows:

1. Identify vacant or partially vacant parcels in Lincoln County outside of urban growth boundaries and permitted for residential uses under the zoning code.
2. Subtract parcels which are too small to accommodate on-site septic systems, have inadequate site access or are encumbered by wetlands, high ground water, steep slopes floodplains, or other environmental hazards, and determine the remaining parcels that are suitable for workforce housing.
3. Calculate the total net serviceable parcels by zone district and the resulting residential development capacity represented in dwelling units.

Definitions

The following definitions were used in determining land suitability:

- Serviceable Land: Residentially zoned vacant or partially vacant land within the County that is not severely constrained by natural hazards, (Statewide Planning Goal 7), subject to natural resource protection measures (Statewide Planning Goals 5 and 15), large enough to accommodate on-site septic systems, and economically viable to develop based on current market conditions and property values. Publicly owned land was generally not considered available for residential use.
- FEMA Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- FEMA Floodplain: Land adjoining a river or stream that has been or may be inundated by a one-hundred-year flood event. Development may occur within the 100-year

floodplain, outside of the floodway channel, if the finish floor elevation is a minimum of one foot above the flood elevation.

- Redevelopable land: vacant parcels that can be aggregated with adjoining lots to meet the size thresholds for accommodating on-site septic systems.
- Residential Density: The number of units per acre (density) for residential properties with development potential was determined by referencing the base densities established in the County's zoning ordinance.
- Steep slopes: Steep slopes were considered all lands with an average slope of 12% or greater over 50-foot intervals and adjacent lands within 50 feet of the top of slope.
- Vacant land: Parcels that are free of building improvements except for accessory structures.
- Vacant/Undevelopable: Unbuildable acres due to physical constraints including: 1) with slopes more than 12%, 2) within the floodway, 3) building envelope areas that do not readily accommodate building construction at least one foot above the 100-year flood plain elevation, 4) in resource protection areas, 5) on lots less than 2 acres in area (the existing lot area or combined with an abutting lot).

Summary of Documents, Plans and Studies reviewed

The housing land suitability analysis leveraged the information from adopted plans as a foundation for understanding the County's overall land use planning policy underpinnings and how the workforce housing land supply can be more accessible today and in the future.

In 1973 the State Legislature passed Senate Bill 100 (ORS 197) which established certain statewide requirements for land use planning. Each city and county in the state is required, under the statute, to prepare and adopt comprehensive plans consistent with the statewide planning goals approved by the Land Conservation and Development Commission. As part of the Comprehensive Plan, the City or County must address the requirements of Goal 10 (Housing). These goals require a land needs analysis for providing adequate land needed to accommodate 20-year employment and population growth forecasts.

Land needs are to be based upon:

- Current analysis of vacant and part-vacant buildable lands that are zoned or planned to accommodate housing growth.
- Forecasted land needs and housing requirements in a manner that is consistent with regional growth forecasts and coordinated population growth forecasts.

Lincoln County Comprehensive Plan and Zoning Code

The Comprehensive Plan is a statement of Lincoln County's overall policies regarding the nature of future growth and development. This current edition of the Lincoln County Comprehensive Plan comprises the original text adopted and all subsequent revisions through 2012. The overall housing direction portrayed in the Plan remains valid today and has likely

accelerated as a result of the Echo Mountain Fire and real estate market trends spurred by the global pandemic:

"Overall vacancy rates in the County are very low; this coupled with rapidly escalating building costs and interest rates has driven acreage housing costs to levels beyond the income capabilities of many County residents. Fewer and fewer families are able to afford ownership of a single-family residence, still the overwhelming preference of most households. The County's role in providing areas for needed housing is projected to be relatively small during the planning period (as compared to areas within incorporated cities). However, in existing rural communities and other rural residential areas, the provision of opportunities for affordable housing will be emphasized."

Lincoln County Transportation System Plan (TSP)

A previous buildable lands analysis was included in the 2006 Lincoln County Transportation System Plan (TSP) which painted an inaccurate picture of land available for housing. The TSP buildable lands analysis found that the "*total available potentially developable new lots number 3,945 under existing Lincoln County zoning. This number is adequate to absorb the projected 1,309 new rural residences by 2027 to house the additional 2,974 residents in unincorporated areas of Lincoln County, assuming 2.27 persons per residence. These figures do not include development of lots for second homes by less than full-time residents, who are not counted as part of the permanent population.*" The TSP buildable lands analysis was significantly flawed given that it did not adequately address development construction costs associated with vehicular access and topographic constraints or adequate sewage disposal, all which are key determinants in establishing the County's residential development potential.

Comprehensive Plans for Lincoln City, Newport, Siletz, Toledo, Waldport and Yachats

Consistent with State land use requirements, each of the County's incorporated areas have an adopted Comprehensive Plan that establishes the goals, policies, and means by which their community will grow within the following 20-year period. Most of these adopted Comprehensive Plans are at least 10 years old; some have even met or surpassed the 20-year planning horizon for which the Plans are based and would benefit from an update process.

Buildable Lands Inventories for Lincoln County Cities

Goal 10 planning of the State Land Use Planning asks that cities inventory their "buildable lands", this refers to land inside an urban growth boundary that is suitable and available for residential use. Under the State standards, "Buildable Land" means residentially designated land with the urban growth boundary, including both vacant lands and developed land likely to be redeveloped, that is suitable, available, and necessary for residential uses." Publicly owned land is generally not considered available for residential uses. Land is considered "suitable and available" unless it:

- Is severely constrained by natural hazards as determined by Statewide Planning Goal 7;
- Is subject to natural resource protection measures as determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18.

- Has slopes of 25 percent or greater.
- Is within the 100-year floodplain; or
- Cannot be provided with public utilities.

Waldport and Newport, Toledo, and Lincoln City have all prepared Buildable Lands Inventories. Review of these inventories has revealed that they are based on a "supply-side" analysis and generally do not predict market demand nor directly consider the costs of development. They are not to be construed to mean all properties identified in the BLI are presently "readily developable", although the most recent inventories for Newport and Toledo are more refined than previous versions and do a better job incorporating the development costs.

City of Lincoln City Economic Opportunities and Housing Needs Analysis

In 2017, the City of Lincoln City developed a Housing Needs Analysis (HNA) and Economic Opportunities Analysis (EOA) that provides a factual basis for the City to ensure there is sufficient land to accommodate population and employment growth over the next 20 years. A buildable lands inventory must be produced as part of the preparation of a Housing Needs Analysis.

Constraints

Sanitary Waste Provision

The ability to dispose of residential sanitary waste provides one of the key determinants in providing housing within unincorporated portions of the County. There are only four small sanitary sewer districts: the Cape Foulweather, Gleneden, Siletz Keys and the Salishan Sanitary Districts, all of which have no additional treatment capacity, and the creation of additional sanitary districts within Lincoln County is not a cost-effective option. This lack of sewer capacity requires the County's new residential development and redevelopment to rely on the use of on-site septic systems. For purposes of this analysis, a conventional decentralized wastewater treatment system with a septic tank and a drain field were considered as the only economically viable system given development costs and the targeted housing prices. On some of the larger properties, it was assumed that a cluster decentralized system could be economically provided to serve multiple residences.

Topography

Many of Lincoln County's remaining vacant land parcels are encumbered by steep slopes which can add substantial site development costs. Site screening showed that most of the flatter home building sites were already developed and that the remaining land inventory was heavily constrained due to the topography.

Wetlands and Floodplains

- Lincoln County has over 60 miles of coastline, four rivers, multiple creeks and sloughs, ponds and lakes, along with thousands of acres of wetlands. The GIS evaluation

incorporated data from the National Wetlands Inventory (NWI) that is established and maintained by the U.S. Fish and Wildlife Service.

- FEMA mapped high hazard floodways and 100-year floodplains coincide with the area's numerous waterbodies.

Zoning and Lots Size Requirements

Most of the unincorporated area is zoned to protect timber and agricultural resources, leaving the balance within lower density residential zone districts. Vacant residential parcels within unincorporated Lincoln County are located within the Residential R-1, Rural Residential RR-2 or Rural Residential RR-5 zone districts. Such low densities make it challenging for workforce housing development to be economically viable, particularly given the relative lack of available utility services.

1. R-1 – requires a minimum lot area of 6,000 sq. ft. for a single-family dwelling unit and 10,000 sq. ft. for a duplex if the property is served by a public or community water source and a community sewage disposal system. Lack of such water and sewer systems trigger at least two acre lots.
2. RR-2 –two-acre minimum lot area.
3. RR-5 – five-acre minimum lot area.

Results

Based on the land suitability screening process and existing zoning requirements, the development of workforce housing on existing vacant, serviceable lots within Lincoln County is limited to approximately 23 residential units on 77 parcels after accounting for the variety of environmental and economic constraints described above. The supply of residential lands is summarized in Exhibit 21 and shown in Developable Lands Analysis Exhibits 22-25.

While Oregon's statewide land use planning laws generally encourage new housing within Urban Growth Boundaries (UGBs), Lincoln County can play a small role providing new workforce housing to be constructed within unincorporated areas. These housing opportunity areas are primarily within small rural communities that were established prior to Oregon's land use planning laws. Under Lincoln County's Comprehensive Plan, these unincorporated communities are identified as "exception areas" and provide the location for additional workforce housing opportunities:

Logsden

The community of Logsden is located 7 miles northeast of Siletz on OR 410. Logsden has the capacity for five additional residential units.

Otis

The community of Otis lies one half mile north of Otis Junction on Oregon Route 18. Otis was heavily impacted by the Echo Mountain Fire which destroyed about half of the towns' structures, including 288 houses. However, there are portions of Otis lying in between the Echo

Mountain and west Kimberling fires that were not impacted and can realize additional development potential. Up to 10 units could be added to the Otis area based upon current zoning.

Rose Lodge

Rose Lodge is situated approximately 1.5 miles east of the intersection of US 101 and OR 18 and extends east approximately 4 miles. The community is approximately 981 acres and includes residential lots and parcels, public parks, and commercial uses. Seven additional residential units could be built in Rose Lodge without upzoning.

South of Waldport UGB

Developable lots south of the Waldport UGB, are zoned RR-2. Under the current zoning, there is the potential for creating one additional lot.

Exhibit 23. Additional Lincoln County Workforce Housing Capacity by Location

	Density Range	Otis	Rose Lodge	South of Waldport	Logsden	Total Vacant Acres	Total Potential Intensification	Totals
Zone District								
R-1	1du/2ac in Rural Areas served by sewer		13.2 acres					
RR-2	1du/2ac		2.1 acres					
	1du/5ac			3.2 acres	26.8 acres		11 acres	
C-T	Max= 1du/2ac Min= 1 du/2,500 sf	12.7 acres					12.7 acres	
Developable Acres		21.3 acres	15.3 acres	3.2		55.2 acres		66.6 acres
Total Parcels		68	3	1	5			77 parcels
DU's generated		10 DU	7 DU	1 DU	5 DU			23 DU

Exhibit 24. Lincoln County Developable Lands Analysis
Source: Logan Simpson Analysis

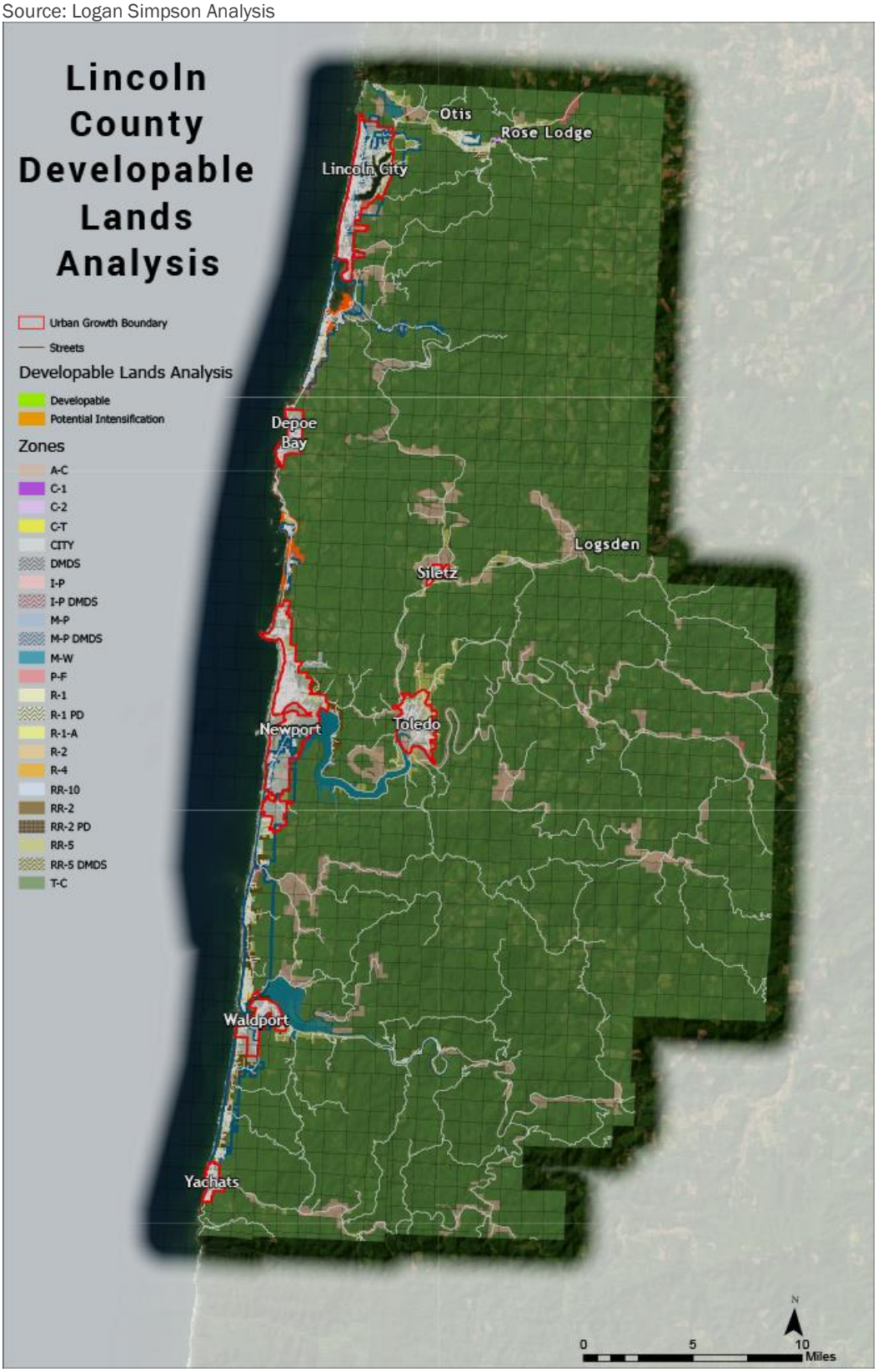


Exhibit 25. North Lincoln County Developable Lands Analysis
Source: Logan Simpson Analysis

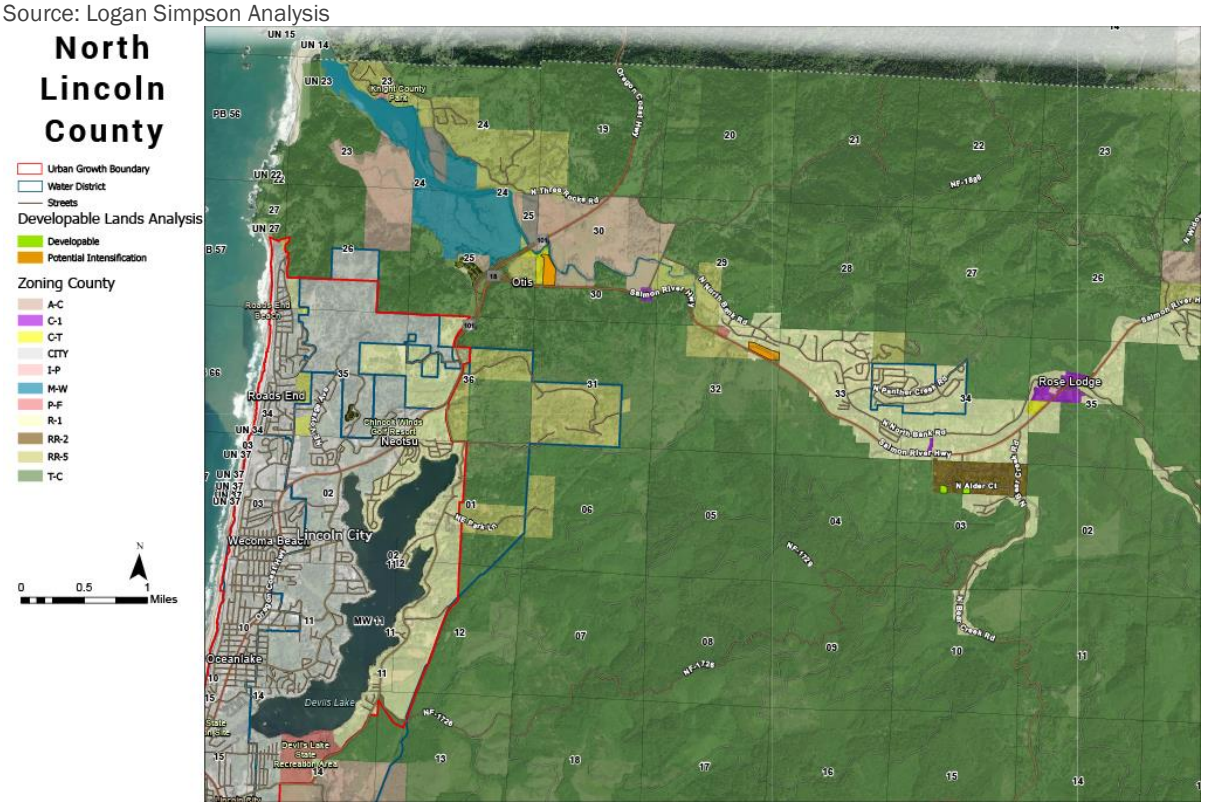


Exhibit 26. South of Waldport Developable Lands Analysis
Source: Logan Simpson Analysis

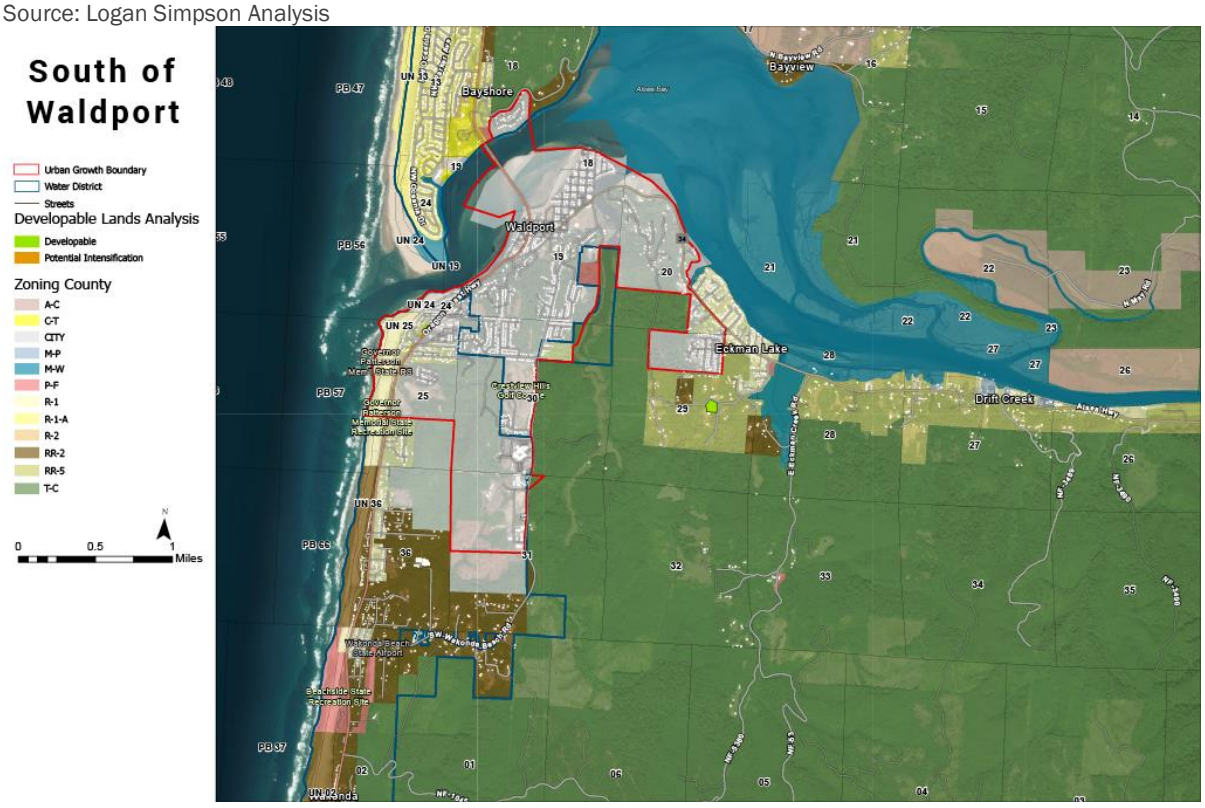
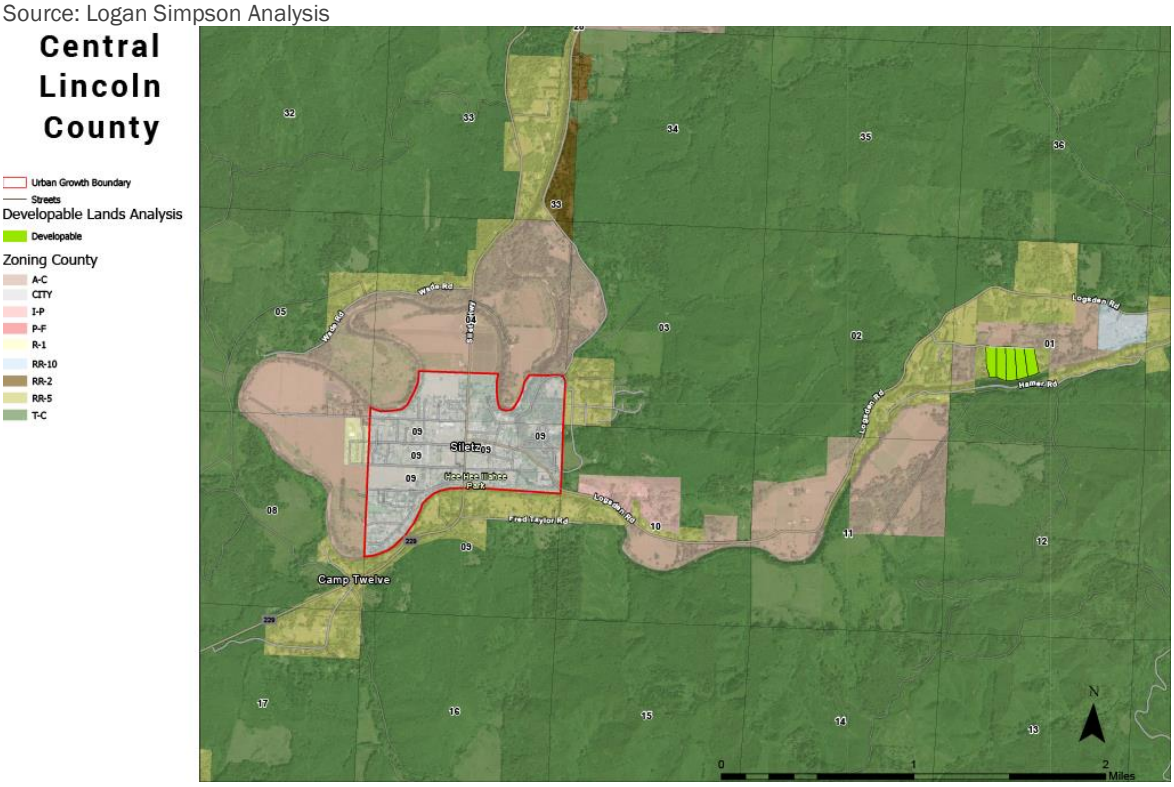


Exhibit 27. Central Lincoln County Developable Lands Analysis
Source: Logan Simpson Analysis



6. Appendix C. Funding Sources and Other Strategies

Workforce Housing Development Funding Strategies

The following policies focus on ways to pay for the costs of developing housing, this list has been simplified to reflect the County's needs and criteria for consideration.

Program/Strategy	Description	Applicable Entity
Urban Renewal / Tax Increment Finance (TIF)	*Tax increment finance revenues are generated by the increase in total assessed value in an urban renewal district from the time the district is first established. As property values increase in the district, the increase in total property taxes (i.e., City, County, school portions) is used to pay off the bonds. When the bonds are paid off, the entire valuation is returned to the general property tax rolls. TIFs defer property tax accumulation by the City and County until the urban renewal district expires or pays off bonds. Over the long term (most districts are established for a period of 20 or more years), the district could produce significant revenues for capital projects. Urban renewal funds can be invested in the form of low-interest loans and/or grants for a variety of capital investments:* ▪ *Redevelopment projects, such as mixed-use or infill housing developments* ▪ *Economic development strategies, such as capital improvement loans for small or startup businesses which can be linked to family-wage jobs* ▪ *Streetscape improvements, including new lighting, trees, and sidewalks* ▪ *Land assembly for public as well as private re-use* ▪ *Transportation enhancements, including intersection improvements* ▪ *Historic preservation projects* ▪ *Parks and open spaces* *Urban renewal is a commonly used tool to support housing development in cities across Oregon. Cities within the county can create a TIF set-aside for affordable housing development programs within designated Urban Renewal Areas. The target could be to set aside funds for housing projects as a medium-term action, over the next 5 years or so.* *Newport has three urban renewal areas expected to generate $30 million in infrastructure improvements over the next 20 years to catalyze new development. This tool requires thoughtful engagement with all affected taxing entities to dedicate future tax revenues toward these investments. Newport often uses urban renewal funds as a match for state and federal grants, or in conjunction with funds from private partners. The City recently invested about $120,000—with additional contributions from a developer—to improve a regional storm water detention facility so that a 26-unit, market-rate subdivision can be built. The improvements will accommodate run-off from other upstream residential properties.* *To incentivize housing development, the John Day Urban Renewal District has implemented three programs. 1. For new housing, the district offers a 7% cash rebate based on the property's assessed value. 2. For existing housing, there is a 15% cash rebate (based on property value after remodel) for improvements to home facades, structural repairs, major remodels, and new additions that add additional rooms and living space. The improvements must add a minimum added value of $10,000. Second, the City offers a land development incentive program. 3. The district offers an infrastructure investment program in which the URA may directly complete infrastructure improvements to help facilitate housing development that are otherwise*	*City*

Program/Strategy	Description	Applicable Entity
	required as a condition of development approval.	
Construction Excise Tax (CET)	*Funds land use planning throughout the region by taxing construction permits. CET is a tax assessed on construction permits issued by local cities and counties. The tax is assessed as a percent of the value of the improvements for which a permit is sought, unless the project is exempted from the tax. In 2016, the Oregon Legislature passed Senate Bill 1533 which permits cities to adopt a construction excise tax (CET) on the value of new construction projects to raise funds for affordable housing projects. CETs may be residential only, commercial only, or residential and commercial.* *If a City were to adopt a CET, the tax would be up to 1% of the permit value on residential construction and an uncapped rate on commercial and industrial construction. The allowed uses for CET funding are defined by the state statute. The City may retain 4% of funds to cover administrative costs. The funds remaining must be allocated as follows, if the City uses a residential CET:* ▪ *50% must be used for developer incentives (e.g., fee and SDC waivers, tax abatements, etc.)* ▪ *35% may be used flexibly for affordable housing programs, as defined by the jurisdiction.* ▪ *15% flows to Oregon Housing and Community Services for homeowner programs.* *If a jurisdiction implements a CET on commercial or industrial uses, 50% of the funds must be used for allowed developer incentives and the remaining 50% are unrestricted. The rate may exceed 1% if levied on commercial or industrial uses. Exemptions to the tax include private school improvements, public improvements, public or private hospital improvements, improvements to religious facilities, agricultural facilities, non-profit long term care facilities, non-profit residential care facilities, non-profit continuing care retirement communities, and any other exemption required by Oregon statute. https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/861604/Ordinance_No._2114.pdf* *The city of Newport, Oregon enacted a city ordinance in 2017 for an excise tax on all new construction to help fund affordable housing for those with incomes equal to or higher than 80% of the Lincoln County median family income (workforce housing). The construction excise tax is 1% of the total construction value for residential, commercial, and industrial improvements. The tax revenue is to be used to support down payment assistance programs, affordable housing development incentives, and other affordable housing programs where none currently exist. This construction excise tax was designed in conjunction with SDC reductions, "the council anticipates that this excise tax when considered in conjunctions with corresponding reductions to System Development Charges instituted with Resolution No. 3786, will not lead to increased negative impacts to the viability of construction projects."* *In the City and County of Hood River, a Construction Excise Tax have been adopted –The City use the funds for housing affordable up to 80% AMI, County is up to 120% AMI. The County will use the industrial/commercial CET funds for developer incentives, rent subsidies, down payment assistance and foreclosure assistance, as well as expenses that have a nexus related to housing creation, such as infrastructure, roads, and water.*	*City/County*
Local Improvement District (LID)	*Enables a group of property owners to share the cost of a project or infrastructural improvement. A special assessment district where property owners are assessed a fee to pay for capital improvements, such as streetscape enhancements, underground utilities, or shared open space. For residential property, the estimated assessment cannot exceed the pre-improvement value of the property based on assessor records.* *An ordinance must be passed through a public hearing process which must be supported by a majority of affected property owners. Part of this process includes an estimation of the improvement costs and the portion of those costs in which property owners will be responsible to pay for. The public hearing process allows for LIDs to be challenged by property owners.* *The Jurisdiction collects the funds and regardless of if the actual cost is greater than the estimated cost (on which the assessment was based), the Jurisdiction may make a deficit assessment for the additional cost, which would be prorated among all benefitted properties. Another public hearing would be held, in the event that an additional assessment was placed property owners (due to underestimation).* *The City of Bend has used LIDs for sewer improvements. The City of Oregon City and Ashland details the process of beginning a Local Improvement District, for more information: https://www.orcity.org/publicworks/petition-form-local-improvement-district-lid#:~:text=A%20Local%20Improvement%20District%20is,most%20major%20types%20of%20construction or*	*City/County*

Program/Strategy	Description	Applicable Entity
	https://www.ashland.or.us/Page.asp?NavID=108	
Multiple-Unit Property Tax Exemption (MUPTE)/ Multiple-Unit Limited Tax Exemption Program	*Through the multifamily tax exemption, a jurisdiction can incentivize diverse housing options in urban centers lacking in housing choices or workforce housing units. Through a competitive process, multi-unit projects can receive a property tax exemption for up to ten-years on structural improvements to the property. Though the state enables the program, each City has an opportunity to shape the program to achieve its goals by controlling the geography of where the exemption is available, application process and fees, program requirements, criteria (return on investment, sustainability, inclusion of community space, percentage affordable or workforce housing, etc.), and program cap. A City can select projects on a case-by-case basis through a competitive process.* *The passing of HB 2377 - Multiunit Rental Housing Tax Exemption allows cities and counties to create a property tax exemption for newly rehabilitated or newly constructed multi-unit rental housing within their boundaries depending on the number of units made available to low-income households, for up to 10 consecutive years. The bill was crafted to strengthen the connection to affordability by requiring cities and counties to establish a schedule in which the number of years an exemption is provided increases directly with the percentage of units rented to households with an annual income at or below 120 percent of MFI, and at monthly rates that are affordable to such households. While not specifically referenced in the measure, ORS 308.701 defines "Multi-unit rental housing" as: "(a) residential property consisting of four or more dwelling units" and "does not include assisted living facilities."* *All new multifamily units that are built or renovated that offer rent below 120% of AMI are potentially eligible for this tax exemption. In a city with an AMI of $55,000 (common outside of Portland), that's rent of $1,650 per month or less. The tax exemption is for all taxing districts which is administered by the City. Due to this, smaller jurisdictions may have more trouble managing this program. Local taxing jurisdictions that agree to participate–cities, school districts, counties, etc.* *Newport provides a 10-year property tax exemption on structural improvements on multi-family rental projects with an affordable component. Developers are required to reserve at least 20 percent of the units at 80 percent MFI (at least 3 units if new construction, 2 units in are model) and are subject to other standards. The developer of a 110-unit, state-subsidized private affordable housing project submitted the first application under the multiple unit program. All the units will be affordable at 60 percent MFI, and the developer will realize more than $1.6 million in tax savings on structural improvements over the 10-year period. Newport's portion is roughly 40 percent of the total, meaning it will forgo a little more than $665,000.* *The City of Eugene offers a ten-year Multi-Unit Property Tax Exemption (MUPTE) for projects in its eastern downtown core. Eugene's criteria for granting MUPTE include: Project must provide 5 or more units of housing (not including student housing), development must meet minimum density standards, development must comply with minimum green building requirements, a portion of construction and other contracting requirements must be through local business, the development must provide 30% of the units affordable at 100% of AMI or pay a fee of 10% of the value of the tax abatement toward supporting moderate income housing development, demonstrate that the project would not be financially feasible without the exemption by providing 10-year pro forma with and without MUPTE and comply with other criteria.* *The City of Salem's Multi-Unit Housing Tax Incentive Program (MUHTIP) was adopted in 2012 to spur the construction of "transit supportive" multi-unit housing in the city's downtown core. In order to qualify for the exemption, projects must consist of at least two dwelling units, be located in the city's "core area," and include at least one public benefit.*	*City/County/Taxing Districts*
Multifamily Housing Loan Guarantees	*This program works with qualified private-sector lenders to finance qualified borrowers who develop affordable rental and workforce housing for low- and moderate- income individuals and families in eligible rural areas and towns with populations of 35,000 or fewer. Low to moderate income: At initial occupancy, tenants' income cannot exceed 115% of the area median income adjusted for family size. Learn more about the 538 GRRH Income Limits for 2022. More information can be found at this link: https://go.usa.gov/xeQUt* *In Lincoln County there are five rental properties open for rent through the USDA Rural Development Multi-Family Housing Rentals; Jetty Apartments, Sea Haven Apartment, Agate Heights Apts, Mariner Heights and Sa-da-munn Apts. For more information see: https://rdmfhrentals.sc.egov.usda.gov/RDMFHRentals/select_state.jsp?home=NO or*	*Most state and local government entities, Nonprofit organizations, For-profit organizations, Limited liability corporations, Federally-recognized Tribes and Tribal lands*
Rural Housing Site Loans	*The Rural Housing site loans provide two types of loans (available to private or public nonprofit organizations and Federally-recognized Tribes) to purchase and develop housing sites for low- and moderate-income families (50%-80% of area median income and an upper limit of 115% of area median income).*	*Section 523: Private, public, and nonprofit organizations that will provide sites solely for*

Program/Strategy	Description	Applicable Entity
	The first type of loan, Section 523, are used to acquire and develop sites only for housing to be constructed by the Self-Help method. The second type of loans, Section 524, are used to acquire and develop sites for low- or moderate-income families, with no restrictions as to the method of construction. *More information can be found at: https://www.rd.usda.gov/programs-services/single-family-housing-programs/rural-housing-site-loans*	*self-help housing.* *Section 524: Private, public, and nonprofit organizations that can sell the building site to low- or moderate-income families.*
Business Oregon Programs	*Governor's Regional Solutions grants and other funding programs such as Oregon Infrastructure Finance Authority (IFA) loans have been administered to support housing development or infrastructure development that would support housing developments.* *John Day successfully applied for and was awarded an IFA Loan of $1,850,000 to develop new streets with stormwater, water, sewer, power, and fiber optic infrastructure for three separate housing development projects that provide an additional 100 multifamily and single-detached units (no income restrictions). One of the developments receiving these improvements sites Oregon's first 3-D printed concrete housing. The City of John Day assumes ownership, maintenance, and operations of the infrastructure improvements until the loan is fully repaid. More information can be found here: https://www.cityofjohnday.com/sites/default/files/fileattachments/city_council/meeting/packets/4631/ura_5a._business_oregon_general_application.pdf* *The City of Hood River purchased a property at 780 Rand Road and is currently working on parcel assembly with Hood River County & the adjacent landowner. The City of Hood River purchased the property in January 2020 for $1.2M. The Oregon Business Development Department granted $410,000 for the purchase and the remainder was financed by the City. Construction Excise Tax is a repayment source, and other funding sources include local, state and other community partners. More information can be found here: https://cityofhoodriver.gov/planning/780-rand-road-housing-development-strategy/*	*City/County*
Oregon Housing and Community Services (OHCS) Programs	*The majority of OHCS programs are targeted at less than 80% AMI, in some cases, funding can be utilized on developments that incorporate a mix of housing affordability. Additional information about OHCS funding opportunities is available at this link: https://www.oregon.gov/ohcs/development/Pages/notice-of-funds-availability.aspx or in the Affordable Housing Funding Strategies section.* *Medford Mosaic is 148 units of prefabricated modular workforce housing is being developed by Portland-based Project^. The project is utilizing a loan of $10M from Oregon Housing and Community Services with 0% interest for the first 24 months and only 1% interest thereafter. MOSAIC will use some of the $150M funds set aside by the "Oregonians Rebuilding Oregon." It will be principally constructed off-site and will consist of nine three-story buildings The developers are partnering with Klamath Falls construction company InteliFab, Oregon iSector, and the Housing Innovation Partnership. They are also receiving a "master permit" for prefabricated construction to speed up the permitting process and lower development costs.*	*Private, nonprofit, and public organizations*
Foundation Awards	*Local, regional, and national foundations provide both capital funding and program funding for a wide variety of innovative housing models and programs. In Oregon, the Meyer Memorial Trust and Oregon Community Foundation (OCF) may fund innovative housing models and programs.*	*City/County/Partners*
Oregon Community Foundation/ Oregon Community Rebuilding Fund	*The Oregon Community Rebuilding Fund, established at the request of Governor Kate Brown, is a partnership with the Meyer Memorial Trust, Oregon Community Foundation, the Ford Family Foundation, and the American Red Cross to bring private and philanthropic donations together to work collectively to help Oregon communities harmed by the 2020 wildfires. The goal is to use the private donations to leverage existing and future public investments to help catalyze a stronger and more resilient Oregon. There are a variety of grant application types that the fund supports.* *More information can be found at: https://oregoncf.org/oregon-fire-relief-recovery/* *Housing Options Production Enterprise Community Corporation (HOPE), Eugene is planning the construction of manufactured-homes to begin in mid/late 2023. Utilizing $15M in funding from the State of Oregon in 2022, financing from the nonprofit Oregon Community Foundation, and aligned House Bill 4063 to expedite manufactured homes across the state. HOPE Community Corporation is a nonprofit affiliate of St. Vincent de Paul of Lane County and will employ an estimated 112 workers with a target rate of production: 4 units per day.*	*Private, public, and nonprofit organizations*
Ford Family Foundation	*While the Ford Family Foundation does offer grants, the most applicable may be capacity building or technical assistance grant. In addition, the Ford Family Foundation offers capacity building grants that have been used to fund Resource Assistance for Rural Environments AmeriCorps Members that can help provide capacity on projects in rural communities, including work on housing issues. In 2022, they partnered with OEDD to develop the Pathways to*	*Private, public, and nonprofit organizations*

Program/Strategy	Description	Applicable Entity
	Securing Rural Federal Funding Toolkit which includes: "Federal Funding Opportunities Prospect List – an Excel list updated monthly with current federal funding sources that is searchable and can be refined by an agency's criteria. Grant Readiness Assessment – a survey to identify the necessary steps for rural jurisdictions, organizations, and special districts to prepare a successful federal grant application. Need-based Mentoring – funded by The Ford Family Foundation, provided by Sequoia Consulting, and accessed by rural agencies through completion of the Grant Readiness Assessment. And coming soon a Grant Writer Roster – a vetted listing of qualified grant writers to assist an agency develop and manage a federal grant proposal." See https://www.tfff.org/general-article-news-stories-etc/pathways-securing-rural-federal-funding-provides-support-and for more information	

Affordable Housing Funding Strategies

Program/Strategy	Description	Applicable Entity
Multifamily Housing Direct Loans	*This program provides competitive financing for affordable multi-family rental housing for low-income, elderly, or disabled individuals and families in eligible rural areas. The loan can be used to buy and improve land and providing necessary infrastructure for multifamily housing. The loan targets housing for very-low income (less than 50% median income) up to moderate-income (50%-80% median income), for elderly people (62 or older), and for people with disabilities.* *This Multifamily Housing Direct Loans current application cycle is closed. More information can be found at this link: https://www.rd.usda.gov/programs-services/multifamily-housing-programs/multifamily-housing-direct-loans*	*Private, nonprofit, and public developing entities*
Multi-Family Housing Non-Profit Transfer Technical Assistance Grants	*USDA Rural Development awards grants to eligible nonprofit organizations and public housing authorities to provide technical assistance and other services to enable affordable housing preservation through the transfer of Multifamily Housing Direct Loan properties from current owners to nonprofits or public housing authorities. This assistance aids in the preservation of affordable housing for very low-, low-, and moderate-income households up to 80% AMI. This Multi-Family Housing Non-Profit Transfer Technical Assistance Grant current application cycle is closed. More information can be found at this link: https://www.rd.usda.gov/programs-services/multifamily-housing-programs/multi-family-housing-non-profit-transfer-technical-assistance-grants*	*Public, private, and nonprofit organizations, Public Housing Authorities, Tribal housing nonprofits, and Tribally-designated Housing Entities*
Vertical Housing Tax Abatement/Credit	*The 2017 Legislature passed legislation moving the administration of Vertical Housing Program from Oregon Housing and Community Services (OHCS) to the local City and County beginning Oct 6th, 2017, The legislation subsidizes "mixed-use" projects to encourage dense development or redevelopment by providing a partial property tax exemption on increased property value for qualified developments. The exemption varies in accordance with the number of residential floors on a mixed-use project with a maximum property tax exemption of 80 percent over 10 years. An additional property tax exemption on the land may be given if some or all of the residential housing is for low-income persons (80 percent of area is median income or below). Additional Implementation considerations: Both ground-floor retail and multifamily rental housing must be allowed, appropriate, and potentially desirable to tenants for the program to be effective. The program works better for taller development (at least 4 stories tall) since the incentive is very limited for lower-scale development. It should be applied in places where this is allowed, desirable, and close to being feasible, given the higher cost of such development relative to 2-to 3-story housing or single-story retail. Expect market-rate development through this program, if any development occurs because of it—there is little or no history of it being used for affordable housing in Oregon. Also consider how any affordability restrictions will be monitored and enforced* *Program Adopted: Central Point, Klamath Falls, Roseburg, Grants Pass, Medford, Forest Grove, Monmouth, LaGrande, The Dalles, Canby, Eugene, Oregon City, Wood Village, Stayton, Springfield and Cottage Grove.*	*City*
Nonprofit Corporation Low Income Housing Tax Exemption *and* *Low-Income Rental Housing Tax Exemption*	*Note: These are two separate tax exemptions available under statute (ORS 307.515 to 307.523 / ORS 307.540 to 307.548). They are grouped together for their similarities (but differences are noted).* *Land and improvement tax exemption used to reduce operating costs for regulated affordable housing affordable at 60% AMI or below. Requires the City to adopt standards and guidelines for applications and enforcement mechanisms.* *The low-income rental housing program exemption lasts 20 years. The nonprofit corporation low-income housing program must be applied for every year but can continue as long as the property meets the criteria. Rents must reflect the full value of the property tax abatement and City can add additional criteria.*	*City*

Program/Strategy	Description	Applicable Entity
	There is no requirement that construction must be complete prior to application. *Programs both work well in tandem with other incentives, such as land banking.* *Newport's Non-Profit Corporation Low-Income Housing Tax Exemption is targeted to non-profit corporations that operate income-limited rental housing, specifically at60 percent MFI in the first year of operation and up to 80 percent MFI in subsequent years. The exemption also applies to property held for development by such entities, for up to three years.* *Program adopted: Newport, Beaverton, Portland, Tigard, Forest Grove, Cornelius, Wilsonville, Springfield, Eugene and Bend.*	
Oregon Housing and Community Services (OHCS) Programs	*Competitive sources of funding include 9% LIHTC, 4% LIHTC, LIFT Rental, LIFT Homeownership, and Permanent Supportive Housing. Non-competitive sources of funding include Agriculture Workforce Housing Tax Credits, the Affordable Housing Land Acquisition Revolving Loan Program, Oregon Rural Rehabilitation Loan Program for farmworker housing, Pass-Through Revenue Bond Financing (Conduit) Program for multi-unit affordable housing, the Oregon Multifamily Energy Program, and Preservation of Manufactured Dwelling Parks* *Additional information about OHCS funding opportunities is available at this link: https://www.oregon.gov/ohcs/development/Pages/notice-of-funds-availability.aspx* ▪ *The **Affordable Housing Land Acquisition Revolving Loan Program** helps municipal, non-profit, and Indian tribe organizations purchase land suitable for affordable housing for households earning up to 80% AMI, specifically targeting rural areas.* ▪ ***Low-Income Housing Tax Credit (LIHTC)** federal funding, distributed at the state level, supports the development and preservation of income-restricted affordable rental housing for households earning up to 60% AMI.* ▪ ***Local Innovation and Fast Track (LIFT) Program for Affordable Rental Housing Development** state funding assists the development of 4% LIHTC and multifamily conduit bonds for affordable rental housing development for households earning up to 60% AMI. 50% of LIFT funds are designated to support affordable rural housing.* ▪ ***Local Innovation and Fast Track (LIFT) Homeownership** provides up to $100,000 for the development or conversion of affordable homeownership for households earning up to 80% AMI.* ▪ ***Permanent Supportive Housing** helps develop and support the services associated with providing rental housing to help stabilize people experiencing chronic homelessness and who are at or below 60% AMI.* ▪ *The **Agriculture Workforce Housing Tax Credit** provides tax credits for developing, acquiring, or rehabilitating housing that provide at least 14 units for individuals and families with at least one family member that works temporarily or permanently in agriculture (no income restrictions).* ▪ *The **Oregon Rural Rehabilitation Loan Program** helps defray costs (up to $100,000 or 35% of the total project costs, whichever is less) associated with building, maintaining, and rehabilitating farmworker housing (no income restrictions).* ▪ *The **Pass-Through Revenue Bond Financing (Conduit) Program** for multi-unit affordable housing uses tax-exempt state bond financing to pair with 4% LIHTC to assist the development, rehabilitation, or acquisition of affordable rental housing for households earning up to 60% AMI.* ▪ *The **Oregon Multifamily Energy Program** provides design and financial assistance to promote and facilitate energy-efficient affordable multifamily housing where at least 50% of the units include householders earning up to 80% AMI.* ▪ *The **Preservation of Manufactured Dwelling Parks** fund provides state assistance to eligible groups to control rising rents, take control of Park ownership, or rehabilitation of Park conditions, when necessary, with Gap Funding for Parks with at least 60% of Park spaces occupied by households earning up to 80% AMI.*	*Eligible organizations include local governments, local housing authorities, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in Oregon, regional or statewide nonprofit housing assistance agencies.*

Program/Strategy	Description	Applicable Entity
	Medford Mosaic is 148 units of prefabricated modular workforce housing is being developed by Portland-based Project^ . The project is utilizing a loan of $10M from Oregon Housing and Community Services with 0% interest for the first 24 months and only 1% interest thereafter. MOSAIC will use some of the $150M funds set aside by the "Oregonians Rebuilding Oregon." It will be principally constructed off-site and will consist of nine three-story buildings The developers are partnering with Klamath Falls construction company InteliFab, Oregon iSector, and the Housing Innovation Partnership. They are also receiving a "master permit" for prefabricated construction to speed up the permitting process and lower development costs. More details can be found here: https://www.medfordoregon.gov/files/assets/public/planning/agendas-minutes/ld/09-07-2022/ac-22-252_ld_agenda_packet.pdf	
Homebuyer Opportunity Limited Tax Exemption (HOLTE)	*This program allows property tax exemptions for some new residential construction. This program can serve as an incentive to stimulate the construction of new single-unit housing and encourage homeownership among low and moderate-income families. Ongoing administrative requirements an include annual application process and ongoing monitoring to ensure owner-occupancy.* *In Portland, properties participating in the HOLTE Program receive a ten-year property tax exemption on the structural improvements of the single-unit housing as long as the single-unit housing and owner remain eligible per program requirements. The sale price cannot exceed 120% of the annual median sale price for single-unit housing the City of Portland.*	*City*
Meyer Memorial Trust (MMT)	*MMT has previously given funding support to nonprofit developers to aid in development of affordable housing units. One of their core goals and intended outcomes is to increase affordable housing available to renters in Oregon. They provide project, capacity building, capital and operating support grants. See: https://mmt.org/housing and https://mmt.org/news/new-grants-support-strategies-lower-housing-development-costs for more information*	*Private, public, and nonprofit organizations*
Weyerhaeuser Giving Fund	*The Weyerhaeuser Giving Fund has a variety of grant types, notably for affordable housing for working families. The fund prioritizes areas where Weyerhaeser has a "significant presence," which includes Lincoln County where Weyerhaeuser owns and manages forest land.*	*Nonprofits, public education institutions, and government entities that qualify under Section 170(c)(1) of the IRS*
Roundhouse Foundation	*The Roundhouse Foundation aims to "create a positive impact through collaboration in communities by encouraging creative problem solving, innovative programming, to stimulate local economies." The foundation has provided support for affordable housing developments previously, including in Malheur County: https://roundhousefoundation.org/grant-stories/new-affordable-housing-for-malheur-county/*	*Private, public, and nonprofit organizations*

Grants/Loans for Water Infrastructure

This appendix includes a limited number of potential grant opportunities that the County or cities could pursue to support water infrastructure. The jurisdictions should continue to monitor state agency and legislature creation of new funding opportunities for water infrastructure as well as funding opportunities aimed at building capacity for planning and for housing.

Funding Program	Program Description	Eligible Projects	Eligible Applicants	Grant Program Criteria Evaluated	Funding Capacity
OWRD Water Projects Grants and Loans Funding Agency: Oregon Water Resources Department	Funding for projects that will help Oregon meet its in-stream and out-of-stream water supply needs and produce economic, environmental, and social/cultural benefits. This competitive funding opportunity is meant for implementation-ready projects. Grants and loans are offered on an annual basis, with the applications due each spring.	Funds implementation-ready projects in conservation, reuse, above-ground storage, below-ground storage, streamflow protection or restoration, water distribution, conveyance or delivery systems, and other water resource development projects that result in economic, environmental, and public benefits.	Any local or tribal government or person may apply for funding.	Criteria document available on their webpage. Looking for highest likelihood of achieving greatest public benefits under three categories: economic, environmental, and social. Each category must achieve minimum rating of 7.	Past funding has ranged from $150,000 to $3 million. Funding is provided through the sale of lottery revenue bonds. An additional $15 million in lottery revenue bonds, scheduled to be sold in March 2023, will provide funding for future cycles. Grant requires a 25% cost match
OWRD Feasibility Study Grants Funding Agency: Oregon Water Resources Department	Feasibility Study Grants fund qualifying costs of studies to evaluate the feasibility of developing water conservation, reuse, and storage projects. This competitive funding opportunity helps individuals and communities investigate whether a project is worth pursuing. Grants are offered on an annual basis, with applications due each fall.	Funds studies to evaluate the feasibility of developing water conservation, reuse, and storage projects	Any local or tribal government or person may apply for funding. *Grant applications would likely require engineering expertise and assistance with grant writing	Technical preparedness, study goal, water availability and strategies, community engagement.	Grants require a 50% cost match of the total cost of the feasibility study, up to $500,000.
Sustainable Infrastructure Planning Projects (SIPP) Funding Agency: Oregon Health Authority	SIPP provides a 100% forgivable loan for planning infrastructure projects for water utilities to make them more sustainable and resilient. Grant cannot be used for any construction or engineering, only planning.	Feasibility Studies, Asset Management Plan, System Partnership Studies, Water Rate Analysis, Leak Detection Studies, Security Risk and Vulnerabilities Studies, Water System Master Plan for water systems with <300 connections, Seismic Risk Assessment and Mitigation	A water system may be awarded SIPP funds once every three years	System size (small systems prioritized), capital improvement history, future project potential, readiness to proceed, priority deliverable	Up to $20,000 per project, 100% forgivable loan

Funding Program	Program Description	Eligible Projects	Eligible Applicants	Grant Program Criteria Evaluated	Funding Capacity
Water infrastructure Finance and Innovation Act Program Funding Agency: Environmental Protection Agency	The Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) established the WIFIA program, a federal credit program administered by EPA for eligible water and wastewater infrastructure projects.	Projects that are eligible for Clean Water and Drinking Water State Revolving Funds (SRFs), drought mitigation, alternative water supply, energy efficiency projects. Funds can be used for development, construction, acquisition costs.	Local, state, tribal, and federal government entities, partnerships and joint ventures, corporations and trusts and Clean Water and Drinking Water State Revolving Fund (SRF) programs	The program determines whether the project satisfies each category of criteria (Project Impact, Project Readiness, and Borrower Creditworthiness).	$5 million minimum size for small communities (<25,000), 49% costs eligible for WIFIA funding, Federal funding cannot exceed 80% of project costs, 35-year maximum maturity for completion, 5 addition years after completion for repayment. In some cases, loans from the SDWRLF can be used as required match funding for WIFIA funding.
USDA Rural Development Water and Environmental Programs: Emergency Community Water Assistance Grants Funding Agency: USDA Rural Development	This program helps eligible communities with a population of 10,000 or less prepare, or recover from, an emergency that threatens the availability of safe, reliable drinking water. Emergency events including drought or flood, earthquake, tornado or hurricane, disease outbreak, chemical spill or leak, other disasters (federal disaster declaration is not required).	Funds can be used 1) to construct waterline extensions, repair breaks or leaks in existing water distribution lines, and address related maintenance necessary to replenish the water supply, and 2) to construct a water source, intake, or treatment facility. The area to be served must have a median household income less than the state's median household income for nonmetropolitan areas.	Most state and local governmental entities, nonprofits, federally recognized tribes	Unclear from website. Website suggests speaking to a program specialist before attempting to fill out any forms or applications	Water transmission line grants up to $150,000 Water source grants up to $1,000,000

Funding Program	Program Description	Eligible Projects	Eligible Applicants	Grant Program Criteria Evaluated	Funding Capacity
WaterSMART: Water and Energy Efficiency Grants Funding Agency: Bureau of Reclamation	On-the-ground water management improvement projects, including projects that conserve water and address water supply reliability.	Projects should result in quantifiable water savings, implement renewable energy components, and support broader sustainability benefits.	State, regional, or local authorities, whose members include one or more organizations with water or power delivery authority.	Quantifiable water savings, renewable energy, sustainability benefits, etc.	Up to $500,000 for projects to be completed within two years; up to $2 million for projects to be completed within three years; and up to $5 million for large projects to be completed within three years. Non-Federal Cost Share: 50% or greater.
WaterSMART: Small-Scale Water Efficiency projects Funding Agency: Bureau of Reclamation	The WaterSMART Small-Scale Water Efficiency Projects Reclamation provides 50/50 cost share funding to irrigation and water districts, tribes, states and other entities with water or power delivery authority for small water efficiency improvements that have been identified through previous planning efforts. Projects eligible for funding include installation of flow measurement or automation in a specific part of a water delivery system, lining of a section of a canal to address seepage, or other similar projects that are limited in scope.	Canal lining/piping, municipal metering, Irrigation flow measurement, supervisory control and data acquisition and automation (SCADA), landscape Irrigation measures, high-efficiency indoor appliances and fixtures, upgrades to commercial cooling systems to improve water-use efficiency Other projects that are like those tasks listed above may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization and goals.	State, regional, or local authorities, whose members include one or more organizations with water or power delivery authority.	Project benefits, planning efforts supporting the project, project implementation, nexus to reclamation, Presidential and Department of the Interior priorities	In 2022, applicants were eligible for up to $100,000 for 2-year projects, with maximum total project costs of $225,000. 50% non-Federal cost share

Other Strategies for Aiding in Development of Workforce Housing

The following focus on ways the County, Cities and other entities can assist in lowering development or operational costs in order to increase affordability and available stock.

Strategy Name	Description	Applicable Entity
Expand Land Banking, Parcel assembly, and Public Land Disposition Efforts	*Land banks support housing development by reducing or eliminating land cost from development, with the goal of increasing the affordability of housing. They can take several forms. Many are administered by a non-profit or non-governmental entity with a mission of managing a portfolio of properties to support affordable housing development over many years or decades. Ideally, a land bank is set up to manage financial and administrative resources, including strategic property disposal, for the explicit purpose of supporting affordable housing development. Cities and the county can partner with non-profits or sometimes manage their own land banks. They may also donate, sell, or lease publicly-owned land for the development of affordable housing even without a formal 'land bank' organization.* *Parcel assembly involves a jurisdictions ability to purchase lands for the purpose of land aggregation or site assembly. It can directly address the issues related to limited multifamily lands being available in appropriate locations. Typical goals of parcel assembly programs are: (1) to provide sites for rental apartments in appropriate locations close to services and (2) to reduce the cost of developing multifamily rental units* *Parcel assembly can lower the cost of multifamily development because the City is able to purchase land in strategic locations over time. Parcel assembly is often associated with development of affordable housing (affordable to households with income below 60% of MFI), where the City partners with nonprofit affordable housing developers.* *The public sector sometimes controls land that has been acquired with resources that enable it to dispose of that land for private and/or nonprofit redevelopment. Land acquired with funding sources such as tax increment, EB-5, or through federal resources such as CDBG or HUD Section 108 can be sold or leased at below market rates for various projects to help achieve redevelopment objectives. This increases development feasibility by reducing development costs and gives the public sector leverage to achieve its goals via a development agreement process with the developer. Funding can come from Tax Increment, CDBG/HUD 108, or EB-5. Cities across Oregon use publicly land to support affordable and market-rate of housing development. In some cases, municipalities put surplus public land into land banks or land trusts.* *OHCS has the Affordable Housing Land Acquisition Revolving Loan Program helps municipal, non-profit, and tribe organizations purchase land for affordable housing for households earning up to 80% AMI, specifically targeting rural areas.* *The City of Newport entered into a land donation agreement with Habitat for Humanity of Lincoln County for the construction of up to five owner-occupied units targeted to qualifying households earning between 40 and 80 percent of MFI. The first duplex project was completed in the spring of 2021, on a property valued at a little over $100,000. Deed restrictions require that the properties will remain affordable for up to 20 years from the original sale.* *Cottage Grove worked with the school district to discuss and plan for use of surplus school district land for future housing development.* *The City of Hood River purchased a property at 780 Rand Road and is currently working on parcel assembly with Hood River County & the adjacent landowner. The City of Hood River purchased the property in January 2020 for $1.2M. The Oregon Business Development Department granted $410,000 for the purchase and the remainder was financed by the City. Construction Excise Tax is a repayment source, and other funding sources include local, state and other community partners. More information can be found here: https://cityofhoodriver.gov/planning/780-rand-road-housing-development-strategy/* *The City of Ashland established a Housing Trust Fund that provides 50% match of up to $179,000 for households earning up to 120% AMI. Funded in part by CDBG and City's portion of the State Marijuana Tax, these funds can be used for; Acquisition and Construction of new affordable housing, Conservation, Land Banking, Predevelopment activities, Bridge loans, Capacity , Rehabilitation and Emergency Repairs, Hazardous materials abatement, Direct benefits to low-moderate income households through an established program, Transitional and Emergency Housing for homeless individuals and families through an*	*Cities, county, partners*

Strategy Name	Description	Applicable Entity
	established program to move people toward self-sufficiency.	
Public Private Partnerships (P3)	*Public and private partnerships have the capacity to leverage private industry knowledge and capital with public policy and resources in order to more efficiently reach a shared outcome. While public private partnerships can be structured in a variety of ways, some incentives to improve development feasibility and capacity include land donations, low cost land leases, waive/reduce impact fees, waive/reduce permitting fees, donate legal and staff resources, increase density in exchange for housing development, reduce parking requirements, allow a combination of mixed income units, limit returns to developer, target workforce income levels, live-work requirements, buy-back conditions, and distribution of financial risk.* *Legion Cottages in Cottage Grove were built on an American Legion owned 0.16 acre parcel next to its building to provide more affordable housing for veterans in Cottage Grove. Homes for Good purchased the property and secured $225,000 grant from Lane County to help with construction. OregonBILDS students designed four studio cottages in one school term and constructed the homes in two terms through a University of Oregon program led by Professor Rob Thallon. Residents pay up to 30% of their income and VASH vouchers are paired with Section 8 housing assistance. The City's Housing Development Cost Assistance Program provides system development and building fees relief to nonprofit and government housing developments.*	*County/Cities/Partners*

Council Communication

NL Sanitary Update to Council

Meeting Date:	April 10, 2023	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

Tina French, with North Lincoln Sanitary Service, will be presenting a six month cost of service review.

Planning Staff Report

CPA ZC 2023-01 The Knoll

Meeting Date: April 10, 2023
Department: City Council
Secondary Dept:
Approval:
Primary Staff Contact: AnneMarie Skinner
E-Mail: ASkinner@lincolncity.org
Secondary Contacts: Alison Robertson, AnneMarie Skinner, Daphnee Legarza, Jeanne Sprague, Richard Appicello
Estimated Time:

Question:

Should the City Council conduct a public hearing on CPA & ZC 2023-01, a map amendment and zone change from Medium Density Residential District and Single-Unit Residential (R-1-7.5) Zone to Open Space District and Open Space (OS) Zone?

Staff Recommendation:

Staff recommends the Council conduct the public hearing.

Authority:

Legal authority for map amendments and zone changes is as follows:

17.76.050 Type III procedure.

A. General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or the city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.
B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.
C. Pre-application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged.
D. Application Requirements. Type III applications shall:
    1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.

E. Notice of Public Hearing.
   1. After a Type III application has been accepted as complete, the department shall mail a written notice of public hearing to the applicant and applicant's representative; owner of record of the subject property; property owners of record within 500 feet of the perimeter property line of the property or properties subject to the application; any neighborhood or community organization recognized by the governing body; and Oregon Department of Land Conservation and Development at the discretion of the applicant.
   2. The notice shall include a brief description of the request; applicable criteria; street address; date, time, and location of hearing; statement that failure of an issue to be raised in a hearing by a person or letter precludes appeal; name and number of department staff member to contact; statement that a copy of the application is available for inspection; statement that the staff report is available for inspection; and a general explanation of the procedure for submitting testimony and conduct of hearing.

F. Public notices shall be mailed at least 20 days prior to the first public hearing.

G. Decision Authority. Table 17.76.020-1 identifies the decision authority for a plan map amendment and zone change as the City Council, followed by a recommendation from Planning Commission.

H. The public hearing is conducted in accordance with procedures in LCMC 17.76.160.

I. Notice of Decision. Following the decision, a final order shall be prepared by the department.

J. Appeal. The final decision of the City Council to approve or deny a Type III application may be appealed to the Land Use Board of Appeals (LUBA).

Background:

See Staff Report for CPA ZC 2023-01

Council Options:

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed map amendment and zone change.
- Continue the public hearing to the _____ City Council meeting.

Attachments:
CPA ZC 2023-01 Staff Report CC (DOCX)
CPA ZC 2023-01 Map (PDF)

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-01

Date: March 29, 2023

Case File: CPA ZC 2023-01

Property Owner: City of Lincoln City
PO Box 50
Lincoln City, OR 97367

Situs Address: Unaddressed

Location: Approx. 425 feet east of NE Neptune Dr and 1,500 feet north of NE Sal La Sea Dr

Tax Map and Lot: 06-11-26-00-00500-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Unit Residential (R-1-7.5) Zone

Site Size: Approximately 97 acres, half of which is already zoned OS

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: Open Space; OS
South: Undeveloped; R-1-7.5
East: Siuslaw National Forest; unincorporated Lincoln County
West: Undeveloped forested area; unincorporated Lincoln County

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.

Applicable Substantive Criteria: Oregon Statewide Planning Goals
Lincoln City Comprehensive Plan
LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is unaddressed and identified as Tax Map 06-11-26-00-00500-00. A portion of the site is zoned Open Space. The western edge of the site and the eastern one-third of the site are zoned R-1-7.5. North of the site is a forested, undeveloped area that is zoned Open Space. The Siuslaw National Forest is to the east of the site in unincorporated Lincoln County, owned by the United States of America. West of the site is an undeveloped and forested area in unincorporated Lincoln County. South of the site is undeveloped property owned by Lincoln City, zoned R-1-7.5.

The site contains an abundance of natural resources. These resources include trees, vegetation, meadows, wildlife, and Logan Creek. The site also contains The Knoll, which is a little sister to Cascade Head, and within the UNESCO Biosphere Reserve.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and the record was closed. The Planning Commission voted to recommend that City Council approve the comprehensive plan map amendment and zone change to Open Space.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the OS zone to align with its use as The Knoll, and adjacent to a national forest. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

No development is allowed in the open space zone. Public facilities and services will not be necessary for the site to remain in use as open space. This goal is not applicable.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal is 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 city's maps show the site does not contain any natural hazards. Goal 5 is not applicable.

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is in use as designated open space. Designated open space is precluded from development. Goal 6 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and is a feature regularly utilized by tourists. Staff finds this goal is either not applicable to the request or 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 site does not contain any aesthetic resources, but it is preserved and used as open space. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, meadows, and trees, all of which serve to preserve the aesthetic quality of the area. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is open space and will remain undeveloped. Residents and visitors can access the site via NE Devils Lake Blvd from Hwy 101. This goal is satisfied or not applicable.

10. Energy Goal

"To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The goal, therefore, is satisfied or 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 entire site will be preserved as open space in its natural state. 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 site does not contain any shoreland, beaches, dunes estuaries, or ocean resources and is more than a mile from the Pacific Ocean. Rezoning of the site will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as open space, which will also protect the natural resources on the site and conserve the scenic area on the site. The proposal 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."

The proposal will preserve the site as open space, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site is does not contain any natural disaster and hazards areas. The proposal 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."

The site will be preserved as open space for the viewing pleasure of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's Urban Growth Boundary and proposed for use as open space. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. A preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is in use as designated open space. Designated open space is precluded from development. Goal 10 is not applicable.

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 site is open space and will remain undeveloped. Utilities and services are available at the site. The request is consistent with Goal 11, or Goal 11 is not applicable.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is open space and will remain undeveloped. Residents and visitors can access the site via NE Devils Lake Blvd from Hwy 101, both of which are public streets. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the open space and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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 are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

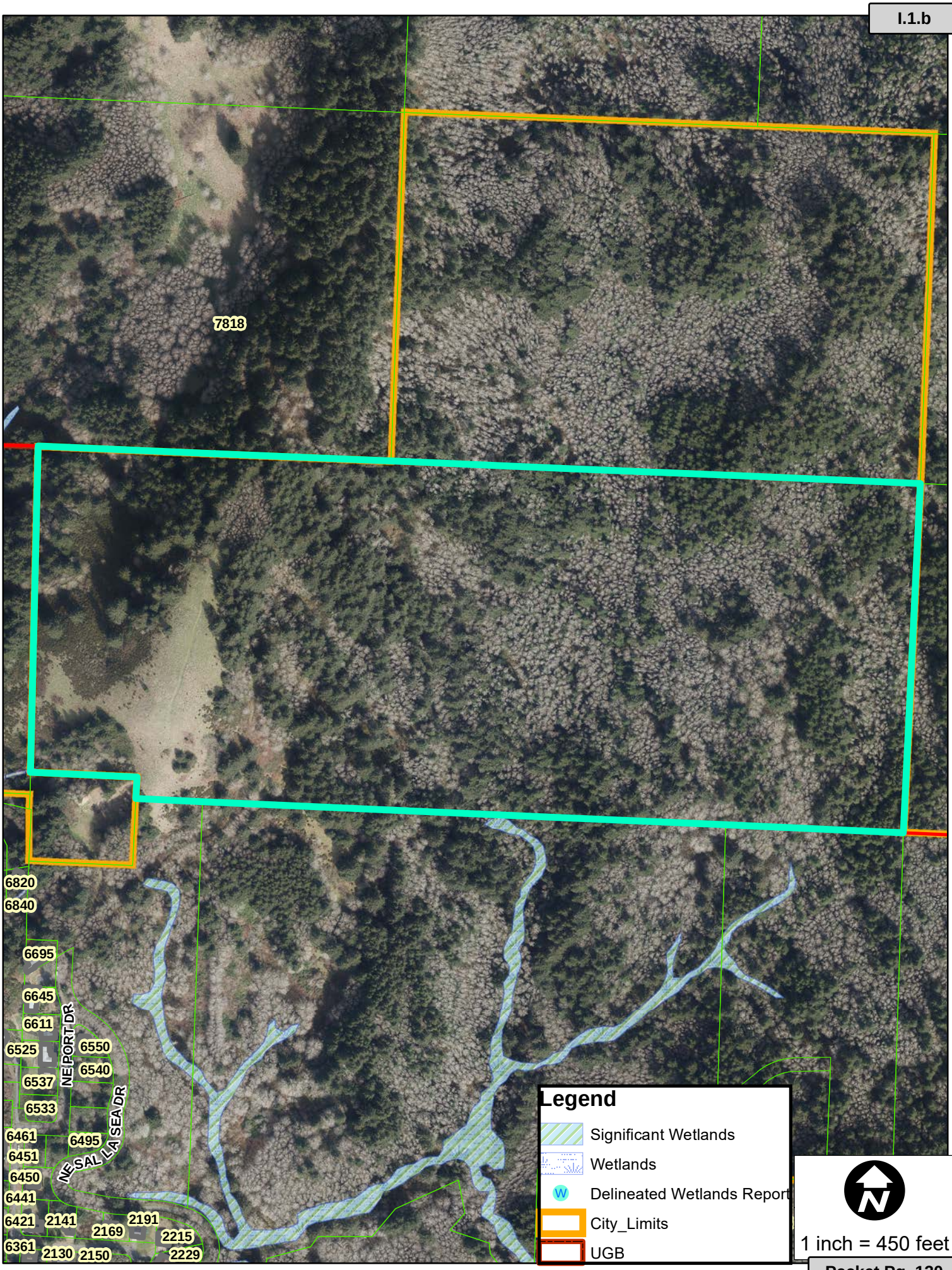
Goal 18 – "Beaches and Dunes" "To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

The proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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."

Since the area of the proposed amendment and zone change is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the city's Shoreland,

Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.


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NE SALLA SEA DR
Legend
Significant Wetlands
Wetlands
Delineated Wetlands Report
City_Limits
UGB
1 inch = 450 feet

Planning Staff Report

CPA ZC 2023-02 TL404

Meeting Date: April 10, 2023
Department: City Council
Secondary Dept:
Primary Staff Contact: AnneMarie Skinner
E-Mail: ASkinner@lincolncity.org
Secondary Contacts: Alison Robertson, AnneMarie Skinner, Daphnee Legarza, Jeanne Sprague, Richard Appicello
Approval:
Estimated Time:

Question:

Should the City Council conduct a public hearing on CPA & ZC 2023-02, a map amendment and zone change from Medium Density Residential District and Single-Unit Residential (R-1-7.5) Zone to Open Space District and Open Space (OS) Zone?

Staff Recommendation:

Staff recommends the Council conduct the public hearing.

Authority:

Legal authority for map amendments and zone changes is as follows:

17.76.050 Type III procedure.

A. General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or the city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.

B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.

C. Pre-application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged.

D. Application Requirements. Type III applications shall:

1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.

E. Notice of Public Hearing.

1. After a Type III application has been accepted as complete, the department shall mail a written notice of public hearing to the applicant and applicant's representative; owner of record of the subject property; property owners of record within 500 feet of the perimeter property line of the property or properties subject to the application; any neighborhood or community organization recognized by the governing body; and Oregon Department of Land Conservation and Development at the discretion of the applicant.

2. The notice shall include a brief description of the request; applicable criteria; street address; date, time, and location of hearing; statement that failure of an issue to be raised in a hearing by a person or letter precludes appeal; name and number of department staff member to contact; statement that a copy of the application is available for inspection; statement that the staff report is available for inspection; and a general explanation of the procedure for submitting testimony and conduct of hearing.

F. Public notices shall be mailed at least 20 days prior to the first public hearing.

G. Decision Authority. Table 17.76.020-1 identifies the decision authority for a plan map amendment and zone change as the City Council, followed by a recommendation from Planning Commission.

H. The public hearing is conducted in accordance with procedures in LCMC 17.76.160.

I. Notice of Decision. Following the decision, a final order shall be prepared by the department.

J. Appeal. The final decision of the City Council to approve or deny a Type III application may be appealed to the Land Use Board of Appeals (LUBA).

Background:

See Staff Report for CPA ZC 2023-02

Council Options:

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed map amendment and zone change.
- Continue the public hearing to the _____ City Council meeting.

Attachments:
CPA ZC 2023-02 Staff Report City Council (DOCX)
CPA ZC 2023-02 Map (PDF)

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-02

Date: March 29, 2023

Case File: CPA ZC 2023-02

Property Owner: City of Lincoln City
PO Box 50
Lincoln City, OR 97367

Situs Address: Unaddressed

Location: East of unimproved NE Sal La Sea Dr, 300 feet northeast of unimproved NE Quay Ct

Tax Map and Lot: 06-11-35-00-00404-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Unit Residential (R-1-7.5) Zone

Site Size: Approximately 0.07 acres

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: Unimproved NE Sal La Sea Dr, undeveloped lots; R-1-RE
South: Undeveloped, wetlands; R-1-7.5
East: Undeveloped, wetlands; R-1-7.5
West: Unimproved NE Sal La Sea Dr, undeveloped lots; R-1-RE

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.

Applicable	Oregon Statewide Planning Goals
Substantive	Lincoln City Comprehensive Plan
Criteria:	LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is unaddressed and identified as Tax Map 06-11-35-00-00400-00. Immediately to the north and to the west of the site is unimproved NE Sal La Sea Dr. North and west of the unimproved street are undeveloped platted lots (part of the Sal-La-Sea plat recorded in 1964) in the R-1-RE zone. East and south of the site is undeveloped land that contains wetlands and is part of The Villages. The site is in the R-1-7.5 zone, triangular in shape, and relatively small at 0.07 acres.

Almost the entire site is designated as significant wetland. Along with the significant wetland, the site contains trees, vegetation, wildlife, and Logan Creek.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and the record were closed. Planning Commission voted unanimously to recommend that City Council approve the comprehensive plan map amendment and zone change to Open Space.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the OS zone to align with its use as significant wetland, and adjacent to other significant wetland. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

No development is allowed in the open space zone. Public facilities and services will not be necessary for the site to remain in use as open space. This goal is not applicable.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal is 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 city's maps show the site does not contain any natural hazards. Goal 5 is not applicable.

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is largely significant wetland. Significant wetland is precluded from development. Goal 6 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and tourists for viewing the significant wetland and the vegetation and habitat contained therein. Staff finds this goal is either not applicable to the request or 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 site does not contain any aesthetic resources, but it is significant wetland. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, wetland, and habitat, all of which serve to preserve the aesthetic quality of the area. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is open space and significant wetland and will remain undeveloped. The site is accessible to pedestrians through unimproved NE Sal La Sea Dr. This goal is satisfied or not applicable.

10. Energy Goal

"To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The goal, therefore, is satisfied or 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 entire site will be preserved as open space in its natural state. 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 site does not contain any shoreland, beaches, dunes estuaries, or ocean resources and is more than a mile from the Pacific Ocean. Rezoning of the site will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as open space, which will also protect the natural resources on the site and conserve the scenic area on the site. The proposal 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."

The proposal will preserve the site as open space, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site is does not contain any natural disaster and hazards areas. The proposal 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."

The site will be preserved as open space for the viewing pleasure of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's urban growth boundary and proposed for use as open space. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. A preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is significant wetland. Significant wetland is precluded from development. Goal 10 is not applicable.

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 site is significant wetland and will remain undeveloped. Utilities and services are available at the site. The request is consistent with Goal 11, or Goal 11 is not applicable.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is significant wetland and will remain undeveloped. Residents and visitors can access the site via unimproved NE Sal La Sea Dr. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the open space and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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."

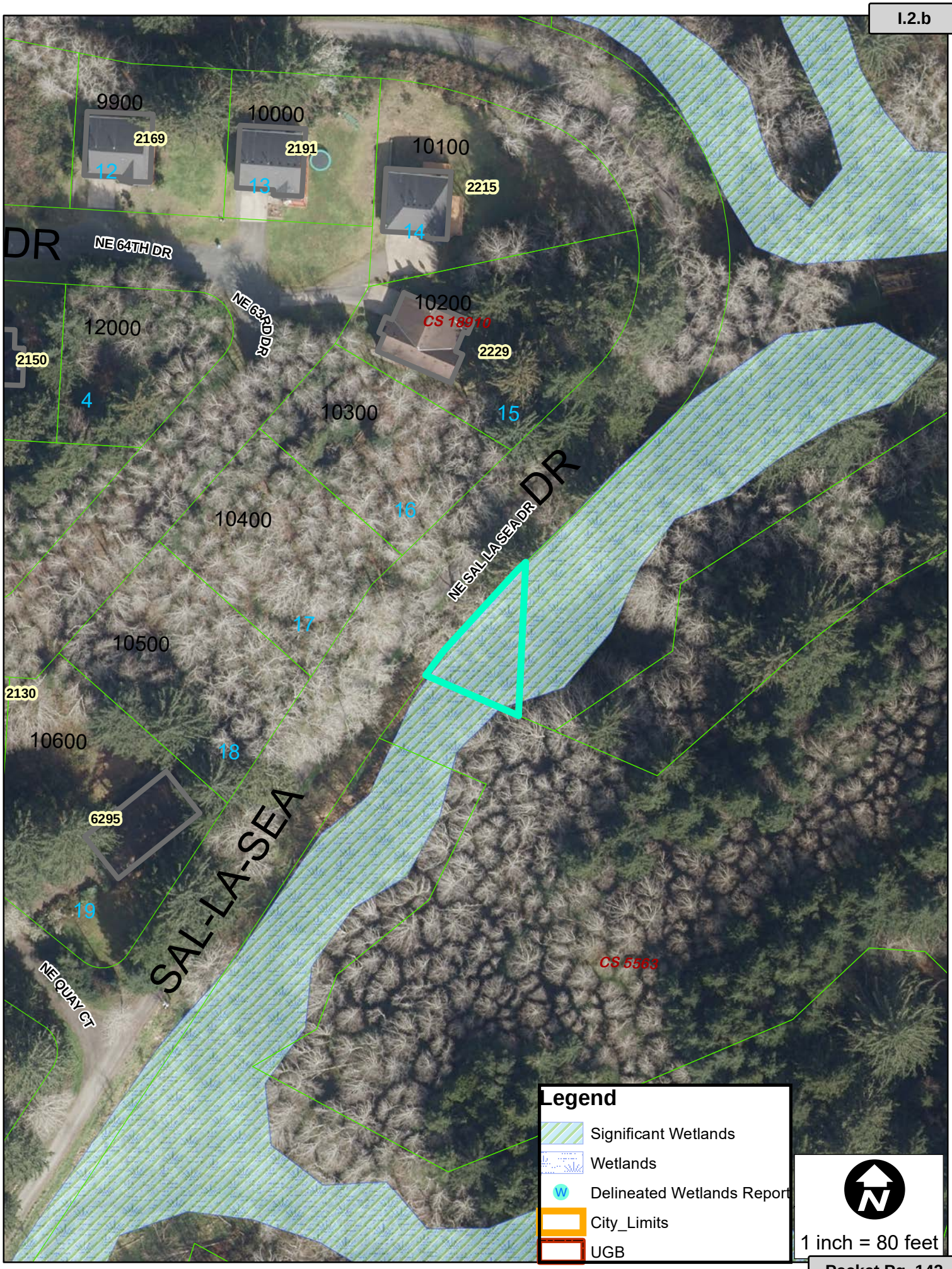
The city's coastal shorelands are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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 proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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."

Since the area of the proposed amendment and zone change is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.


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CS 5563
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Significant Wetlands
Wetlands
Delineated Wetlands Report
City_Limits
UGB
1 inch = 80 feet

Planning Staff Report

CPA ZC 2023-03 TL2100

Meeting Date: April 10, 2023
Department: City Council
Secondary Dept:
Primary Staff Contact: AnneMarie Skinner
E-Mail: ASkinner@lincolncity.org
Secondary Contacts: Alison Robertson, AnneMarie Skinner, Daphnee Legarza, Jeanne Sprague, Richard Appicello
Approval:
Estimated Time:

Question:

Should the City Council conduct a public hearing on CPA & ZC 2023-03, a map amendment and zone change from Medium Density Residential District and Single-Unit Residential (R-1-7.5) Zone to Open Space District and Open Space (OS) Zone?

Staff Recommendation:

Staff recommends the Council conduct the public hearing.

Authority:

Legal authority for map amendments and zone changes is as follows:

17.76.050 Type III procedure.

A. General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or the city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.
B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.
C. Pre-application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged.
D. Application Requirements. Type III applications shall:
    1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.

E. Notice of Public Hearing.
   1. After a Type III application has been accepted as complete, the department shall mail a written notice of public hearing to the applicant and applicant's representative; owner of record of the subject property; property owners of record within 500 feet of the perimeter property line of the property or properties subject to the application; any neighborhood or community organization recognized by the governing body; and Oregon Department of Land Conservation and Development at the discretion of the applicant.
   2. The notice shall include a brief description of the request; applicable criteria; street address; date, time, and location of hearing; statement that failure of an issue to be raised in a hearing by a person or letter precludes appeal; name and number of department staff member to contact; statement that a copy of the application is available for inspection; statement that the staff report is available for inspection; and a general explanation of the procedure for submitting testimony and conduct of hearing.

F. Public notices shall be mailed at least 20 days prior to the first public hearing.

G. Decision Authority. Table 17.76.020-1 identifies the decision authority for a plan map amendment and zone change as the City Council, followed by a recommendation from Planning Commission.

H. The public hearing is conducted in accordance with procedures in LCMC 17.76.160.

I. Notice of Decision. Following the decision, a final order shall be prepared by the department.

J. Appeal. The final decision of the City Council to approve or deny a Type III application may be appealed to the Land Use Board of Appeals (LUBA).

Background:

See Staff Report for CPA ZC 2023-03

Council Options:

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed map amendment and zone change.
- Continue the public hearing to the _____ City Council meeting.

Attachments:
CPA ZC 2023-03 Staff Report City Council (DOCX)
CPA ZC 2023-03 Map (PDF)

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-03

Date: March 29, 2023

Case File: CPA ZC 2023-03

Property Owner: City of Lincoln City
PO Box 50
Lincoln City, OR 97367

Situs Address: Unaddressed

Location: East of unimproved NE Sal La Sea Dr at NE Quay Ct

Tax Map and Lot: 06-11-35-00-02100-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Unit Residential (R-1-7.5) Zone

Site Size: 3.82 acres

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: Unimproved NE Sal La Sea Dr, undeveloped lots; R-1-RE
South: Undeveloped, wetlands; R-1-7.5
East: Undeveloped, wetlands; R-1-7.5
West: Unimproved NE Sal La Sea Dr, undeveloped lots; R-1-RE

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.

Applicable	Oregon Statewide Planning Goals
Substantive	Lincoln City Comprehensive Plan
Criteria:	LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is unaddressed and identified as Tax Map 06-11-35-00-02100-00. The site is Tract 14 in Rock Creek Village, platted as a 3.82-acre tract in the R-1-7.5 zone. To the north and east of the site is Lot 12 of Rock Creek Village, which contains 18.87 acres, also in the R-1-7.5 zone. West of the site is unimproved NE Sal La Sea Dr. South of the site is outside of city limits in unincorporated Lincoln County.

Almost the entire site is designated as significant wetland. Along with the significant wetland, the site contains trees, vegetation, wildlife, and Logan Creek. The site is platted as a tract, not as a lot for development.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and record were closed. The Planning Commission voted three in favor (Baker, Bunnett, Vincent) and one against (Blackerby) to recommend that City Council approve a change to Open Space.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the OS zone to align with its use as significant wetland, and adjacent to other significant wetland. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

No development is allowed in the open space zone, so public facilities are not necessary for the site to remain in use as an open space tract. This goal is met or is not applicable.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal is 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 city's maps show the site does not contain any natural hazards. Goal 5 is not applicable.

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is largely significant wetland. Significant wetland is precluded from development. Goal 6 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and tourists for viewing the significant wetland and the vegetation and habitat contained therein. Staff finds this goal is either not applicable to the request or 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 site does not contain any aesthetic resources, but it is significant wetland. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, wetland, and habitat, all of which serve to preserve the aesthetic quality of the area. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is significant wetland and a platted tract, so it will remain undeveloped. The site is accessible to pedestrians through unimproved NE Sal La Sea Dr. This goal is satisfied or not applicable.

10. Energy Goal

"To conserve energy."

The site will remain undeveloped as significant wetland open space. No energy will be expended in open space use. The goal, therefore, is satisfied or 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 entire site will be preserved as open space in its natural state. 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 site does not contain any shoreland, beaches, dunes, estuaries, or ocean resources and is more than a mile from the Pacific Ocean. Rezoning of the site will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as an open space, which will also protect the natural resources on the site and conserve the scenic area on the site. The proposal 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."

The proposal will preserve the site as a natural open space, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site does not contain any natural disaster and hazards areas. The proposal 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."

The site will be preserved as an undeveloped open space for the viewing pleasure of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's urban growth boundary and proposed for use as open space. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. A preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is significant wetland. Significant wetland is precluded from development. Goal 10 is not applicable.

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 site is significant wetland and will remain undeveloped as a natural open space. Utilities and services are not necessary for a natural open space. The request is consistent with Goal 11, or Goal 11 is not applicable.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is significant wetland and will remain undeveloped. Residents and visitors can access the site via unimproved NE Sal La Sea Dr. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain undeveloped as natural open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the park and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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."

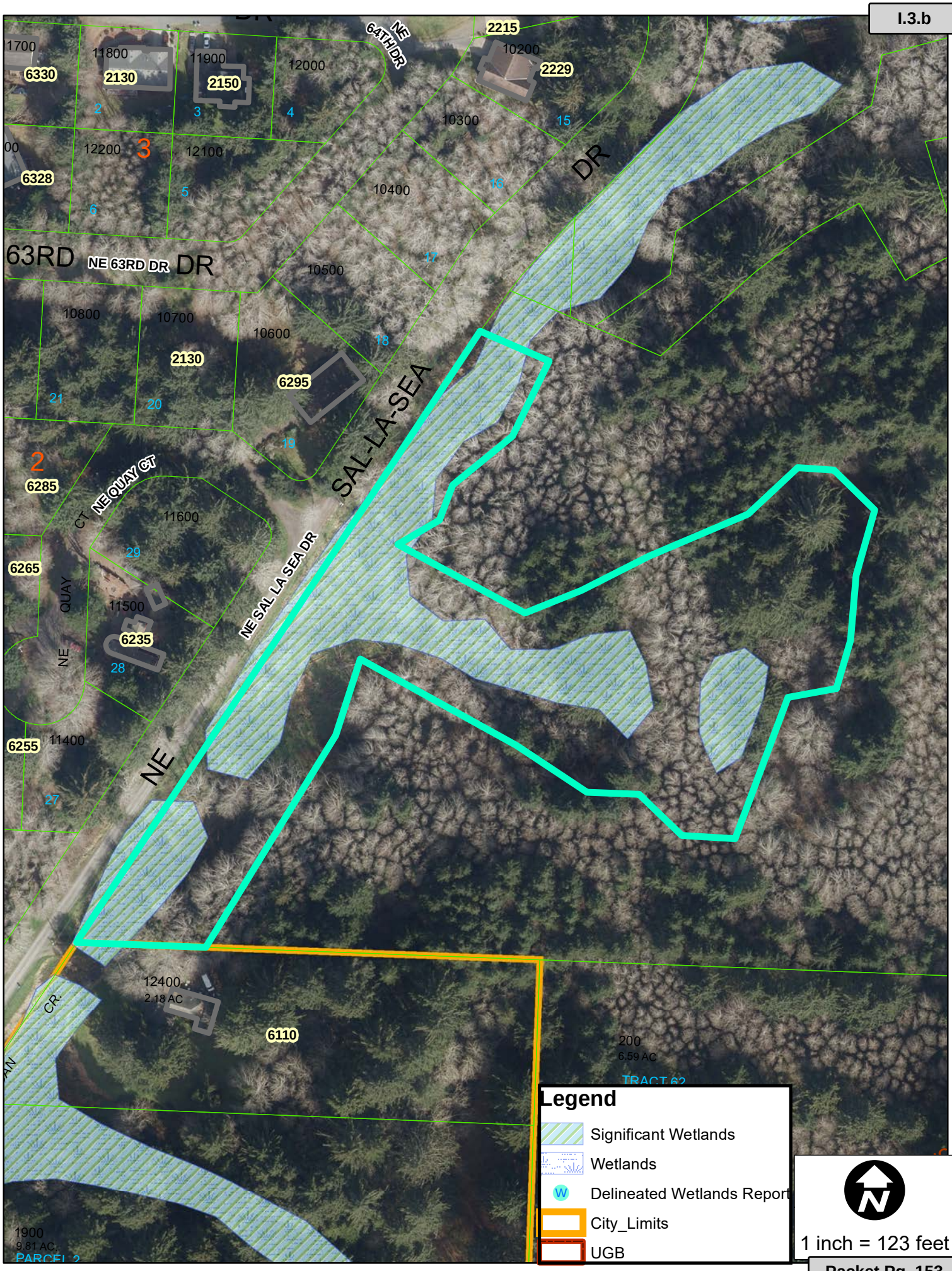
The city's coastal shorelands are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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 proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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."

Since the area of the proposed amendment and zone change is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.


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6.59 AC
TRACT 62
1900
9.81 AC
PARCEL 2
Legend
Significant Wetlands
Wetlands
Delineated Wetlands Report
City_Limits
UGB
1 inch = 123 feet

Planning Staff Report

CPA ZC 2023-04 TL300

Meeting Date: April 10, 2023
Department: City Council
Secondary Dept:
Approval:
Primary Staff Contact: AnneMarie Skinner
E-Mail: ASkinner@lincolncity.org
Secondary Contacts: Alison Robertson, AnneMarie Skinner, Daphnee Legarza, Richard Appicello, Jeanne Sprague
Estimated Time:

Question:

Should the City Council conduct a public hearing on CPA & ZC 2023-04, a map amendment and zone change from Medium Density Residential District and Single-Unit Residential (R-1-7.5) Zone to Open Space District and Open Space (OS) Zone?

Staff Recommendation:

Staff recommends the Council conduct the public hearing.

Authority:

Legal authority for map amendments and zone changes is as follows:

17.76.050 Type III procedure.

A. General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or the city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.
B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.
C. Pre-application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged.
D. Application Requirements. Type III applications shall:
    1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.

E. Notice of Public Hearing.
   1. After a Type III application has been accepted as complete, the department shall mail a written notice of public hearing to the applicant and applicant's representative; owner of record of the subject property; property owners of record within 500 feet of the perimeter property line of the property or properties subject to the application; any neighborhood or community organization recognized by the governing body; and Oregon Department of Land Conservation and Development at the discretion of the applicant.
   2. The notice shall include a brief description of the request; applicable criteria; street address; date, time, and location of hearing; statement that failure of an issue to be raised in a hearing by a person or letter precludes appeal; name and number of department staff member to contact; statement that a copy of the application is available for inspection; statement that the staff report is available for inspection; and a general explanation of the procedure for submitting testimony and conduct of hearing.

F. Public notices shall be mailed at least 20 days prior to the first public hearing.

G. Decision Authority. Table 17.76.020-1 identifies the decision authority for a plan map amendment and zone change as the City Council, followed by a recommendation from Planning Commission.

H. The public hearing is conducted in accordance with procedures in LCMC 17.76.160.

I. Notice of Decision. Following the decision, a final order shall be prepared by the department.

J. Appeal. The final decision of the City Council to approve or deny a Type III application may be appealed to the Land Use Board of Appeals (LUBA).

Background:

See Staff Report for CPA ZC 2023-04

Council Options:

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed map amendment and zone change.
- Continue the public hearing to the _____ City Council meeting.

Attachments:
CPA ZC 2023-04 Staff Report City Council (DOCX)
CPA ZC 2023-04 Map (PDF)

Villages_CA_report_final (PDF)
Villages-Report-Addendum (PDF)

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-04

Date: March 29, 2023

Case File: CPA ZC 2023-04

Property Owner: City of Lincoln City
PO Box 50
Lincoln City, OR 97367

Situs Address: Unaddressed

Location: 50 feet south of NE Devils Lake Blvd, 750 feet east of NE Voyage Wy

Tax Map and Lot: 06-11-35-DB-00300-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Unit Residential (R-1-7.5) Zone

Site Size: 1.71 acres

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: NE Devils Lake Blvd, undeveloped; R-1-7.5
South: Undeveloped Lot 5 of Rock Creek Village; R-1-7.5
East: Undeveloped Lot 7 of Rock Creek Village; R-1-7.5
West: Undeveloped, wetland; R-1-7.5

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.

Applicable Substantive Criteria: Oregon Statewide Planning Goals
Lincoln City Comprehensive Plan
LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is unaddressed and identified as Tax Map 06-11-35-DB-00300-00. The site is Tract 8 in Rock Creek Village, platted as a 1.71-acre tract in the R-1-7.5 zone. North of the site is NE Devils Lake Blvd and north of that is undeveloped land in the R-1-7.5 zone. East of the site is undeveloped Lot 7 of Rock Creek Village, which contains 4.26 acres, also in the R-1-7.5 zone. West of the site is undeveloped wetland in the R-1-7.5 zone. South of the site is Lot 5 of Rock Creek Village, containing 5.04 acres of undeveloped land in the R-1-7.5 zone.

Almost the entire site is designated as significant wetland. Along with the significant wetland, the site contains trees, vegetation and wildlife. The site is platted as a tract, not as a lot for development.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and the record were closed. The Planning Commission recommended three in favor (Baker, Bunnett, and Vincent) and one opposed (Blackerby) to recommend that City Council approve the change to Open Space.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the OS zone to align with its use as significant wetland, and adjacent to other significant wetland. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

No development is allowed in the open space zone. Public facilities are not necessary for the site to remain in use as an undeveloped open space tract. This goal is not applicable or is met.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal is 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 city's maps show the site does not contain any natural hazards. Goal 5 is not applicable.

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is largely significant wetland. Significant wetland is precluded from development. Goal 6 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and tourists for viewing the significant wetland and the vegetation and habitat contained therein. Staff finds this goal is either not applicable to the request or 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 site does not contain any aesthetic resources, but it is significant wetland. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, wetland, and habitat, all of which serve to preserve the aesthetic quality of the area. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is significant wetland and a platted tract, so it will remain undeveloped. The site is accessible to pedestrians through unimproved NE Sal La Sea Dr. This goal is satisfied or not applicable.

10. Energy Goal

"To conserve energy."

The site will remain undeveloped as significant wetland.. No energy will be expended in development or use. The goal, therefore, is satisfied or 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 entire site will be preserved as open space in its natural state. 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 site does not contain any shoreland, beaches, dunes estuaries, or ocean resources and is more than a mile from the Pacific Ocean. Rezoning of the site will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as an open space area, which will also protect the natural resources on the site and conserve the scenic area on the site. The proposal 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."

The proposal will preserve the site as a natural open space, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site is does not contain any natural disaster and hazards areas. The proposal 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."

The site will be preserved as an undeveloped open space for the viewing pleasure of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's urban growth boundary and proposed for use as open space. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. A preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is significant wetland. Significant wetland is precluded from development. Goal 10 is not applicable.

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 site is significant wetland and will remain undeveloped as a natural open space. Utilities and services are not necessary for open space. The request is consistent with Goal 11, or Goal 11 is not applicable.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is significant wetland and will remain undeveloped. Residents and visitors can access the site via unimproved NE Sal La Sea Dr. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the park and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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."

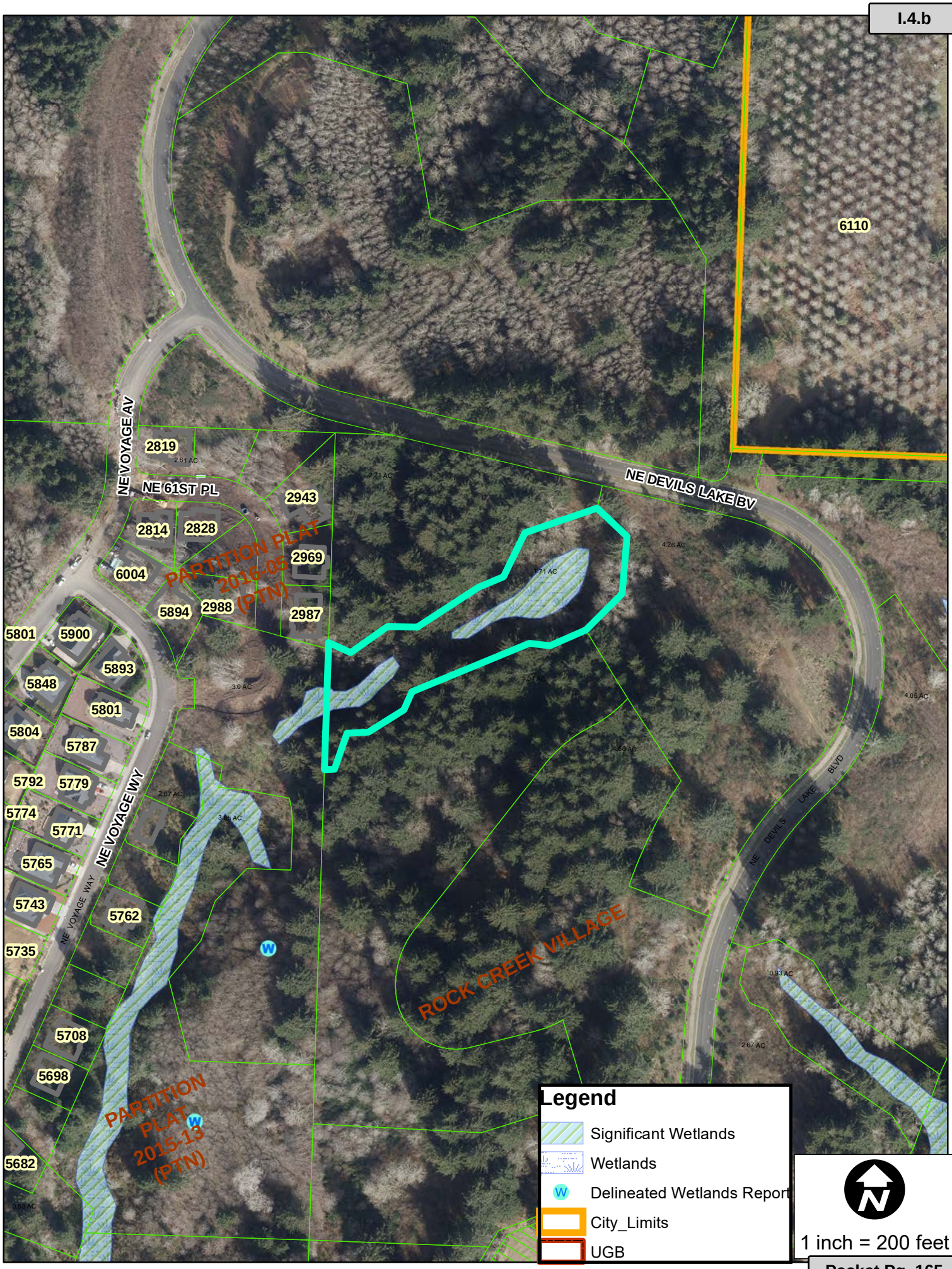
The city's coastal shorelands are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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 proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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."

Since the area of the proposed amendment and zone change is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.


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Legend
Significant Wetlands
Wetlands
Delineated Wetlands Report
City_Limits
UGB
1 inch = 200 feet

Critical Areas Assessment
The Villages
Lincoln City

Prepared for:
City of Lincoln City, Oregon

August 31, 2022
PBS Project 74260.000

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APPENDICES

Appendix A: Geological Hazards Assessment
Appendix B: Wetland Field Data
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1 INTRODUCTION

The City of Lincoln City (City) contracted the services of PBS Engineering and Environmental Inc. (PBS) to complete a critical areas assessment for approximately 342 acres of land that were recently aquired by the City (Figure 1). The purpose of this critical areas assessment was to inventory, map, and examine the extent of natural resources on the site that could affect future development of the property. This information was then utilized to inform potential land use decisions based on the extent and sensitivity of existing resources.

This assessment includes a desktop evaluation of geologic conditions and potential hazards on the site, and the on-site mapping and evaluation of wetlands and surface waters. A complete Geological Hazards Assessment is located in Appendix A. The presence of these features, either alone or in combination, represent significant hurdles to intensive development of the majority of the site. The most suitable land for higher-intensity development types such as residential are located in the east-central portion of the project area. Due to the extent of sensitive natural resources across large portions of the site, the most dominant recommended land uses are of lower intensity, such as open space or parks land.

The details of the wetland and surface water assessment are below.

2 PROJECT GOAL

The goal of this project is to provide a series of planning recommendations based on the existing conditions of the site. These recommendations are based on the risks associated with development within geological hazard areas, the sensitivity of the existing streams and wetlands within the project area to disturbance, the suitability of different land uses given the character of the site, and existing surrounding land uses and infrastructure.

3 ASSESSMENT METHODOLOGY

The natural resource assessment was completed in two phases. The first phase was completed through compiling the existing technical information available for the project area to roughly determine the likely types and extents of resources on the site. This desktop assessment allowed PBS biologists to accurately plan field investigation methods, prioritize individual areas based on resources likely present, and establish data collection protocols and data dictionaries to map resources accurately and effectively in a timely manner.

Following the desktop assessment, field work was conducted on the site between July 11 and July 15, 2022. Staff that conducted the fieldwork included Professional Wetland Scientist (PWS) Brian Bieger, PWS Robert Phipps, and staff scientist Masten Summerfield. All the areas that contained suspected waterways and/or wetlands were traversed by foot.

3.1 Wetland Delineation

Wetland boundaries were delineated in the field by PWS Brian Bieger using the routine approach of the US Army Corps of Engineers (USACE) *Wetlands Delineation Manual* (Environmental Laboratory, 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Supplement* (Version 2.0) (Supplement) (USACE, 2010). Soils, vegetation, and indicators of hydrology were recorded at sample plot locations. Official wetland data sheets were not completed but field notes indicating recorded data are located in Appendix B. Wetland plant ratings were assigned based on the *2016 National Wetland Plant List* (Lichvar et al., 2016). No modification of the standard methodologies was necessary during the delineation. Wetland boundaries and sample plot locations were recorded in the field using a Trimble Geo 7X handheld GPS unit. Post processing and error correction of data collected in the field yielded an accuracy of plus or minus (±) 3 feet for the vast majority of the data. There were some locations in

the south-central portion of the site where stream locations had to be slightly adjusted based on lidar topographic data.

3.2 Surface Waters

The boundaries of non-wetland waters were based on the ordinary high water mark (OHWM) pursuant to field indicators described under Oregon Administrative Rule (OAR) 141-085-0515(3)(a-e) (State of Oregon 2022) and Regulatory Guidance Letter No. 05-05 (Riley, D. 2005). All of the waters within the project area had very clear breaks between bed and bank. The left and right bank locations were record for all streams that had a width greater than 10 feet. Due to the standard error of the GPS unit, only the centerline of waters less than 10 feet were recorded in the field.

4 DESKTOP ASSESSMENT

A review of available existing information was completed prior to the site visit. This included a review of a variety of information sources indicative of natural resources on the site, such as US Fish and Wildlife Service (USFWS) national wetland inventory (NWI) maps, Natural Resource Conservation Service (NRCS) soil maps, LandFire vegetation maps, current aerial photographs, Oregon Department of Fish and Wildlife (ODFW) online mapping utilities, and historic aerial photographs.

4.1 Landscape Setting

The project area is located within Ecoregion IV 1a – Coastal Lowlands (USGS 2022). This ecoregion is characterized by heavy rains and evergreen forests. Coastal lowlands have a mean minimum and maximum temperatures in January of 36°F and 50°F, and 52°F and 68°F in July. Mean annual precipitation in the ecoregion is 60 to 85 inches, often with fog (Environmental Protection Agency 2022). Dominant landcover includes a spruce, cedar and hemlock forest, wetland, residential, recreational, pastureland, and port development.

The project area is situated within a deciduous forest and riparian areas. Both vegetation communities are typically found in this ecoregion and are key habitats for the region.

4.2 Topography

The topography of the project area is diverse and wide ranging and includes gently sloping areas, steep to very steep slopes, numerous small drainage valleys, and hill tops (Figure 2). A more through discussion of the topography of the site in relation to slope stability is found in the Geological Hazards Assessment in Appendix A. While the site contains a diversity of slopes, in general the overall topography is best described as steep to very steep. This steep topography would lend itself to the formation of numerous small drainages and tributaries when subject to regular precipitation events. This was confirmed during the field work as many concave landscape features contained drainage channels.

4.3 Soils

According to the NRCS (NRCS 2022) there are seven soil mapping units within the project area: Bentilla silty clay loam 3 to 12% slopes, Brenner silt loam 0 to 2% slopes, Fendall-Winema silt loams 15 to 35% slopes, Nelscott loam 12 to 50% slopes, Neskowin-Salander silt loams 35 to 65% slopes, Tolovana-Reedsport complex 35 to 60% slopes, and Winema-Fendall silt loams 3 to 15% slopes (Figure 3). These different soil types are described below.

5C—Bentilla silty clay loam, 3 to 12% slopes. The Bentilla component makes up 85% of the map unit. This component is on terraces. The parent material consists of mixed alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell

potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 30 inches (depth from the mineral surface is 28 inches) during January, February, March, April, May, November, and December. This soil does not meet hydric criteria.

9A—Brenner silt loam, 0 to 2% slopes. The Brenner component makes up 80% of the map unit. This component is on floodplains. The parent material consists of recent mixed alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is frequently flooded and ponded. A seasonal zone of water saturation is at 6 inches during January, February, March, April, December. This soil meets hydric criteria.

19E—Fendall-Winema silt loams, 15 to 35% slopes. The Fendall component makes up 50% of the map unit. This component is on hillslopes Coast Range mountains. The parent material consists of colluvium and residuum derived from sedimentary rock. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

42E—Nelscott loam, 12 to 50% slopes. The Nelscott component makes up 85% of the map unit. This component is on marine terraces. The parent material consists of loamy eolian deposits over stratified marine deposits derived from mixed sources. Depth to a root restrictive layer, ortstein, is 24 to 40 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 33 inches (depth from the mineral surface is 32 inches) during January, February, March, November, and December. This soil does not meet hydric criteria.

45G—Neskowin-Salander silt loams, 35 to 65% slopes. The Neskowin component makes up 50% of the map unit. This component is on headlands. The parent material consists of colluvium derived from volcanic rock. Depth to a root restrictive layer, bedrock, lithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

56G—Tolovana-Reedsport complex, 35 to 60% slopes. The Tolovana component makes up 50% of the map unit. This component is on mountain slopes, the Coast Range mountains. The parent material consists of colluvium and residuum derived from tuffaceous sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

64C—Winema-Fendall silt loams, 3 to 15% slopes. The Winema component makes up 45% of the map unit. This component is on hillslopes. The parent material consists of colluvium derived from sedimentary rock. Depth to a root restrictive layer, bedrock, paralithic, is 40 to 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not

ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Brenner silt loam is the only unit classified as hydric soil in the Lincoln County soil survey. Hydric soil units are typically identified within areas that contain, or had contained, a significant amount of wetlands. The Brenner silt loam soils are mapped in the extreme eastern portion of the project area within a known wetland area (Figure 3). It is interesting to note that there are no hydric soils located within the western portion of the site within the floodplains of Logan Creek.

4.4 National Wetland Inventory (NWI) Maps

NWI maps (USFWS, 2022) are created by the USFWS from analysis of aerial imagery. The purpose of NWI maps is to identify wetlands and deepwater habitats on a course scale. NWI maps classify wetlands according to the Cowardin classification system (Cowardin 1979).

The NWI maps indicate the potential existence of numerous different waterbodies throughout the project area (Figure 4). The main waterways are the mainstem Logan Creek and its tributaries within the western half of the project area and Rowdy Creek and its tributaries in the eastern end of the site. These are identified as riverine wetlands under the Cowardin system. The NWI map indicates potentially significant wetlands within both watersheds. The large palustrine wetland identified within the eastern portion of the site is a headwater to Rowdy Creek. The NWI polygons shown in Figure 4 are summarized in Table 1 below.

Table 1. National Wetland Inventory Wetlands

NWI Code	Code Definition
R5UBH	Riverine, unknow perennial, unconsolidated bottom, permanently flooded
R4SBC	Riverine, intermittent, streambed, seasonally flooded
R3UBH	Riverine, upper perennial, unconsolidated bottom, permanently flooded
PSSC	Palustrine, scrub-shrub, seasonally flooded
PUBH	Palustrine, unconsolidated bottom, permanently flooded
PUBHh	Palustrine, unconsolidated bottom, permanently flooded, diked/impounded
PSS1FH	Palustrine, scrub-shrub, broad-leaved deciduous, semi-permanently flooded, diked/impounded
R2UBH	Riverine, lower perennial, unconsolidated bottom, permanently flooded
PSS1Ch	Palustrine, scrub-shrub, broad leaved deciduous, seasonally flooded, diked/impounded
PSS1C	Palustrine, scrub-shrub, broad leaved deciduous, seasonally flooded

It should be noted that NWI wetland maps are created from aerial photograph interpretation and are not meant to show the extent of jurisdictional wetlands and waterbodies. Past experience has shown that the NWI wetland maps are quite conservative. Wetlands delineated in the field are typically larger or more extensive than those shown in NWI maps. Additionally, many wetlands that are mapped as palustrine (terrestrial, non-tidal) are actually riverine in nature, as their main source of hydrology is from seasonal overbank flooding and hyporheic zone saturation.

4.5 Precipitation Data and Analysis

Precipitation data was obtained from the NRCS WETS website for the OTIS 2 station (NRCS 2022). As indicated in Table 2, cumulative precipitation was well above normal range in the three-month period leading up to the field study date.

Table 2. Precipitation Data for the Preceding Three Months

Prior Month	WETS Rainfall Percentile (in.)		Measured Rainfall (in.)	Condition: Dry, Wet, Normal	Condition Value: (1=dry, 2=normal, or 3=wet)	Month Weight	Multiply Previous Two Columns
	30th	70th					
June	2.50	4.56	5.18	Wet	3	3	9
May	3.64	6.13	11.76	Wet	3	2	6
April	5.63	8.78	11.69	Wet	3	1	3
						Sum	**18**
Rainfall of prior period was: **drier** than normal (sum is 6–9), **normal** (sum is 10–14), **wetter** than normal (sum is 15–18).							**Wetter**

WETS Station: OTIS 2 NE, 1981–2010

Measured Rainfall: OTIS 2 NE, April 2022–June 2022

Data From: http://agacis.rcc-acis.org/?fips=41041

Although above normal precipitation was recorded prior to the fieldwork, it was determined that routine wetland delineation methods could be utilized. This is because as the field work was completed in July, which is typically when wetland water levels start to decline.

4.6 Vegetation

To get an idea of the existing vegetation patterns within the project area, vegetation polygons were downloaded from LANDFIRE (LF) (Landfire 2022). LF is a collaboration between the US Department of Agriculture, the US Department of the Interior, and the Nature Conservancy. LF has created numerous different vegetation maps that are generated through predictive landscape models, field-references data, satellite photos, and biophysical gradient layers using classification and regression trees. These maps represent some of the highest detail vegetation maps publicly available. The vegetation maps for the Project area are represented in Figure 5.

There are multiple vegetation types within the Project area: Sitka spruce forest, dry-mesic Douglas-fir-western hemlock forest, mesic-wet Douglas-fir-western hemlock forest, broadleaf forest, lowland riparian forest, temperate urban deciduous forest, temperate urban evergreen forest, temperate developed evergreen forest, and lowland mixed hardwood-conifer forest. While the LF maps have broken down the vegetation into numerous different classes, at a very basic level there are two main vegetation types: coniferous forests and deciduous forests. This information was useful to focus field observations in areas that would likely contain wetlands and/or surface waters as these areas are typically (but not always) located under deciduous canopy layers.

4.7 Fish and Wildlife

The project area currently exists in a relatively undeveloped state with vegetation communities that are dominated by native species. In addition, the interspersion of different habitats on the site (wetland, upland, riparian) creates a variety of different edge habitats that are universally regarded as valuable to a wide variety of wildlife species. These conditions combine to provide habitat for a variety of wildlife species that are both widespread and common in addition to more sensitive species whose populations have been declining. In

general, the loss or degradation of key habitat parameters has played a role in the decline of most sensitive wildlife species in the Pacific Northwest. While a thorough examination of the presence or absence of wildlife species on the site is outside the scope of this report, it is important to identify potentially important wildlife species that could utilize the site.

While there are no land use regulations that dictate development activities to wildlife species not covered under the federal Endangered Species Act (ESA), the potential presence of sensitive or priority wildlife should be considered in planning activities. This section provides a list of wildlife species that have been identified as conservation priorities or species of concern by the Oregon Department of Fish and Wildlife (ODWF). These species are collectively identified as Strategy Species by ODFW.

Strategy species include those terrestrial, aquatic, and avian species that have the greatest conservation need in the State of Oregon. The potential for these species to be located on the site was determined through the use of the ODFW Compass application (ODFW 2022). This website allows users to identify which habitat types and corresponding species may be present within a pre-designated area. In addition to highlighting particular habitat elements that should be recorded during the on-site mapping activities, this information is useful for making land use planning decision. The following strategy species have been identified as having the potential to occur on the site.

4.7.1 *Birds*

- Peregrine Falcon (American) (*Falco peregrinus anatum*)
- Black Brant (*Branta bernicla nigricans*)
- Marbled Murrelet (*Brachyramphus marmoratus*)
- Northern Spotted Owl (*Strix occidentalis caurina*)
- Olive-Sided Flycatcher (*Contopus cooperi*)
- Purple Martin (*Progne subis arboricola*)

4.7.2 *Mammals*

- California Myotis (*Myotis californicus*)
- Hoary Bat (*Lasiurus cinereus*)
- Long-legged Myotis (*Myotis Volans*)
- Red Tree Vole (*Arborimus longicaudus*)
- Silver-Haired Bat (*Lasionycteris noctivagans*)

4.7.3 *Amphibians*

- Clouded Salamander (*Aneides ferreus*)
- Coastal Tailed Frog (*Ascaphus truei*)
- Southern Torrent Salamander (*Rhyacotriton variegatus*)

5 ON-SITE ASSESSMENT RESULTS

Site visits were completed from July 11 to July 15, 2022, by PWS Brian Bieger, PWS Robert Phipps, and staff biologist Masten Summerfield. The primary objectives during the field work were mapping surface water channels, delineating, and mapping wetlands.

The primary water features within the project area are Logan Creek and its numerous tributaries and multiple wetlands. Wetlands are primarily located along the creek and its tributaries.

5.1 Existing Land Use

The project area is currently used as public recreation with hiking trails and viewpoints. Some of the public trails are apparently constructed over public sewer lines based on their orientation and aboveground manholes. While the site was likely logged in the past, the adjacent land uses included low-density residential, open space, and a high-traffic freeway.

5.2 Macro Vegetation Types

The area includes three main vegetation types. While the boundaries between the different types present within the project area can become somewhat blurred, the existing vegetation communities could be coarsely divided into separate types based on their location, understory vegetation, and tree canopy composition. Based on the observation of these patterns in the field, the vegetation was divided into three categories: Coniferous forestland, riparian areas, and wetlands.

5.2.1 *Coniferous Forestland*

Vegetation of the coniferous forestland areas is dominated by species that include: Sitka spruce (*Picea sitchensis*), Douglas fir (*Pseudotsuga menziesii*), sword fern (*Polystichum munitum*), cascara (Rhamnus persiana), deer fern (*Blechnum splicant*), lady fern (*Athyrium filix-femina*), and big leaf maple (*Acer macrophyllum*), vine maple, bracken fern (*Pteridium aquilinum*), Salal (*Gaultheria shallon*), Indian plum (*Oemleria cerasiformis*), western hemlock (*Tsuga heterophylla*), beaked hazelnut (*Corylus cornuta*), and baldhip rose (*Rosa gymnocarpa*).

5.2.2 *Riparian Areas*

The overstory within the riparian areas throughout the site are dominated by red alder (*Alnus rubra*) and black cottonwood (*Populous trichocarpa*). Understory is dominated by a mixture of native shrubs and emergent vegetation including: skunk cabbage, red elderberry (*Sambucus racemose*), salmonberry (*Rubus spectabilis*), common horsetail (*Equisetum arvense*) and pacific nine bark, and stinging nettle, redwood sorrel (*Oxalis oregana*), piggy-back plant (*Tolmiea menziesii*),

5.2.3 *Wetlands*

Wetland vegetation is dominated by a variety of plant and tree species that include creeping buttercup (*Ranunculus repens*), western buttercup (*Ranunculus occidentalis*) Martens' rush (*Juncus mertensianus*), soft rush (*Juncus effusus*), slough sedge (*Carex obnupta*), small-fruited bullrush (*Scirpus microcarpus*), awl-fruited sedge (*Carex stipata*), skunk cabbage (*Lysichiton americanus*), and false lily of the valley (*Maianthemum dilatatum)*.

5.3 Streams

The mainstem of Logan Creek, and a total of seven separate tributaries to the creek, were mapped within the western half of the project area (Figure 6). The mainstem of Rowdy Creek was found not to occur within the project area but two tributaries to the Creek were mapped in the easternmost portions of the project site (Figure 6).

Logan Creek initiates within the northern portions of the site within steep ravines. The channel averages 2 to 3 feet in width for approximately 800 feet and increases in size when the topography becomes less steep. From this point the creek ranges between 4 and 8 feet in width. The depth of the creek ranged from 6 inches in the northern portions of the site up to 18 inches in the lowest portion of the creek immediately before existing the study area. This is depicted in Figure 6 as the mainstem Logan Creek. The creek is a riffle pool complex with pools being infrequent and shallow. Within the project area, the creek is too small to transport large woody debris (LWD). LWD recruitment into the stream channel in several areas resulted in the creek meandering around the LWD. The substrate is predominantly a mixture of small gravels and cobbles with

infrequent patches of fine sediments. These silty areas were limited to isolated areas with large amounts of recently deposited vegetation, and to the lowest reaches of the stream as they flowed through wetlands. Photographs of the mainstem Logan Creek are presented below.



Photograph 1. Lower Logan Creek



Photograph 2. Lower Logan creek



Photograph 3. Upper Reach of Logan Creek

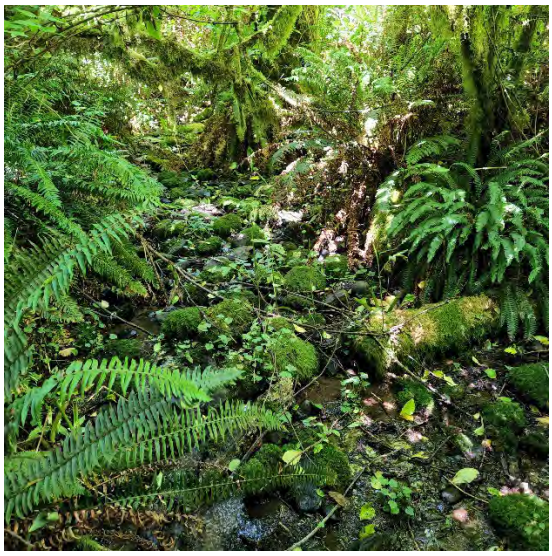


Photograph 4. Logan Creek flowing through Wetland B

All of the tributaries mapped within the project area have similar characteristics. The tributaries were characterized by narrow, moderately incised channels with substrates dominated by various sizes of cobble. The average width of the tributaries ranged from 1 to 3 feet and depths were generally under 8 inches at the time of the site visit. While formal measurements of channel slope were not recorded, most of the tributaries had gradual enough slopes to allow fish usage. Photographs for the on-site tributaries are presented below.



Photograph 5. Tributary with steep banks



Photograph 6. Typical tributary substrate



Photograph 7. Typical tributary channel form



Photograph 8. Lower tributary

All of the streams had visible bed and banks and displayed other characteristics that made identification of the OHWM in the field straightforward. Tables 3 and 4 below summarize the indicators that were observed within those areas identified and recorded as streams.

Table 3. Oregon Department of State Lands Ordinary High Water Mark (OHWM) Indicators

OHWL Field Indicators	Occurs Within Study Area?
Clear, natural line impressed on the shore	Yes, channel is incised with vertical banks.
Change in vegetation from riparian (e.g., willows) to upland (e.g., oak, fir) dominated	Yes, generally riparian areas had greater amounts of Facultative (FAC) and Facultative Wet (FACW) vegetation.
Textural change of depositional sediment or changes in the character of the soil (e.g., from sand, sand and cobble, cobble and gravel to upland soils)	Yes, silt loams and loams transitioned to bed material in all locations.
Elevation below which no fine debris (needles, leaves, cones, and seeds) occurs	Yes, all waterways were clear of terrestrial deposits.
Presence of litter and debris, water-stained leaves, water lines on tree trunks	No
Other appropriate means that consider the characteristics of the surrounding areas	No

Table 4. USACE OHWM Indicators

OHWM Field Indicators	Occurs Within Study Area?
Natural line impressed on the bank	Yes, clear line between aquatic and terrestrial habitat.
Shelving	No
Changes in the character of soil	Yes, clear change in soils from sediment deposition.
Destruction of terrestrial vegetation	None observed.
Presence of litter and debris	No vertical banks.
Wracking	Yes, only in selected areas. Streams too narrow to distribute wood.
Vegetation matted down, bent, or absent	None observed.
Sediment sorting	Yes
Leaf litter disturbed or washed away	No leaf litter on site.
Scour	Yes, incised channel
Deposition	Very few pockets of out of channel deposition noted.
Multiple observed flow events	N/A
Bed and banks	Yes, clearly defined limits of channel.
Water staining	None observed.
Change in plant community	Yes, absence of plant community in channel.

5.4 Wetlands

A total of six individual wetlands were identified and delineated within the project area (Figure 6). All of the wetlands would be classified as palustrine emergent wetlands, as the dominant vegetation class that is rooted within the wetland is emergent. Some of the wetlands contain shrub-scrub layer vegetation along the margins of the wetland (Wetlands A and B) but the proportion of this vegetation is not large enough to warrant a dual emergent and shrub-scrub classification according to the Cowardin system. All the wetlands on the site are associated with streams and riparian corridors, it is believed that overbank flooding is not the principle source of hydrology for the wetlands. All the identified wetlands are situated within depressional bottomlands or at the toe of steep slopes with signs of subsurface groundwater seeps.

Wetland A and B are the two most significant wetlands within the project area and are described individually below. The remaining wetlands (C through F) are very small emergent wetlands located immediately adjacent to surface waters on the site. These wetlands, because of their very small size (less than 0.10 acre), provide very little in terms of quantifiable wetland functions. For descriptive purposes these wetlands are lumped together.

5.4.1 *Wetland A*

Wetland A is located along the southeastern boundary of the project area and is situated within a broad sloping depression that drains to the north. The wetland is located between the toe of steep slopes on the west and Highway 101 road prism to the east (Figure 7). This wetland is receiving hydrologic inputs from groundwater. There are several areas of ponding within the wetland but there was not a well-defined channel within the project area.

Vegetation within the wetland is dominated by soft rush, slough sedge, spike rush (*Eleocharis palustris*), cattail *(Typha latifolia*), and soft-stem bullrush *(Schoenoplectus tabernaemontani).* Shrub layer vegetation includes hooker willow (*Salix hookeriana*), spirea (*Spirea douglasii),* Nootka rose *(Rosa nootkana),* and Pacific willow (*Salix lasiandra).*



Photograph 9. Wetland A, facing north

5.4.2 Wetland *B*

Wetland B is located in the western most portion of the project area (Figure 8). This palustrine emergent wetland is located within depressional areas on both sides of the Logan Creek channel. Wetland B within the project area is supported by runoff and seeps from the adjacent slopes. As you continue downstream, however, long-term sediment transport within Logan Creek has resulted in the formation of a large riverine wetland where the channel of Logan Creek has become difficult to discern.

Wetland B vegetation is dominated by soft-stem bullrush, small-fruited bullrush, cattail, reed canarygrass, slough sledge, and skunk cabbage. Photographs of Wetland B are below.



Photograph 10. Wetland B with Logan Creek



Photograph 11. Wetland B typical vegetation

5.4.3 *Wetlands C Through F*

Wetlands C through F exist as extremely small palustrine wetlands located adjacent to either the mainstem Logan Creek or its tributaries. These wetlands are hydrologically supported by seeps originating at the base of slopes, erosion rills, or historic channel scars. Vegetation within these wetlands is dominated by skunk cabbage, slough sedge, and false lily of the valley. Photographs of these wetlands are below.



Photograph 12. Wetland at toe of slope



Photograph 13. Slough sedge-dominated wetland



Photograph 14. Wetland in channel meander scar



Photograph 15. Wetland within hillside seeps

5.5 Other Notable Features

Attention was paid toward identifying and recording any significant landforms or resources during the fieldwork. These features could range from interesting natural resource features to hazards to be avoided. The only two notable features identified were the knoll and a grove of mature hemlock trees (Figure 6). The knoll is well known and heavily used by local and visiting hikers. The hemlock grove has no existing trails leading in or out of it, but future hiking trails in the area could be constructed for visitors to admire. Photographs of these features are presented below.



Photograph 16. The Knoll via drone



Photograph 17. Hemlock grove

6 BUFFER FUNCTIONS

In the context of development or the harvesting of natural resources, buffers that exist between the outer edge of the sensitive resource and the outer edge of the development are intended to "maintain or enhance the structural and functional integrity of riparian habitat and associated aquatic systems needed to perpetually support fish and wildlife populations on both site and landscape levels" (Knutson 1997). The majority of research that evaluates the effectiveness of different buffer widths has focused on stream buffers. However, buffers on wetlands and streams provide similar functions as adjacent development can have the same negative effects on these systems. The principal functions of buffers on these systems are covered below.

6.1 Pollutant and Sediment Removal

Riparian areas are responsible for reducing the concentrations of pollutants from upland areas before they reach bodies of water or wetlands. Buffers reduce non-point source water pollutants like sediments, pesticides, pathogens, excess nutrients, and excess metals through increased soil infiltration, decreased runoff, and vegetation (Quinn 2020). Buffer vegetation aids in the removal of sediments. Development that compacts soils and impacts vegetation can increase the amount of sediment in waters. Logging (Wohl 2014), and road and trail construction can increase stream sedimentation while decreasing the riparian area's ability to remove sediments (Lewis 1998; Gomi et al. 2005; CBOF TAC 2008).

Slopes can contribute to both pollutants and sediments in waters (Quinn 2020). When slopes are disturbed, the soil is compacted and vegetation is lost, resulting in increased erosion and runoff of pollutants and sediments. The steeper the slope, the greater the opportunities are for runoff triggered erosion and sediment deposition in streams and wetlands. Large, undisturbed riparian buffers can aid in the protection of steep slopes and prevent the increased erosion and runoff associated with disturbed slopes.

6.2 Nutrient Dynamics

Riparian areas and wetlands play a vital role in the nutrient dynamics of a watershed. They mediate the movement and transportation of nutrients between upland areas and water. Nutrients can end up in streams through organic materials like leaf litter, water and air movement, and by animals. Riparian areas are able to hold onto the nutrients from upland areas through biological uptake (Quinn 2020). Biological sequestration of nutrients is one of the principle functions of wetlands. Anthropogenic activities like agriculture and urbanization can alter nutrient cycles by decreasing storage durations and allowing higher levels of nutrients to flow in the subsurface level, resulting in increased nutrient levels in streams and other bodies of water (Tague and Grant 2004). Urbanization in particular can have dramatic negative effects on stream and wetland nutrient dynamics due to fertilizer runoff and uncontrolled stormwater outflow to aquatic resources. Increased nutrient loads to aquatic systems can cause algae blooms that harm aquatic organisms through artificially suppressed oxygen levels and in some cases, promulgation of toxic algae blooms. Mature buffers vegetated with multiple stratified layers of vegetation also increase nutrient cycling functions by accumulation of leaf litter, reduced runoff velocities, and attenuating organic exports to aquatic systems. A wider buffer typically increases the amount of vegetation, resulting in higher levels of nutrient uptake and storage.

6.3 Micro-Climate Maintenance

Riparian areas help control the temperature of water through vegetation and soil filtration. Tall trees and other vegetation in riparian areas dramatically reduces solar irradiation resulting in lower temperatures. In addition, evapotranspiration of plants results in the evaporation of water which further reduces temperatures.

Nearby land use can strongly influence the riparian area's ability to control and influence stream temperatures (Quinn 2020). Disturbances through urbanization can cause the removal of shade, heat island effects, and warm wastewater runoff from impervious surfaces. These factors will likely increase stream temperatures (Kinouchi et al. 2006).

The cool microclimate along riparian corridors is utilized by a wide variety of terrestrial wildlife to reduce heat stress and energy expenditure. To protect stream temperatures in urban settings, conservation efforts should be focused on maintaining the riparian areas functions, minimizing anthropogenic changes to the stream and its hydrology, and protecting the connectivity of the watershed (WDFW 2020).

6.4 Large Woody Debris Recruitment

Along with temperature control, trees provide another vital role in riparian functions. When trees fall in riparian areas, there is a chance they will fall over or into streams and provide wood for habitat. LWD plays a large role in the structure, composition, and function of streams, even small streams (Montgomery and Buffington 1997; Bilby and Bisson 1998). LWD recruitment, transport and distribution are some of the significant factors in the development of diverse instream habitats. These habitats are created through changing instream flow patterns and altering the hydrologic sorting of bedload materials.

Development can decrease the amount of instream wood by lowering the number of trees in riparian areas. Current day forest management practices work to improve instream wood by leaving 23 to 65 trees per acre in the riparian area (WFPB 1987), and they aim to create fish habitat (WDFW). A wide buffer would increase the total amount of large trees in the riparian areas, increasing the opportunity for more trees to fall and provide habitat.

6.5 Maintenance of Native Vegetation

There is a positive correlation between the width of riparian buffers and the prevalence of nonnative and invasive vegetation. Land clearing and other vegetation disturbance activities present the opportunity for the rapid establishment of invasive vegetation. This is readily observed throughout the Pacific Northwest where wetlands are dominated by reed canarygrass, and riparian corridors become monocultures of Himalayan blackberry. It has been shown that native vegetation is negatively affected by the edge effect at the boundary between undisturbed and developed or otherwise cleared landscapes. Herbaceous vegetation native to temperate forests suffer from lower dispersal rates, slower growth rates, and lower reproductive rates (Ferris 2012). Buffer widths of at least 75 feet were shown to have the potential to enhance habitat quality, but the data showed that corridors less than 150 feet would not exclude all invasive plants.

6.6 Allowance for Channel Migration

While wetland areas are for the most part fixed in a particular location based on hydrologic inputs, streams readily meander across their floodplains. These floodplains are also referend to as the Channel Migration Zone (CMZ). The CMZ represents the limits of the potential future channel locations. This is based on several factors that include the discharge of the stream, slope, and geology. In general, larger, higher discharge streams in low gradient environments have the highest potential for channel migration. Smaller streams in steeper environments that have less potential to transport and sort LWD have smaller ranges of channel migration.

7 LAND USE INTENSITIES

Appropriate buffer distances to protect natural resource functions are based on the functions currently provided by on-site resources, their sensitivity to disturbance, and the intensity of the proposed developments. Higher intensity land uses have been shown to require wider buffer widths to protect natural resources and prevent indirect impacts (Zhang 2021)(Jiang 2019). Lower land use intensities have less potential to negatively affect adjacent natural resources and therefore require narrower buffers to prevent

indirect impacts. The buffer widths and land use recommendation that follow in this report are based on the land use intensity schematic. Land use intensities classifications and suitable examples are provided in Table 5 below.

Table 5. Land Use Intensity Classifications

Intensity Classification	
High Intensity	Industrial developments
	Retail developments
	High-density Residential developments (>2 units per acre)
	High-Intensity agriculture (row crops)
	Silviculture
Moderate Intensity	Low-density residential (<2 units per acre)
	Low-intensity agriculture (orchards, hay fields, hobby farms)
	Utility Corridors
Low Intensity	Open space
	Trails
	Public Parks

8 SITE-SPECIFIC BUFFER RECOMMENDATIONS

The above sections provide an overview of various functions for all streams and wetlands and classifies the intensities of different land uses. Appropriate buffer distances for the Villages Project are intended to maintain the existing functions of the streams and wetlands and prevent incidental impacts from adjacent development. The recommended buffers consider the existing wetland and stream functions and their susceptibility to impacts from development.

One of the primary factors in evaluating susceptibility of natural resources to indirect impacts is the adjacent slopes. While steeper areas require smaller buffer widths to provide functions such as micro-climate maintenance and CMZs, they also require greater buffer widths to prevent hydrologic impacts and water quality impacts. Most of the project area would be classified as steep to extremely steep. Figure 9 presents the slopes on the site classified into four separate brackets. Slopes greater than 15% are generally regarded as having a greater potential for impacts to water quality. This relates to erosion from precipitation and the ability of vegetation to attenuate runoff form natural and constructed surfaces.

However, the majority of the site is not suitable for any form of development outside of perhaps hiking trails due to both the extreme slopes on the site and the presence of geological hazards identified within the Geologic Hazards Areas report. As such, buffers extending from the wetland and streams on the site can be within the lower range of suitable widths because high-intensity developments are not feasible for the majority of the site. The following buffer recommendations for mapped natural resources and bullet lists of contributing factors are detailed below. All buffer distances are measured horizontally from the edge of the resource. A map of the proposed buffers is presented in Figure 10.

8.1 Wetland A Buffer

Wetland A represents a large high-quality wetland that provides numerous functions for the watershed. These include sequestration of pollutants, groundwater discharge, support of diverse native vegetation communities, support of rare habitat types, and suitable habitat for a wide variety of wildlife species.

The recommended buffer width for Wetland A is 200 feet. This is the widest recommended buffer within the project area and the rational for this buffer width includes:

- Steep side slopes adjacent to the wetland

- Low amounts of non-native vegetation
- Use of the wetland as a migration corridor by wildlife as evidence by numerous tracks and scat identified in the field
- The existence of roads that cross the wetland

8.2 All Remaining Wetlands

All of the remaining wetlands except Wetland B consist of extremely small and narrow wetlands that are located directly adjacent to Logan Creek or its tributaries. While Wetland B extends off site and becomes a wide, diverse, and highly functional wetland, the portions within the project area are relatively narrow and a currently bordered by an existing road. Given these factors, the riparian buffers that extend from the surface waters should be adequate to protect the functions of Wetlands B through F. Therefore, PBS recommends that buffers for these wetlands are unnecessary.

8.3 Mainstem Logan Creek

Logan Creek conveys surface waters from all the tributaries on the site and provides habitat for a variety of fish and wildlife species. The lower portions of Logan Creek have been identified by the ODFW as having the potential to provide habitat for migratory salmonids. It should be noted that at this time, culverts downstream from the project area represent significant hurdles to fish accessing the portions of Logan Creek within the project site. A 150-foot buffer is recommended for Logan Creek. The factors for this buffer include:

- Steep adjacent slopes to the stream
- Maintenance of the CMZ, especially in the lower reaches of the project area
- Maintain LWD recruitment
- Use of the mainstem corridor for migrating wildlife
- Maintenance of micro-climate

8.4 Tributaries

There are numerous tributaries that were mapped throughout the project site (Figure 6). These tributaries are generally less than 5 feet wide and while they do provide habitat for aquatic or semi-aquatic wildlife, it was not determined if they were being utilized for fish species. It is likely that the tributaries located in the upper reaches of the drainages on the site go dry during the later summer months. PBS is recommending a buffer width of 100 feet for all the tributaries on the site. The factors that influenced this determination are:

- Steep adjacent slopes
- Maintenance of microclimate
- Limited CMZ due to steep topography and limited stream discharge
- Tributaries not likely utilized by fish

9 LAND USE RECOMMENDATIONS

Proposed land use recommendations presented in Figure 11 consider both natural resources and mapped geologic hazards. It is important to realize that the Geologic Hazards Assessment looks at the risks involved with the construction of structures such as roads, houses, and utilities. The land use polygons shown in Figure 11 are larger than those shown in the Geologic Hazard Assessment as land uses such as residential developments and attendant transportation features can include setbacks and lot areas that do not involve the construction of structures.

The low Intensity polygons are identified within areas of moderate slopes and outside of the central core of the property that contains the bulk of the streams and tributaries. The low intensity areas could support recreational opportunities in the form of trails, park areas, and dispersed camping areas.

Given the steep nature of the project site, potential areas for high-intensity development are limited to one central area located in the approximate center of the site (Figure 11). Higher intensity developments are shown within areas of moderate slope that are also near adjacent existing utilities. The bulk of the high-intensity polygons do not include any identified geologic hazards. While there are a few small pockets of moderate slopes elsewhere in the project area, development in these areas would result in a substantial decline in natural resource functions and values. Development of these small pockets, even for low-density residential would require riparian area impacts, stream crossings, disruption of wildlife migration corridors, create a vector for non-native vegetation establishment, and creation of potential water quality risks.

To reduce confusion and at the same time provide more focused land use recommendations for the City, the land use intensities outlined above were converted to existing City zoning classifications. These conversions are summarized in Table 6.

Table 6 – Zoning Designations

Suggested Intensity of Land Use	Existing Zoning Designation
No Intensity / No land Use	Open Space (OS)
Low Intensity	Parks (P)
High Intensity	Residential (All residential zones)

The resulting zoning recommendations for the project site are presented in Figure 12. The appropriate low-intensity land uses would fall under the Parks zone. The residential zoned areas displayed within Figure 12 do not indicate a particular density of residential development. Any residential density is suitable in this area as the area, by nature of the presence of adjacent geologic hazards, is already outside of the mapped natural resource buffers.

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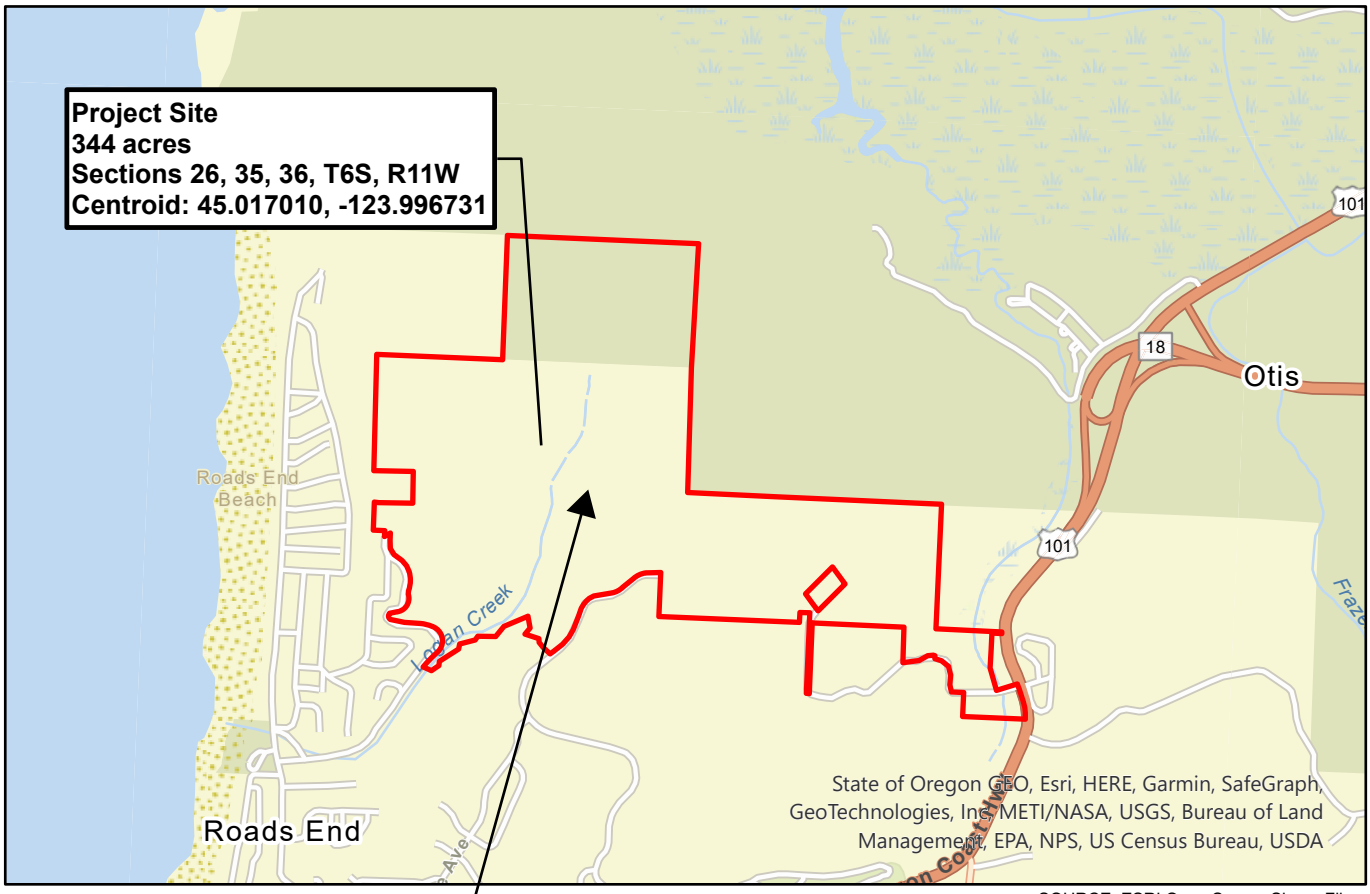
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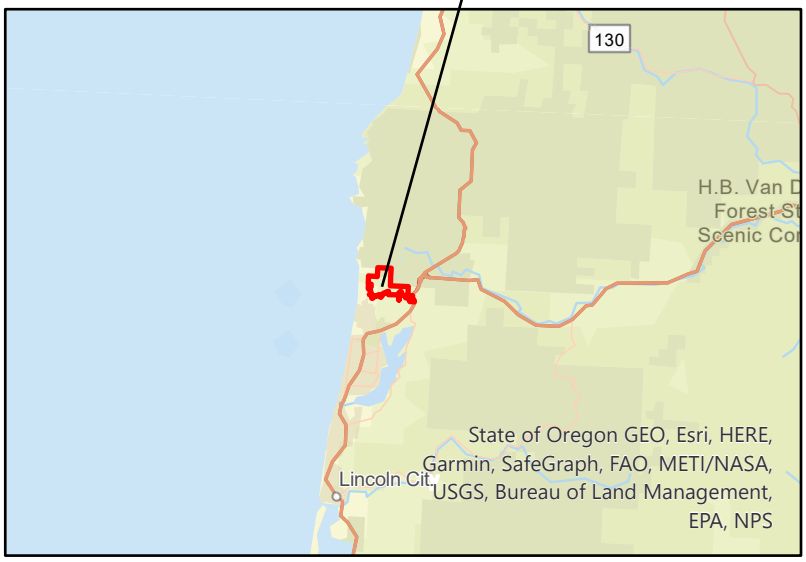
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SOURCE: ESRI Open Source Shape Files.



Legend

Project Area

0 2,000 4,000 Feet

PREPARED FOR: CITY OF LINCOLN CITY

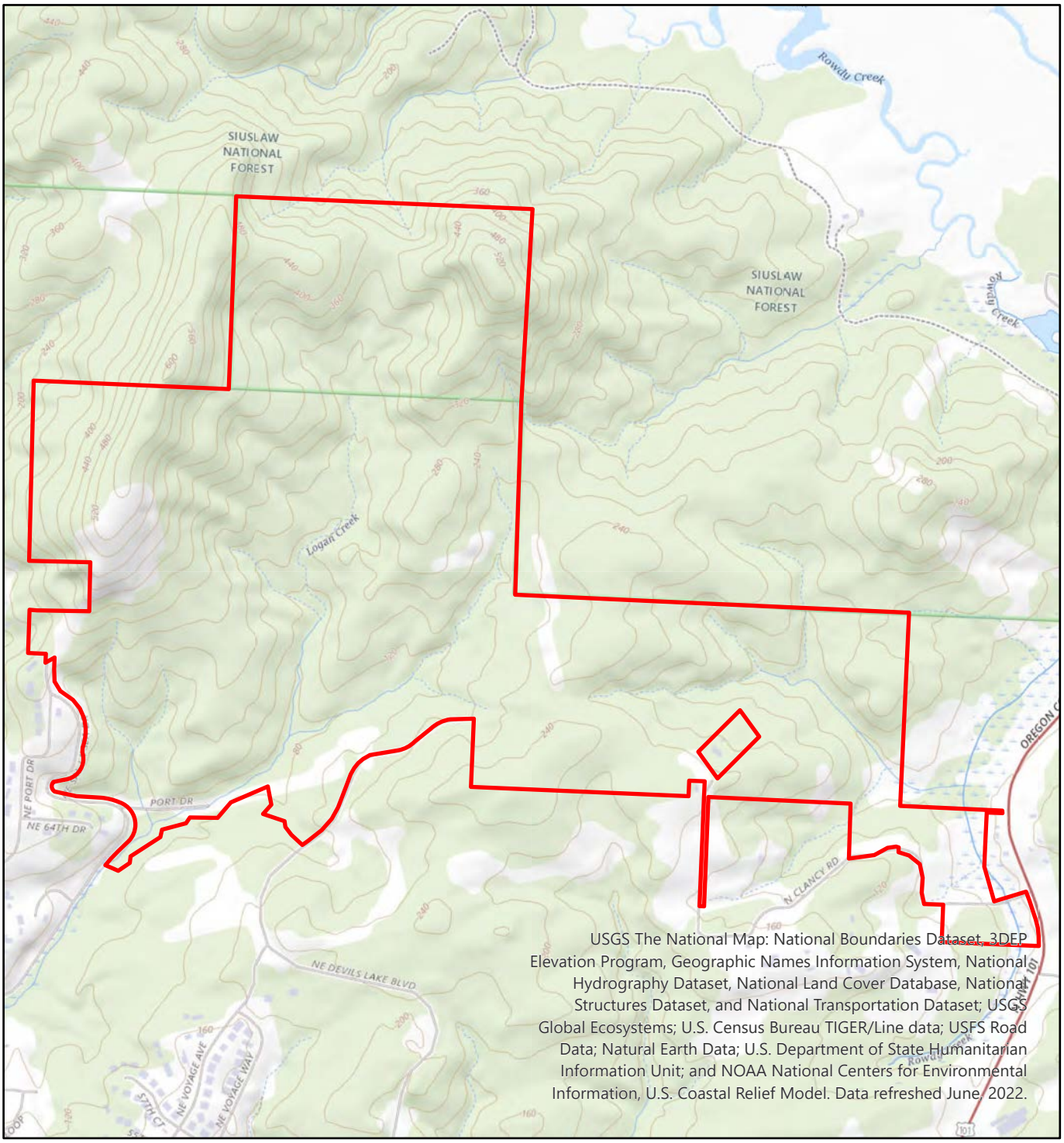
PBS

LOCATION MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE
1

Filename: L:\Projects\74000\74260\74260-000\NR\GIS\SHP\Vilagtes\Villages.aprx Plot Date/Time: 8/4/2022 1:24 PM



SOURCE: ESRI USGS Topographic Shape File.

Legend

- Project Area
- 40-Foot Contours

0 1,000 2,000 Feet

PREPARED FOR: CITY OF LINCOLN CITY

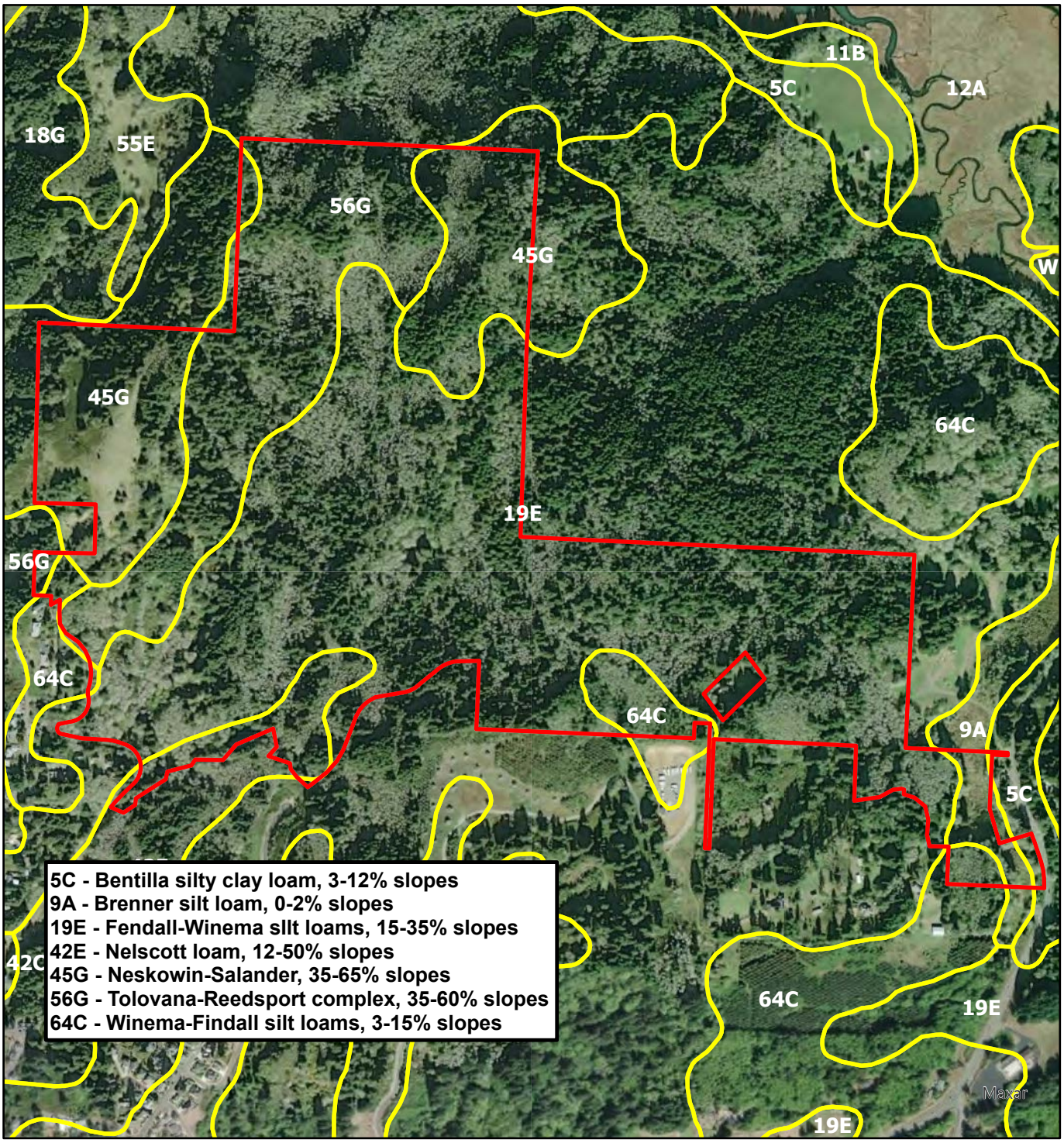
PBS

TOPOGRAPHIC MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE

Filename: L:\Projects\74000\74260\74260-000\NR\GIS\SHP\Villagtes\Villages.aprx Plot Date/Time: 8/4/2022 1:37 PM



SOURCE: NRCS Shape File.

Legend

- Project Area
- NRCS Soil Polygons

0 1,000 2,000 Feet

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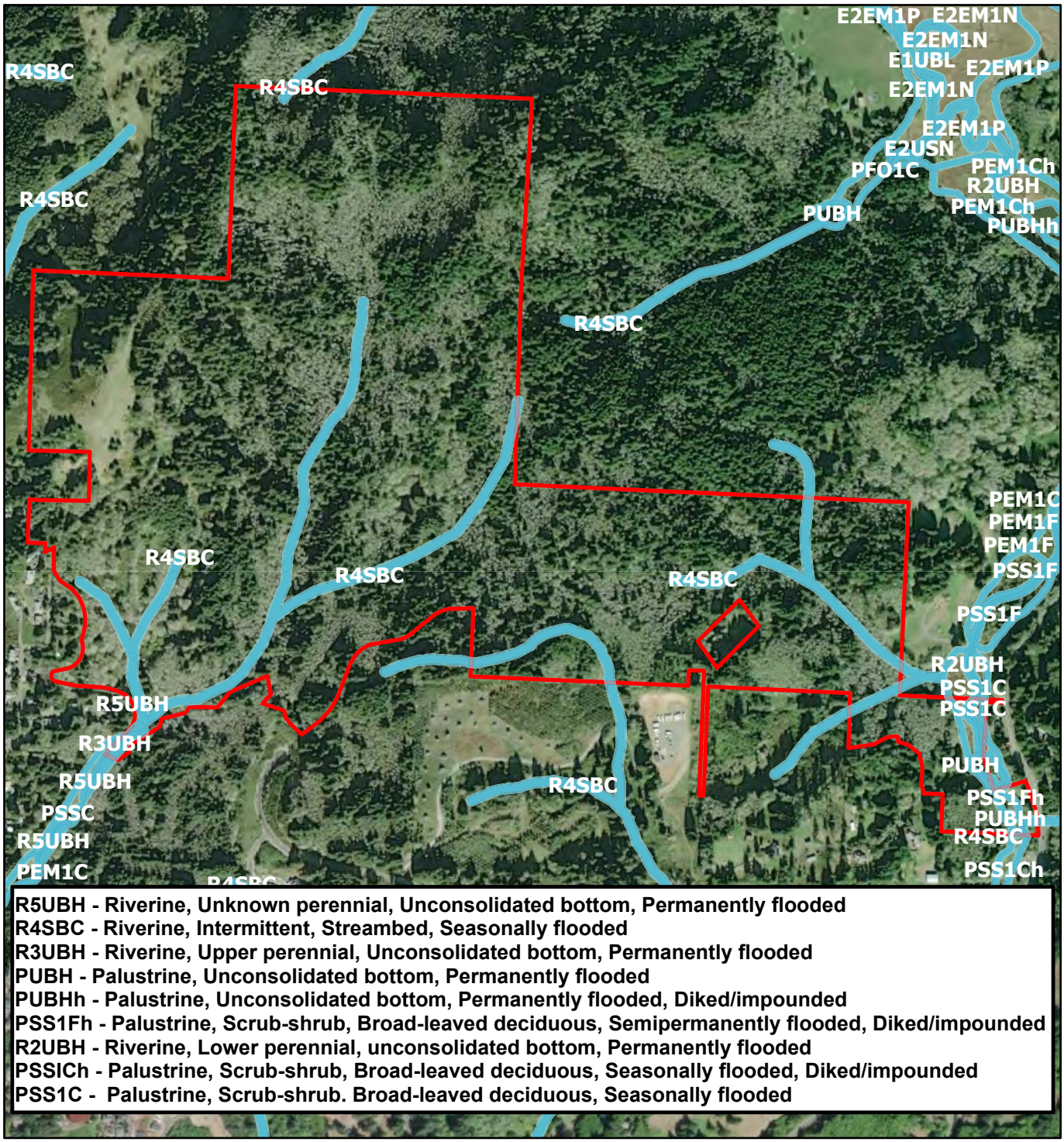
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NRCS SOILS MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE

Filename: L:\Projects\74000\74260\74260-000\NR\GIS\SHP\Villagtes\Villages.aprx Plot Date/Time: 8/4/2022 1:42 PM



R5UBH - Riverine, Unknown perennial, Unconsolidated bottom, Permanently flooded
R4SBC - Riverine, Intermittent, Streambed, Seasonally flooded
R3UBH - Riverine, Upper perennial, Unconsolidated bottom, Permanently flooded
PUBH - Palustrine, Unconsolidated bottom, Permanently flooded
PUBHh - Palustrine, Unconsolidated bottom, Permanently flooded, Diked/impounded
PSS1Fh - Palustrine, Scrub-shrub, Broad-leaved deciduous, Semipermanently flooded, Diked/impounded
R2UBH - Riverine, Lower perennial, unconsolidated bottom, Permanently flooded
PSSICh - Palustrine, Scrub-shrub, Broad-leaved deciduous, Seasonally flooded, Diked/impounded
PSS1C - Palustrine, Scrub-shrub. Broad-leaved deciduous, Seasonally flooded

SOURCE: USFWS Shape Files.

Legend

- Project Area
- NWI Wetland Polygons

0 1,000 2,000 Feet

PREPARED FOR: CITY OF LINCOLN CITY

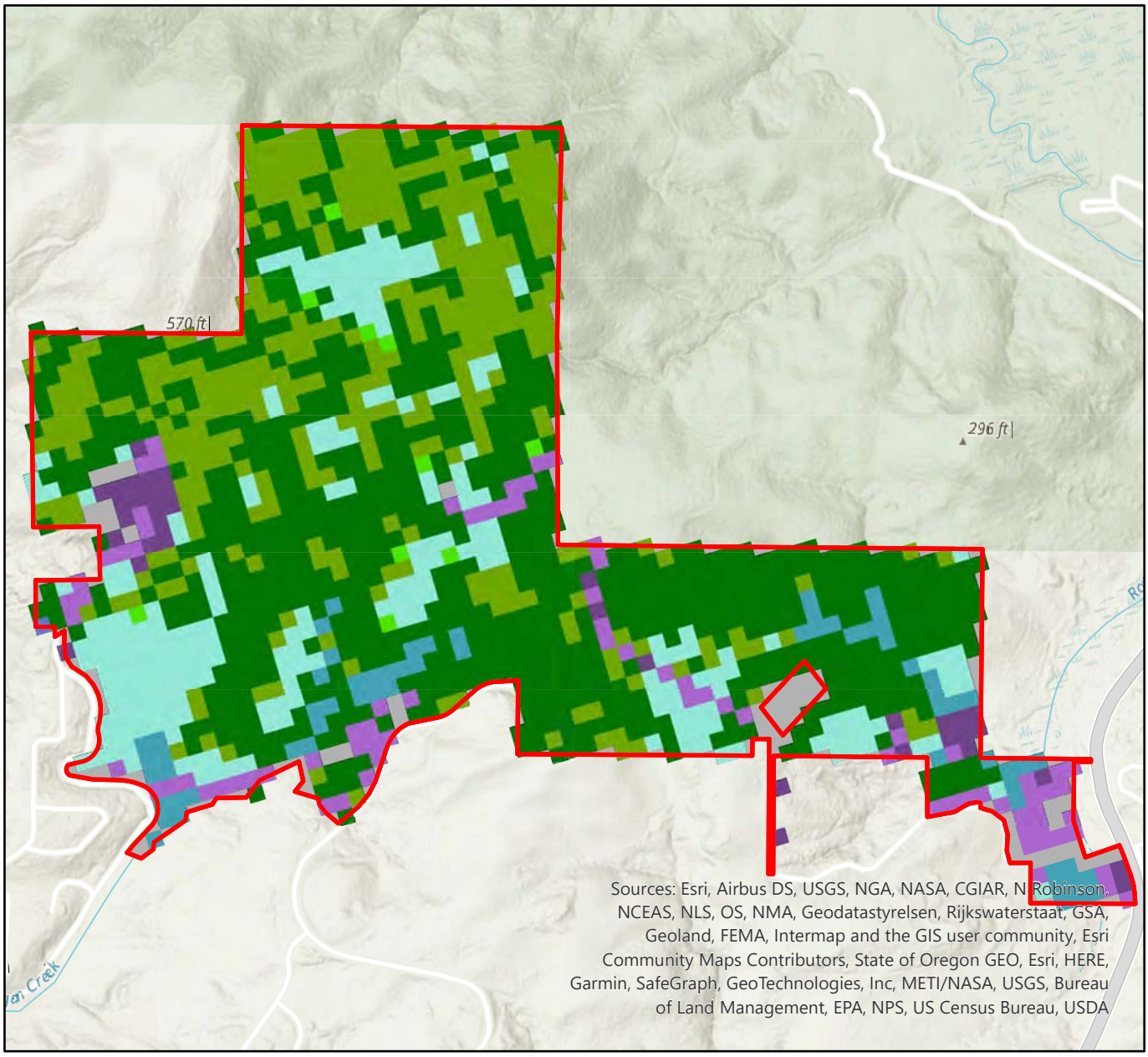
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NWI MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE
1

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SOURCE: USDA LANDFIRE Shape Files.

Legend

- Project Area

Vegetation Type

- Sitka Spruce Forest
- Dry-Mesic Douglas-fir-Western Hemlock Forest
- Mesic-Wet Douglas-fir-Western Hemlock Forest
- Broadleaf Forest
- Lowland Riparian Forest
- Temperate Urban Deciduous Forest
- Temperate Urban Evergreen Forest
- Temperate Developed Evergreen Forest
- Lowland Mixed Hardwood-Conifer Forest
- Project Area

0 1,000 2,000 Feet

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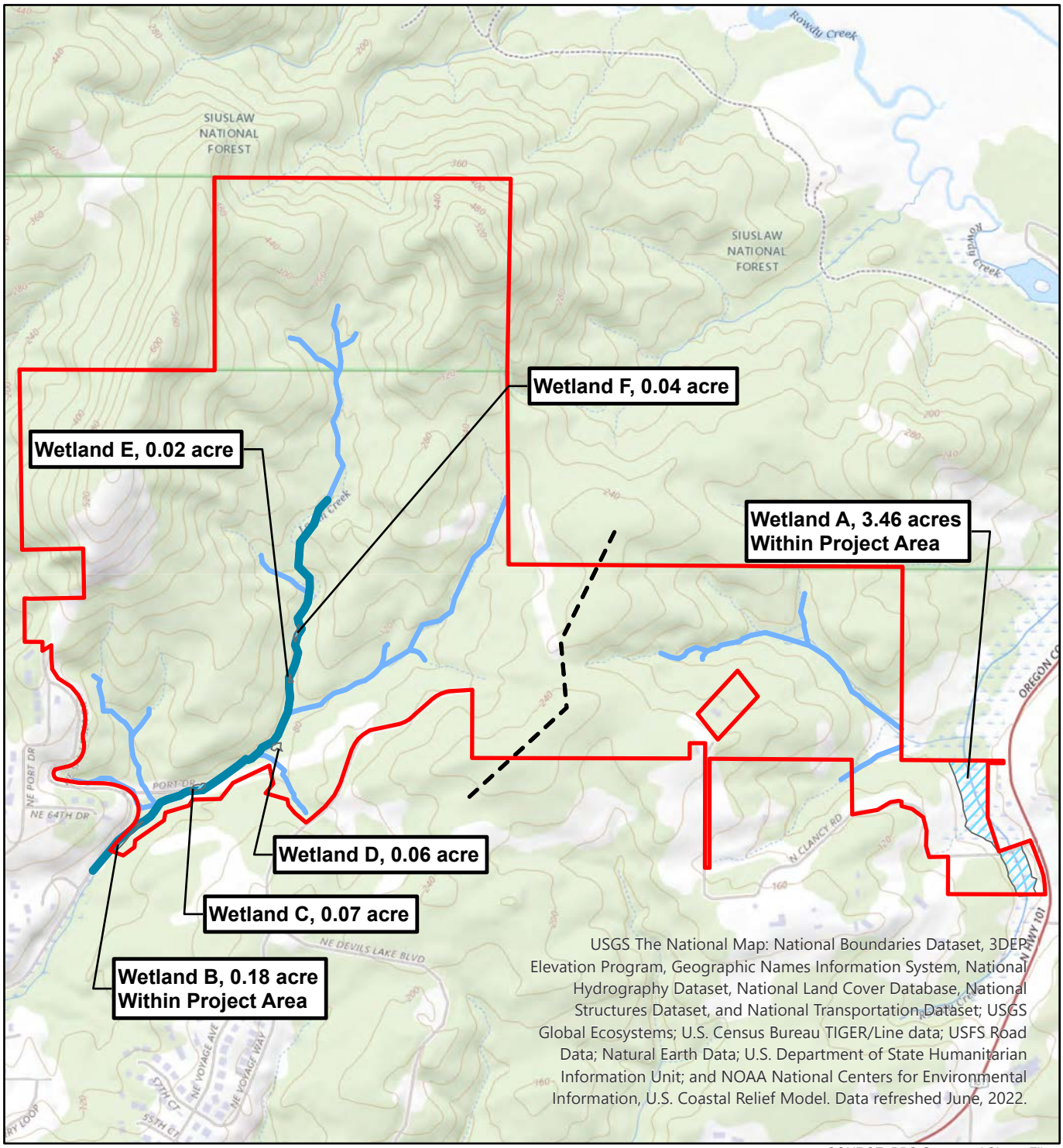
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USDA LANDFIRE VEGETATION MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE

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SOURCE: PBS Generated Shape Files.

Legend

- Project Area
- Wetlands
- Mainstem Logan Creek
- Tributaries
- Approximate Watershed Division

0 1,000 2,000 Feet

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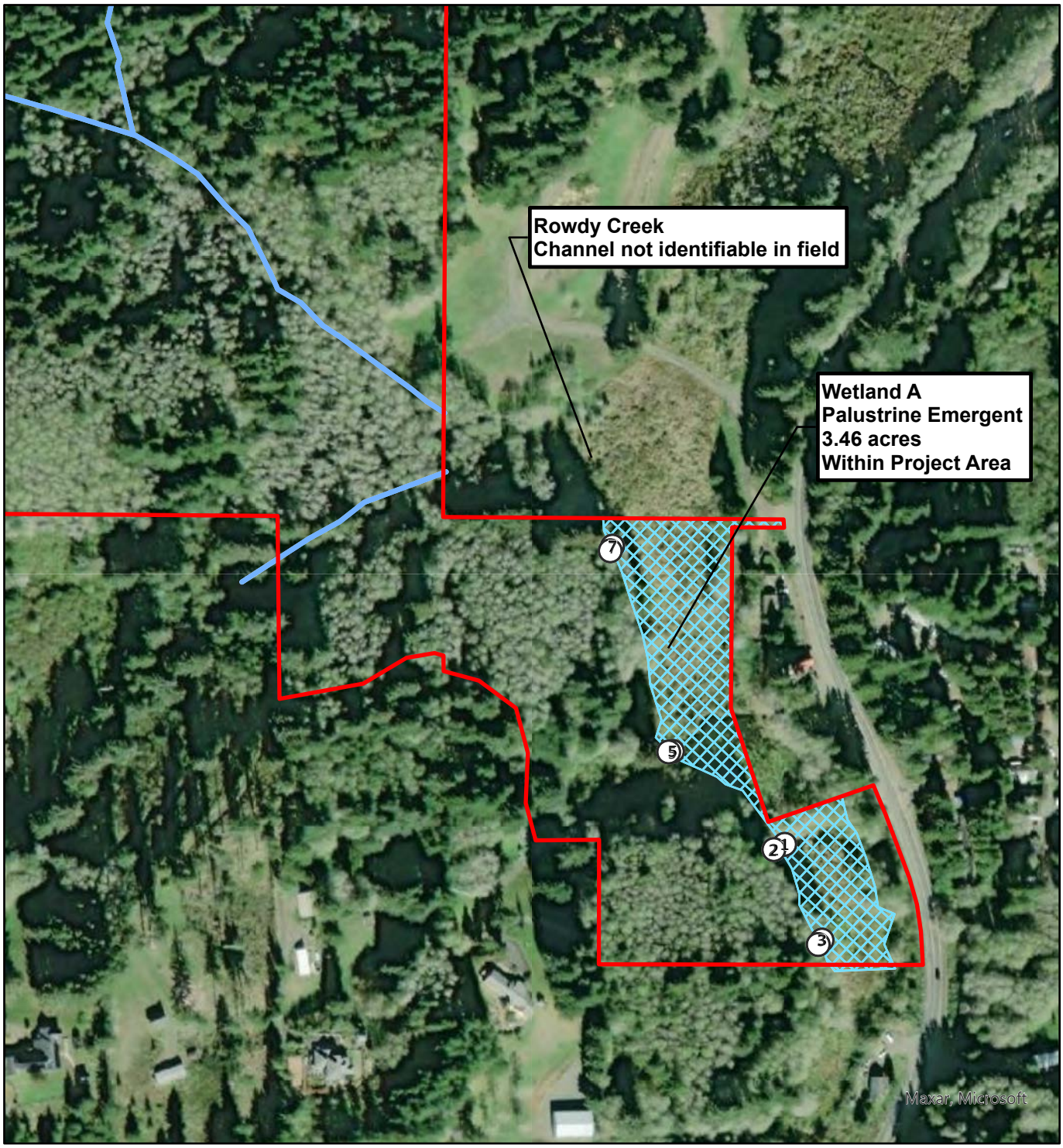
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MAPPED STREAMS AND WETLANDS

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE

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SOURCE: USFWS Shape Files.

Legend

- Project Area
- Sample Plots
- Wetlands
- Tributaries

0 300 600 Feet

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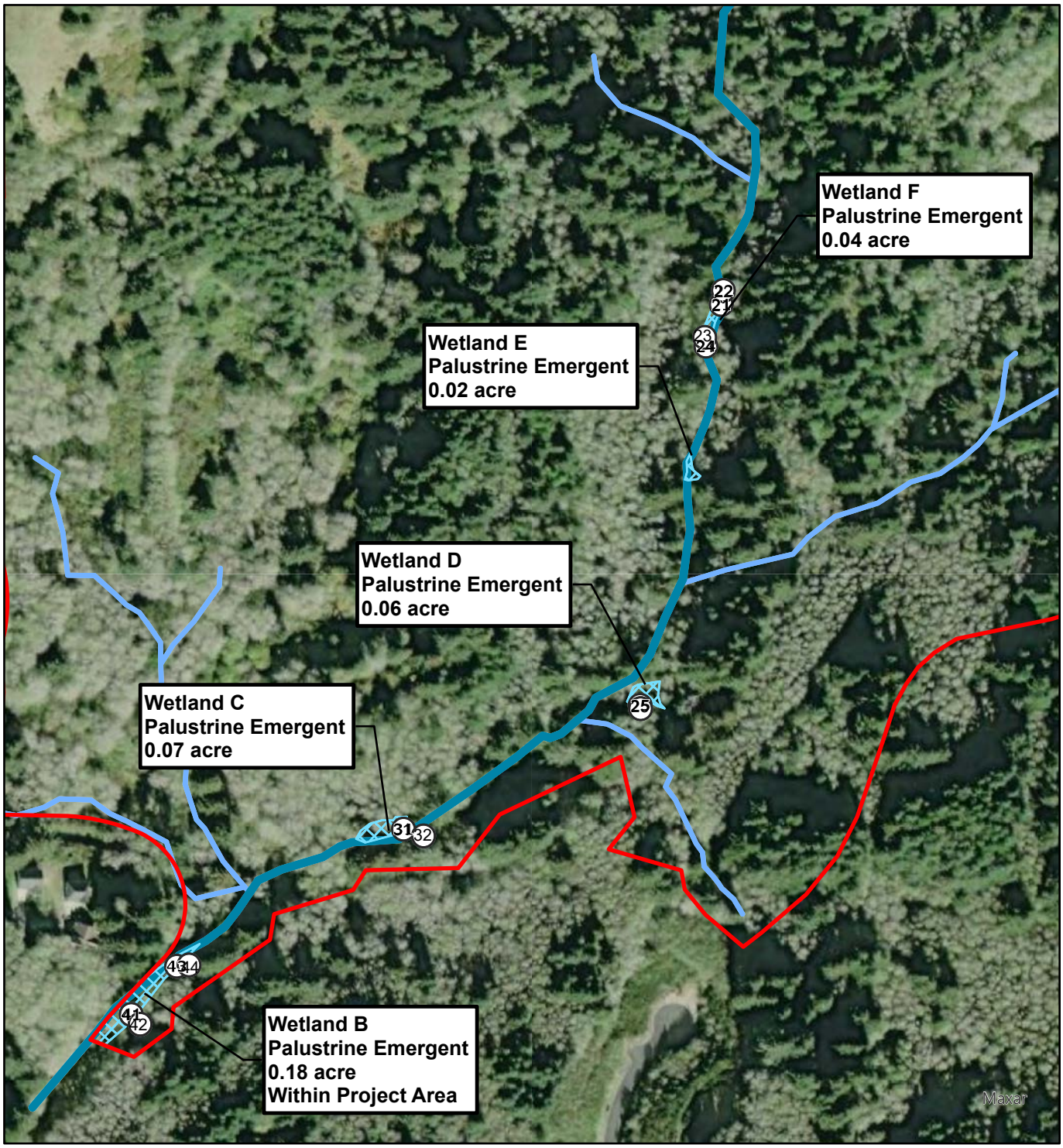
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EASTERN WETLAND

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE

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SOURCE: PBS Generated Shape Files

Legend

- Project Area
- Sample Plots
- Wetlands
- Mainstem Logan Creek
- Tributaries

0 300 600 Feet

PREPARED FOR: CITY OF LINCOLN CITY

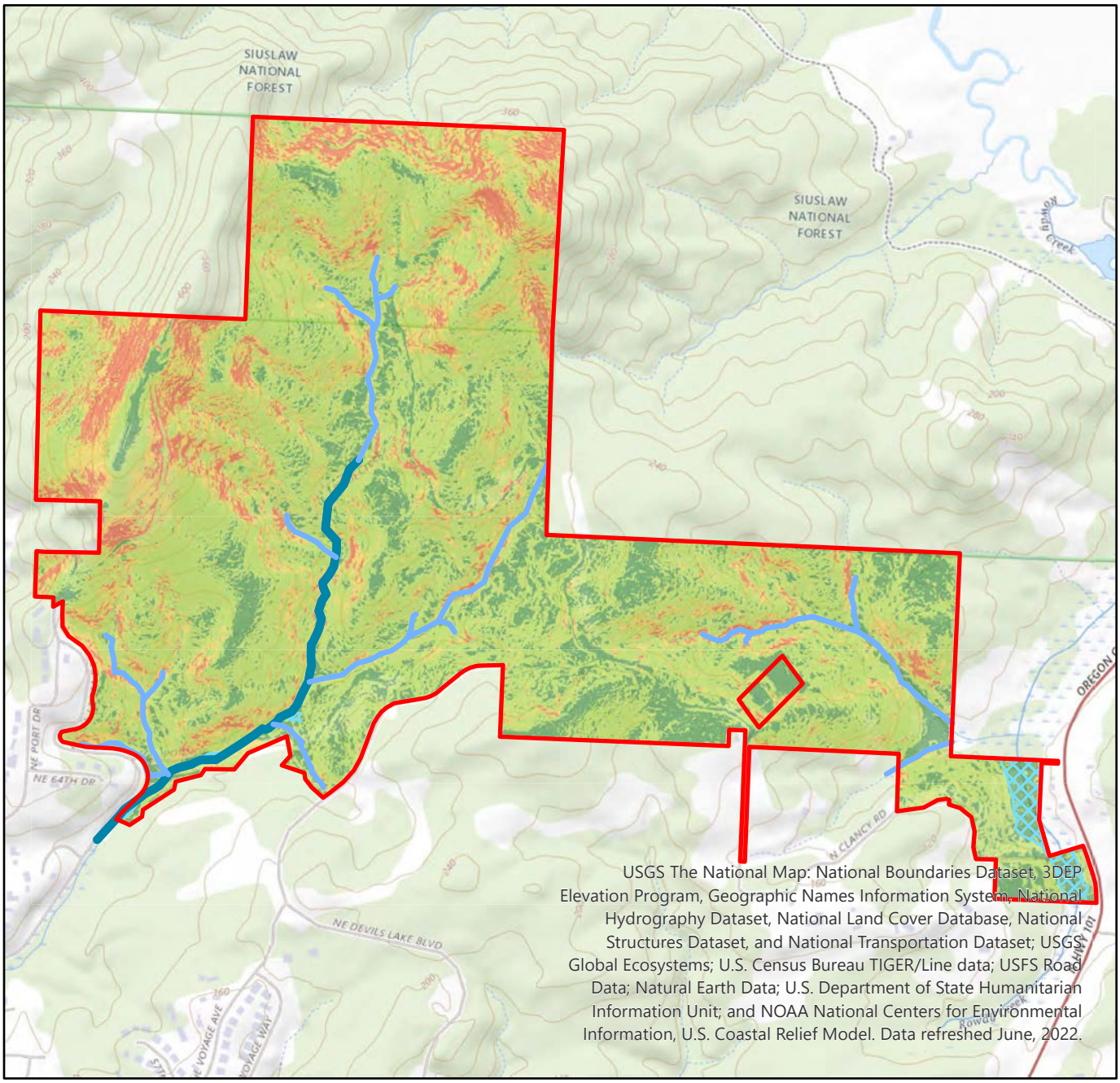
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WESTERN WETLANDS

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
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FIGURE

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SOURCE: PBS Generated Shape Files.

Legend

- Project Area
- Tributaries
- Mainstem Logan Creek
- Wetlands

Percent Slope

Value

- 0 - 15%
- 15 - 45%
- 45 - 60%
- 60 - 250%

0 1,000 2,000 Feet

PREPARED FOR: CITY OF LINCOLN CITY

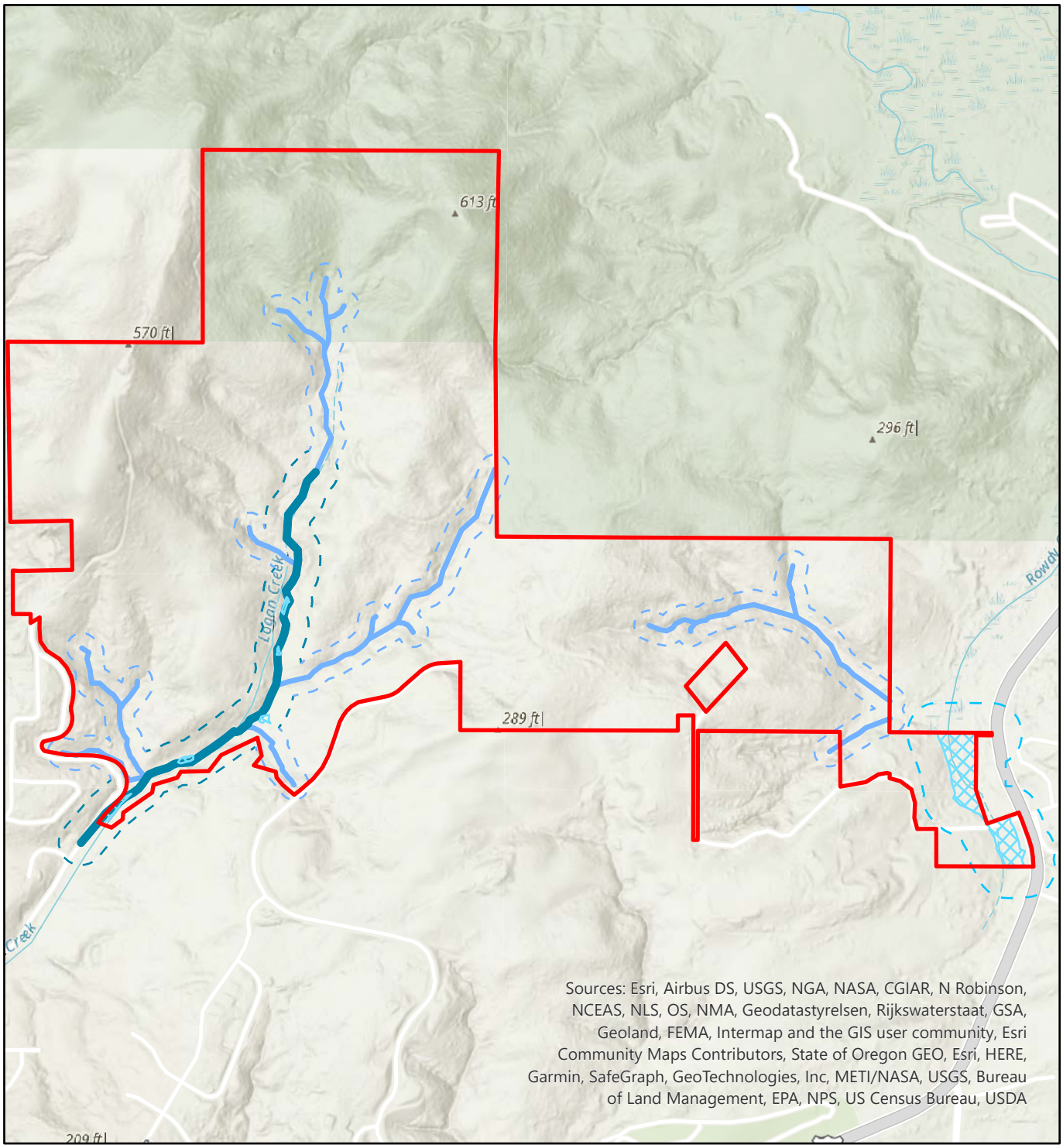
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MAPPED SLOPES

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE

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SOURCE: PBS Generated Shape Files.

Legend

- Project Area
- 100 Foot Buffer
- 150 Foot Buffer
- 200 Foot Wetland A Buffer
- Wetlands
- Mainstem Logan Creek
- Tributaries

0 500 1,000 2,000 Feet

PREPARED FOR: CITY OF LINCOLN CITY

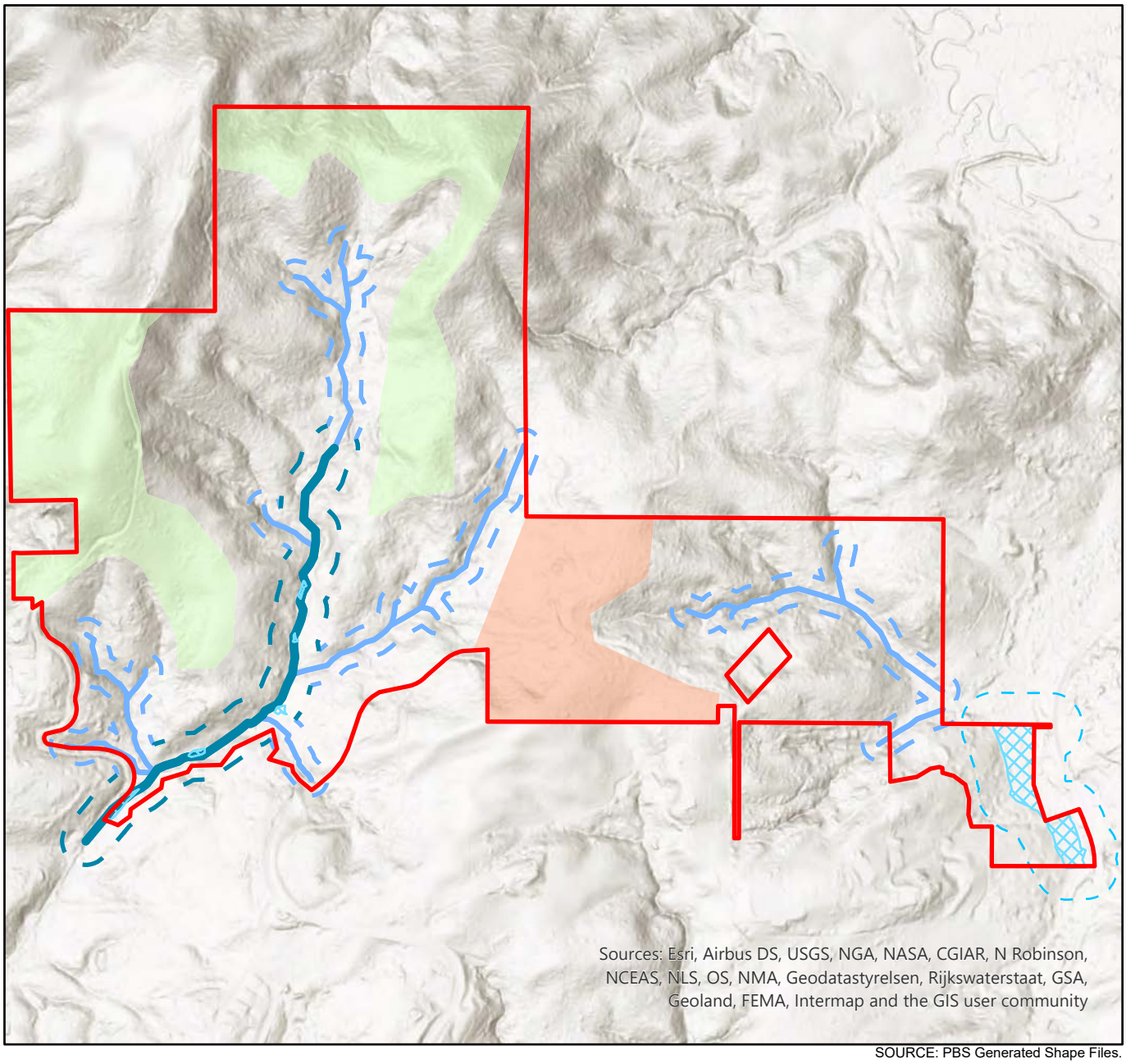
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MAPPED BUFFERS

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE

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SOURCE: PBS Generated Shape Files.

Legend

- Project Area
- 150 Foot Buffer
- 100 Foot Buffer
- High Intensity
- Low Intensity
- 200 Foot Wetland A Buffer
- Wetlands
- Mainstem Logan Creek
- Tributaries

0 1,000 2,000 Feet

PREPARED FOR: CITY OF LINCOLN CITY

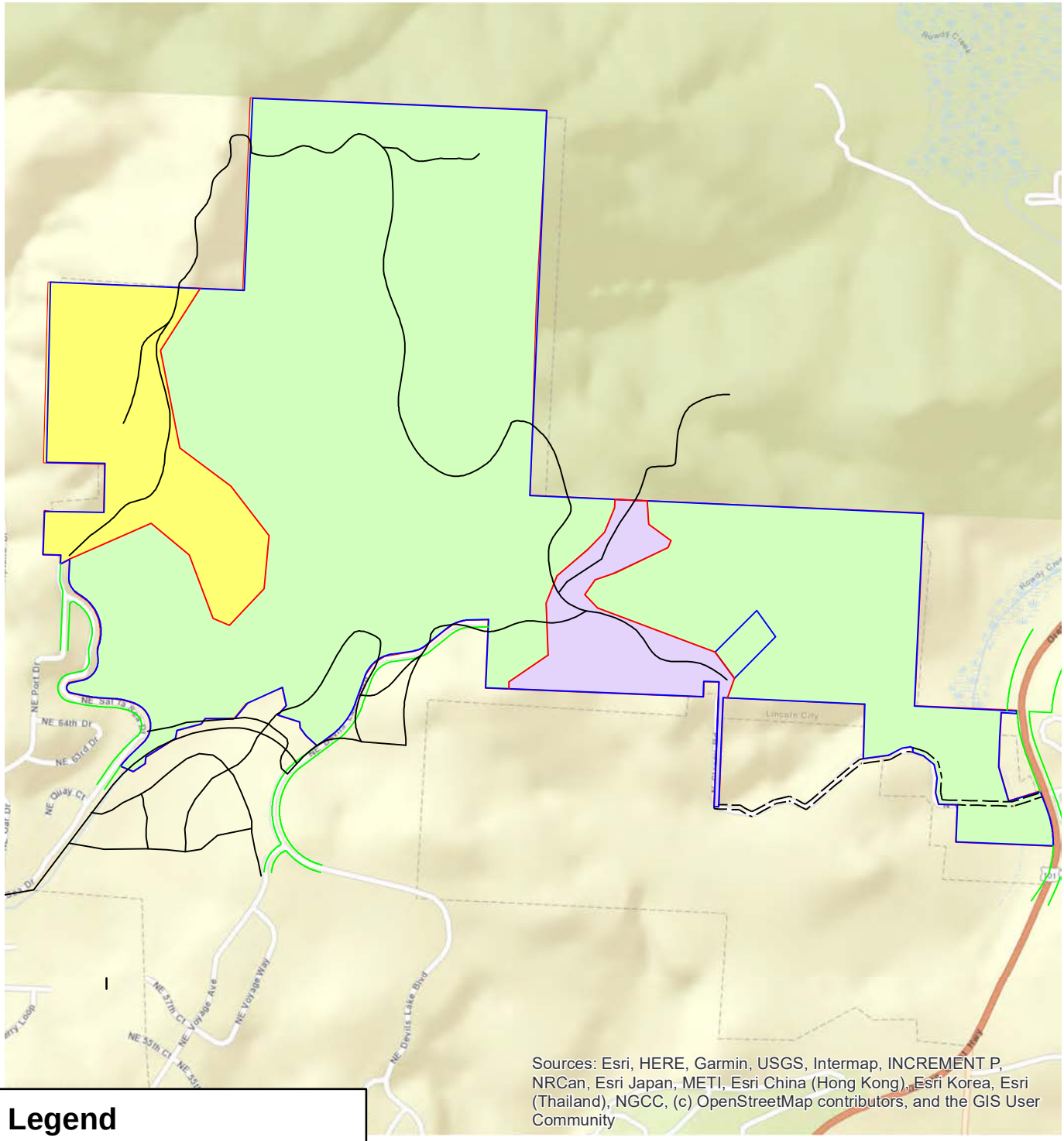
PBS

LAND USE RECOMMENDATIONS

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OREGON
WETLANDS AND WATERS DELINEATION

AUGUST 2022
74260.000
FIGURE
1.1

Filename: L:\Projects\74000\74260\74260-000\NR\GIS\SHP\Villagtes\Villages.aprx Plot Date/Time: 8/4/2022 5:30 PM



Legend

- Project Area
- Existing trails
- Residential (R) - 19 acres
- Parks (P) - 41.4 acres
- Open Space- 282.5 acres

SCALE: 1" = 1,000'

0' 500' 1,000' 2000'

PREPARED FOR: City of Lincoln City.

PBS

ZONING RECOMMENDATIONS

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OR
WETLANDS AND WATERS DELINEATION

AUG 2022
74260.000
FIGURE

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Appendix A

Geological Hazards Assessment

Geologic Hazards Assessment

The Villages
Lincoln City, Oregon

Prepared for:
City of Lincoln City
PO Box 50
Lincoln City, Oregon 97367

August 22, 2022
PBS Project 74260.000

PBS
4412 S CORBETT AVENUE
PORTLAND, OR 97239
503.248.1939 MAIN
866.727.0140 FAX
PBSUSA.COM

Geologic Hazards Assessment

The Villages
Lincoln City, Oregon

Prepared for:
City of Lincoln City
PO Box 50
Lincoln City, Oregon 97367

August 22, 2022
PBS Project 74260.000

Prepared by:



Exp. July 1, 2023

Shaun Cordes, RG, CEG
Senior Engineering Geologist

Reviewed by:

Ryan White, PE, GE
Principal Geotechnical Engineer

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1 INTRODUCTION

1.1 General

This report presents results of the PBS Engineering and Environmental Inc. (PBS) geologic hazards assessment, prepared for the City of Lincoln City, to aid with preliminary planning for The Villages development located in Lincoln City, Oregon (site). The general site location is shown on the Vicinity Map, Figure 1. The site and approximate boundaries in relation to existing and proposed site features are shown on the Site Plan, Figure 2.

1.2 Purpose and Scope

The purpose of PBS' services was to complete an assessment of geologic hazards and the potential impacts to future land use at the site. The intent of this report is to provide a review of applicable geologic hazards and considerations in order to assist with future planning and to guide future geotechnical engineering phases of work. ***This report should not be considered a geotechnical assessment, nor should it be used for design***. This report has been completed as a desktop study, absent of field reconnaissance or site-specific subsurface explorations.

1.2.1 Literature and Records Review

PBS reviewed previously completed reports for the project site and vicinity as well as published geologic maps of the area for information regarding geologic conditions and hazards at or near the site. Specifically, PBS reviewed the following documents:

- Snavely, P. D., Niem, A., Wong, F. L., MacLeod, N. S., Calhoun, T. K., Minasian, D. L., and Niem, W. (1996). Geologic map of the Cascade Head area, northwestern Oregon Coast Range (Neskowin, Nestucca Bay, Hebo, and Dolph 7.5-minute quadrangles). US Geological Survey, Open-File Report OF-96-534.
- Snavely, P. D., MacLeod, N. S., and Wagner, H. C. (1972). Preliminary bedrock geologic map of the Cape Foulweather and Euchre Mountain quadrangles, Oregon. US Geological Survey, Open-File Report OF-72-350, scale 1:48,000.

In addition, PBS acquired publicly available light detection and ranging (LiDAR) digital elevation models (DEM) from the Oregon Department of Geology and Mineral Industries (DOGAMI) LiDAR Portal, including: Neskowin OE W Quadrangle (acquisition dates August 25, 2007–August 9, 2009) and Neskowin Quadrangle (acquisition dates August 25, 2007–May 11, 2012) to evaluate surface morphology and existing slope conditions (Figure 3).

LiDAR is acquired by aerial flights, which perform a laser scan of the ground surface below. The accuracy of a LiDAR DEM is significantly affected by the presence of vegetation and the degree to which vegetation (and other non-ground features) can be excluded from the DEM. For instance, a densely vegetated area may only have three or four returns, whereas an area of bare earth, such as a beach, may have a much greater return. In areas of low vegetation (such as throughout the site) the returns are high and therefore the DEM is more accurate than in heavily vegetated areas.

2 SITE CONDITIONS

2.1 Regional Geologic Setting

Lincoln City is located within the Coast Range geologic province and positioned along the Pacific Ocean. The Coast Range is characterized by a north-south oriented mountainous region consisting of uplifted and deformed sedimentary and mafic volcanic rocks. The Coast Range is situated along the Cascadia Subduction Zone (CSZ) where oceanic rocks of the Juan de Fuca Plate are subducting beneath the North American Plate, resulting in deformation and uplift of the Coast Range, volcanism in the Cascade Range, and a clockwise

rotation of the North American Plate (Wells et al., 2002; Brocher et al., 2017; Figure 5). Bedrock within the Coast Range was largely accreted onto the North American Plate through the process of subduction and back thrusts resulting from the subsequent compression of the North American Plate. Mafic intrusions manifested throughout the Coast Range as buoyant melted rock, propagated upward through dikes and sills, which result in local and larger intrusions within the older accreted rocks.

2.2 Local Geology

The site is mapped as predominately consisting of sedimentary and volcanic bedrock units of the Nestucca formation (map unit Tn), porphyritic basalt and basaltic andesite dikes (map unit Tipb), and basalt of Cascade Head (map unit Tchb) (Snavely et al., 1996; Figure 5).

Surficial Units

An alluvial deposit is mapped within the Logan Creek drainage and described as consisting of silt, sand, and basalt gravel positioned along rivers and streams. The extent of this unit is confined to the Logan Creek and likely persists elsewhere within smaller unnamed feeder creeks and further up the reach of Logan Creek. Landslide deposits were not mapped within the site boundary at the time of geologic map publication, but two are located immediately outside of the site boundary to the south and northwest.

Please note that the published geologic map is dated 1996 and mapped at a 1:24,000 scale, before the widespread adopted use of LiDAR for geologic mapping, which is commonly used today. As such, geologic units were mapped at lower-resolution contour intervals—on the scale of 40 feet or greater. Surficial units (such as landslides and landslide scarps), which are easily distinguished within LiDAR, were commonly overlooked during this era of geologic mapping. This will be addressed in further detail within the Site Geomorphology and Surface Description and the Geologic Hazards sections of this report.

Nestucca Formation (Tn)

The Nestucca formation is the primary bedrock unit mapped throughout the site and is described as medium- to thin-bedded siltstone with few interbeds of fine-grained sandstone up to 0.5 meters thick. Interbeds contain abundant 0.2- to 1-meter-thick tuff beds and calcareous concretions. Sandstone interbeds are irregularly bedded, glauconitic, and fossiliferous. This bedrock unit comprises the majority of the site's slopes, and outcrops mapped within and immediately adjacent to the site boundary indicate bedding in the southwest corner of the site is oriented southwest, with a northwest dip of 10 to 18 degrees in the southwest corner of the site.

Yamhill Formation (Ty)

The Yamhill formation is mapped within the eastern-most extent of the site and is described as massive to thin-bedded, medium to light gray siltstone with minor interbeds of thin- to medium-bedded micaceous arkosic and lithic sandstone, thick- to medium-bedded basaltic sandstone with thin siltstone interbeds, and rip ups.

Basalt of Cascade Head (Tchb)

The basalt of Cascade Head consists of subaerial flows of massive to platy, spheroidal-weathering porphyritic olivine-augite basalt, plagioclase-phyric basalt, and aphanitic basalt. Flows commonly have a scoriaceous upper surface and the basalt is locally very vesicular and rarely pillowed. Siltstone clasts and calcareous bearing concretions derived from the Nestucca formation are commonly associated with breccias in the lower part of the flow sequence. This unit coincides with a local topographic high point and is queried within the site boundary, meaning the identity of the basalt is in question and may belong to a different geologic unit.

Porphyritic Basalt and Basaltic Andesite Dikes (Tipb)
The porphyritic basalt and basaltic andesite dikes intruded through the Nestucca formation as Basalt of Cascade Head and consists of plagioclase bearing basalt.

Site Structural Geology
A strike slip fault is mapped transecting the site from the southwest to northeast within the primary drainage outlet. In addition, a thrust fault oriented northwest to southeast is located northeast of the site, indicating that the bedrock site topography is positioned within the overriding upper plate. Both faults are likely inactive as they are not included within the USGS Quaternary Faults and Fold database (USGS, 2022).

2.3 Site Geomorphology and Surface Description

The site is located at the northern extent of Lincoln City, Oregon, and immediately adjacent to the Pacific Ocean (approximately 1,200 feet west of the site). The site consists of heavily forested mountainous terrain with dendritic drainages that feed into Logan Creek throughout the western extent of the site and to Rowdy Creek along the eastern extent of the site (Figure 2). Two local topographic high points are located within the site, including a near-linear southwest to northeast ridge line referred to as "The Knoll" with an elevation of approximate 600 feet along the western margin of the site, and a disjointed knob with an elevation of approximately 560 feet located at northern extent of the site (NAVD 88). The lowest elevations coincide with site drainages along the southwest and southeast corners of the site (Figure 3).

The linear ridgeline of The Knoll coincides with mapped porphyritic basalt and basaltic andesite (map unit Tipb) and the disjointed knob coincides with mapped Basalt of Cascade Head (Figure 5). Pronounced hollows form the eastern flank of The Knoll and are mapped within the Oregon Department of Geology and Mineral Industries (DOGAMI) Statewide Landslide Information Database for Oregon (SLIDO) as landslide scarps with downslope deposits.

2.3.1 Slopes

PBS generated a slopeshade and classified slope inclinations as percent slope with the approximate horizontal to vertical slope correlation, presented on Figure 6. This provides a visual aid to understand the current site slope inclinations, draw attention to slopes of concern from a slope stability standpoint, and to identify geomorphic characteristics of landslides (scallops, irregular contours, hummocks steep scarps, etc.). Slope inclinations for this site generally range from 15% slope (<3H:1V) to 66.7% slope (1.5H:1V). Steeper slopes exceeding 66.7% observed within the site are primarily located within scarps and the west side of The Knoll.

As a general guideline, slopes less than 33% (or flatter than 3H:1V) have the lowest risk of failure, as they are generally inclined flatter than the angle of repose (approximately 66.7% slope or 1.5H:1V) and less likely to fail without influence from an extreme weather event, upslope failures, or seismic shaking. Slopes between 33% and 66.7% (3H:1V to 1.5H:1V) are a low risk and may be subjected to a higher rate of soil creep and shallow failures by changes in groundwater conditions, geologic conditions (impermeable layers directing water to the surface of a slope), or extreme weather events (high intensity rainfall or rapid snow melt), or due to seismic shaking. Slopes greater than 66.7% (>1.5H:1V) are of moderate to high risk to shallow and deep-seated failures. Slopes greater than 100% (1H:1V) are a high risk of shallow and deep-seated failures.

Typically, slopes prone to failure have existing indications of past failures such as scarps, slide deposits, debris fields, hummocks, or scallops within a slope crest; all of which are readily distinguishable with the LiDAR DEM and the associated hillshade, slopeshade, and contours produced (Figure 6).

All slopes are typically subjected to varying amounts of soil creep (the slow process of soil gradually moving downslope under the influence of gravity), and the rate of soil creep typically increases as slope inclination increases. Slopes composed of bare soil are typically subjected to higher rates of erosion and soil creep when compared to vegetated or artificially stabilized slopes.

Changes in groundwater elevations, rainfall, snowmelt, wildfire, site grading and surface modifications during construction can increase the potential for slope movements and erosion. Seismic loading can further destabilize slopes.

3 GEOLOGIC HAZARDS

Geologic and seismic hazards are defined as conditions associated with the geologic and seismic environment that could adversely influence future development. PBS reviewed GIS layers in the DOGAMI HazVu GIS portal to identify geologic hazards and seismic hazards that could affect the site's development and are summarized in Table 1. These hazards should be considered during the planning process.

Table 1. Summary of Geologic and Seismic Hazards

Source/Hazard	Slope Stability	Adverse Soils	Volcanic Hazards	Flooding and Drainage	Erosion	Groundwater	Tsunamis	Ground Shaking	Fault Surface Rupture	Liquefaction and Lateral Spreading
Geologic	**H**	–	–	–	**–**	L	–	–	–	–
Seismic	**H**	–	–	–	–	–	**–**	M/H	**–**	**–**

– identifies hazards that are absent or not applicable at this time
L = Low level of risk
M = Moderate level of risk
H = High level of risk
Hazard levels that are bold are described in more detail in the following sections

3.1 Slope Stability and Factor of Safety (FS)

Slope stability is influenced by various factors, including: (1) the geometry of the soil mass and subsurface materials, (2) the weight of soils overlying the failure surface, (3) the shear strength of soils and/or rock along the observed or potential failure surface, (4) the hydrostatic pressure (groundwater levels) along that surface, and bedrock controls such as joints, bedding planes, foliation, and zones of weakness such as shear zones and faults (active and inactive).

Stability of a slope is expressed in terms of factor of safety (FS), which is defined as the ratio of resisting forces to driving forces. At equilibrium, or incipient failure, the FS is equal to 1.0 and the driving forces are balanced by the resisting forces. Failure occurs when the driving forces exceed the resisting forces, i.e., FS less than 1.0. An increase in the FS above 1.0, whether by increasing the resisting forces and/or decreasing the driving forces, reflects a corresponding increase in the stability of the slope.

FS is calculated during a slope stability analysis using a combination of laboratory data and subsurface borings to assess subsurface conditions. This was not included within our current scope of work, and as such, FS is used for the purpose of discussion and is relative.

3.2 Landslide Susceptibility and Previously Mapped Landslides

Review of the SLIDO Regional Landslide Susceptibility (scale 1:500,000) GIS layer indicates site slopes are classified as high to very high susceptibility for failure (SLIDO, 2022; Figure 7). In addition, review of the SLIDO landslide inventory indicates the presence of numerous prehistoric landslides (>150 years old) throughout the site slopes and adjacent site slopes (SLIDO, 2022 Figure 8).

Site grading and development within a mapped landslide deposit should be avoided, as the FS is likely just above 1.0 and surface modification could result in reactivation of an existing slide. Development upslope of these deposits should be avoided and will require site-specific geotechnical explorations and slope stability analyses to better understand the impacts of development and the subsurface conditions that comprise the slopes.

3.2.1 Earthquake-Induced Landslides

Earthquake-induced landslides are landslides that occur concurrently or shortly after shaking from an earthquake. They can occur within slopes that have no evidence of past landslides and can reactivate existing landslides that may appear to be at a stable state. The magnitude of the earthquake, proximity to the active fault, and the duration of shaking are the greatest factors impacting the seismic stability of slopes. A code-based Cascadia Subduction Zone (CSZ) earthquake is expected to produce severe to violent shaking throughout coastal Oregon. As a result, the slopes would likely experience earthquake-induced landslides due to current slope conditions. Implications of seismic shaking will be discussed in more detail with the discussion of our slope stability analyses.

3.3 Seismicity and Faulting

3.3.1 Seismic Sources

Several types of seismic sources exist in the Pacific Northwest, which are outlined below. Volcanic sources beneath the Cascade Range are not considered further in this study, as they rarely exceed magnitude (M_W) greater than about 5.0 and are not considered to pose a significant ground-shaking hazard to the project site due to the distance from the Cascade Mountains.

3.3.2 Crustal Earthquakes and Faults

Review of the US Geological Survey Quaternary Fault and Fold Database and Oregon HazVu indicates the site is within close proximity (less than 25 km or 15.5 miles) to several faults (USGS, 2022; Figure 9). Due to their proximity, the crustal faults could be a significant seismic source for severe ground motion in the coastal area in addition to the larger CSZ event.

Table 2. Faults within the Site Vicinity

Fault Zone Name	Fault ID	Approximate Distance to Site (Surface Projection in km)
Cascadia fold and fault belt	784	9
Unnamed offshore faults	785	19.1, 21.7
Siletz Bay faults	883	10.1, 16.2, 19.6, 20
Cape Foulweather fault	884	21.6

3.3.3 Cascadia Subduction Zone (CSZ) – Interface Earthquakes and Tsunamis

The CSZ represents the boundary between the subducting Juan de Fuca tectonic plate and the overriding North American tectonic plate (Figure 4). Recurrence intervals for subduction zone earthquakes are based on studies of the geologic record, with studies estimating a recurrence interval between 500 to 530 years for a full rupture event, and on the order of 300 years for smaller events exceeding Mw 8.0+ (Goldfinger et al., 2012). Geologic evidence and written records from Japan suggest the most recent earthquake occurred in January 1700. The 1700 earthquake probably ruptured much of the approximate 620-mile (1,000 km) length of the CSZ and was estimated at moment magnitudes of M_W 9.0. The horizontal distance from the edge of the CSZ megathrust is located approximately 160 km west of Lincoln City, Oregon. The current US Geological Survey risk-based maximum credible earthquake for CSZ megathrust is M_W 9.0±0.2 (USGS, 2008).

3.3.4 Intraslab Earthquakes

Intraslab earthquakes occur within the subducting slab. They are problematic in the sense that they do not have a surface expression or rupture the ground surface, and their seismicity generates deformation along many faults within the slab (Kirby et al., 2002). The CSZ has generated significant intraslab destructive earthquakes including the 2001 M_W 6.8 Nisqually earthquake in the Puget lowland.

3.3.5 Historical Seismicity

Regional historical seismicity information was acquired from the Advanced National Seismic System (ANSS) Comprehensive Catalog, hosted by the Northern California Earthquake Data Center (NCEDC), and is presented on Figure 10. These data include earthquakes with magnitudes exceeding M 2.5, within a 150-km (approximately 100-mile) radius of the city of Lincoln City, Oregon, and recorded between 1963 and 2017 (NCEDC, 2017). Magnitudes within the ANSS dataset are recorded as local magnitude, surface-wave magnitude, body-wave magnitude, moment magnitude, and magnitude of completeness.

3.4 Liquefaction Potential

Liquefaction is defined as a decrease in the shear resistance of loose, saturated, cohesionless soil (e.g., sand) or low plasticity silt soils due to the buildup of excess pore pressures generated during an earthquake. This results in a temporary transformation of the soil deposit into a viscous fluid. Liquefaction can result in ground settlement, foundation bearing capacity failure, and lateral spreading of ground. Review of DOGAMI HazVu indicates the site is not mapped within a zone of liquefaction susceptibility.

4 GEOLOGIC HAZARD CONCLUSIONS AND RECOMMENDATIONS

PBS has summarized our findings as follows:

- Site slopes are identified by DOGAMI as having a high or very high susceptibility to landslides.

- Mapped landslide deposits are prevalent throughout site slopes based on review of DOGAMI's landslide inventory and LiDAR review. The mapped deposits are classified as "prehistoric" and older than 150 years.
- Mapped landslides are predominantly within slopes derived from sedimentary rocks of the Nestucca formation.
- Mapped landslides consist of shallow failures and deep-seated failures.
- Review of bedrock units outside of the site indicate a higher occurrence of landslides within the sedimentary rocks of the Nestucca formation than the various basalt bedrock units, and as such, the Nestucca formation is likely a less resilient bedrock unit and weaker in strength.
- Seismic shaking could reactivate older failures and generate new failures.
- To avoid reactivating mapped landslides, site grading should be limited and should not include placing fill on mapped landslides or cutting at the toe.
- Due to the high landslide hazard at the site and presence of numerous prehistoric landslides, development should be limited to identified areas only, leaving the site mostly undeveloped and used as an open space or park.

The site consists of numerous mapped prehistoric landslides that primarily coincide with slopes composed of Nestucca formation sedimentary rocks. Review of the landslide inventory off-site and areas mapped as underlain by basalt bedrock indicates the presence of fewer landslides than areas mapped as Nestucca formation. This suggests the Nestucca formation is less resilient and likely weaker in strength or has characteristics such as a combination of joints and bedding that allows for higher occurrence of failures. It is important to note that the mapped landslides are all categorized as prehistoric (>150 years in age); however, these have the potential to be reactivated by site grading and development without careful consideration.

Regardless, development within the site should take a cautionary approach due to the presence of numerous mapped landslides. In addition, slope failures do not appear to follow a general trend (e.g., steeper slopes more prevalent to failure). The slope failures that have occurred have done so in slopes of all inclinations, which further suggests a weak underlying geologic unit that is not favorable to development without substantial mitigation and monitoring efforts.

The area could be preserved as open-space with a network of primitive trails or be limited to select areas (Figure 11). Prior to any development or grading, evaluation of select areas should include a thorough subsurface exploration program, monitoring with inclinometers and survey points, and annual site reconnaissance performed by a certified engineering geologist.

4.1 Future Geotechnical Work

Typically, geotechnical involvement occurs after a design team has been selected and an architect has drafted preliminary site layouts. We strongly recommend early involvement by the geotechnical consultant prior to preliminary planning to help prevent the City from paying unnecessary design costs as a result of misunderstanding this report and the geologic hazards throughout the site.

4.1.1 Recommended Scope of Work

PBS recommends the following preliminary geotechnical scope of work.

Dedicated open space:

- Review trail networks

- Site reconnaissance

Site development with permanent structures:

- Subsurface explorations
- Slope stability analyses
- Engineering analyses
- Slope monitoring for a minimum of two years, with the installation of inclinometers and survey monuments
- Annual site reconnaissance performed by a certified engineering geologist (CEG)
- Review of preliminary grading plans and architectural drawings by a licensed geotechnical engineer (GE) **and** certified engineering geologist (CEG)

5 LIMITATIONS

This report has been prepared for the exclusive use of the addressee, and their architects and engineers, for aiding land use planning. This report has been prepared without site-specific geotechnical subsurface explorations, laboratory testing, or a field reconnaissance, and is a preliminary report to be used for planning purposes only. It is not intended to suffice as a site-specific geotechnical engineering report. Geotechnical evaluations will be required for future site development. It is not to be photographed, photocopied, or similarly reproduced, in total or in part, without express written consent of the client and PBS. It is the addressee's responsibility to provide this report to the appropriate design professionals, building officials, and contractors to ensure correct implementation of the recommendations.

The opinions, comments, and conclusions presented in this report are based upon information derived from our literature review. It is possible that soil, rock, or groundwater conditions could vary from mapped descriptions. If soil, rock, or groundwater conditions are encountered during construction that differ from those described herein, the client is responsible for ensuring that PBS is notified immediately so that we may reevaluate the recommendations of this report.

If there is a substantial lapse of time between the submission of this report and subsequent planning and development, or if conditions have changed due to natural causes or construction operations at or adjacent to the site, or if the basic project scheme is significantly modified from that assumed, this report should be reviewed to determine the applicability of the conclusions and recommendations presented herein. Land use, site conditions (both on and off site), or other factors may change over time and could materially affect our findings; therefore, this report should not be relied upon after three years from its issue, or in the event that the site conditions change.

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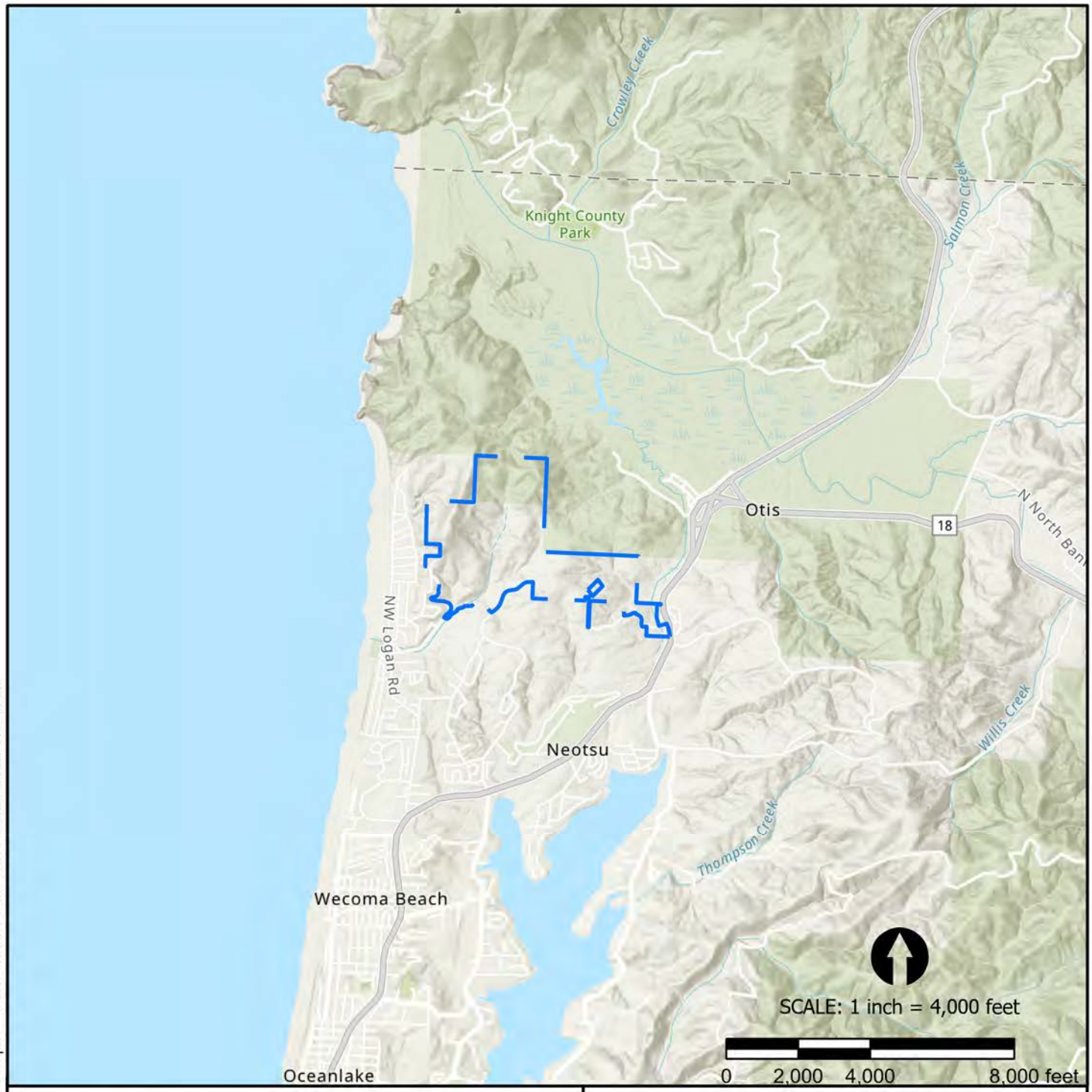
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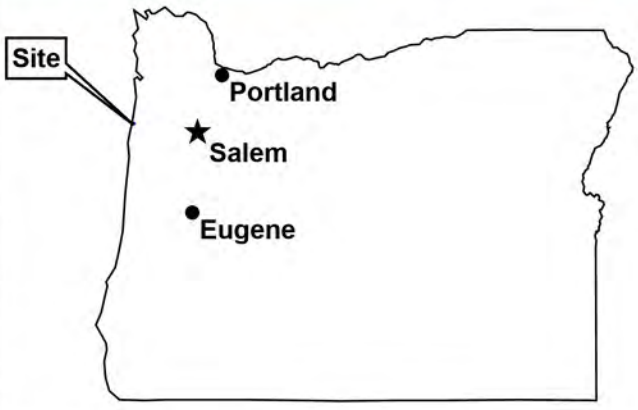
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Figures





VICINITY MAP

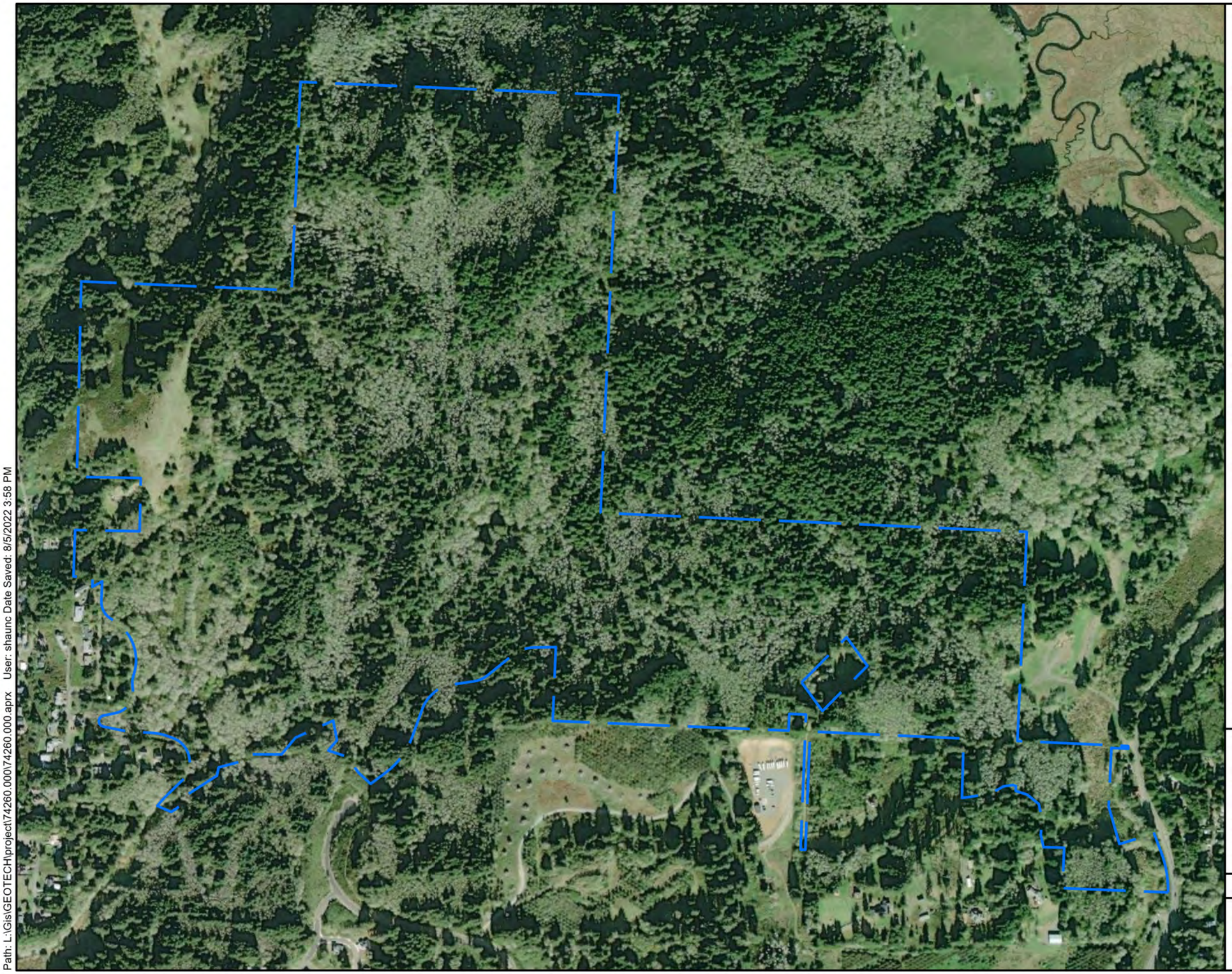
THE VILLAGES
LINCOLN CITY, OREGON

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FIGURE 1

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EXPLANATION

Site boundary

Notes: ESRI imagery

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 600 feet

0 300 600 1,200 feet

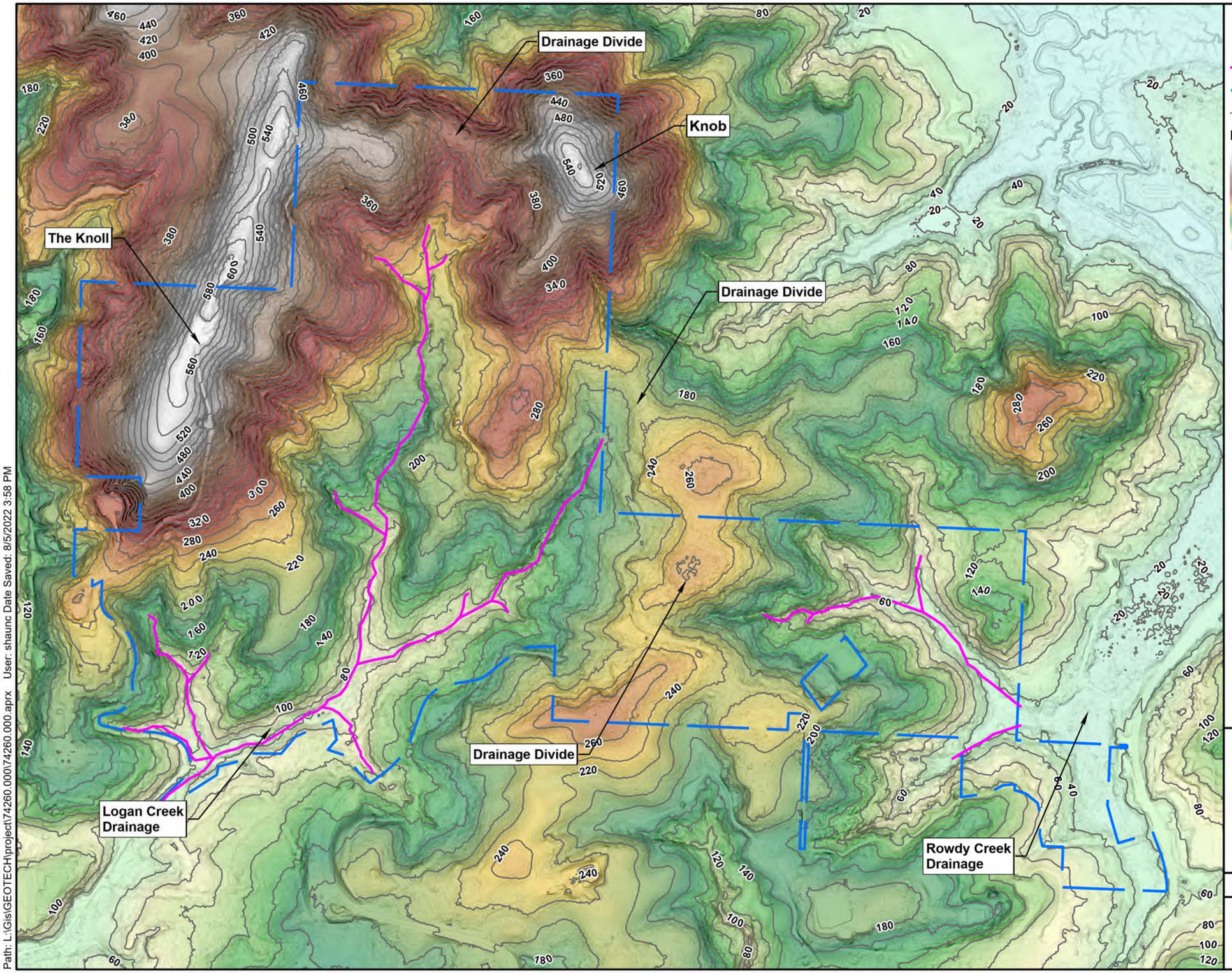
SITE PLAN

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FIGURE
2



EXPLANATION

- Creeks
- Site boundary
- 20-foot elevation contour (NAVD 88)

Digital Elevation Model (NAVD 88)

609 ft

2 ft

Notes: Contours and hillshade derived from DOGAMI LiDAR DEM

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 600 feet

0 300 600 1,200 feet

SITE ELEVATIONS

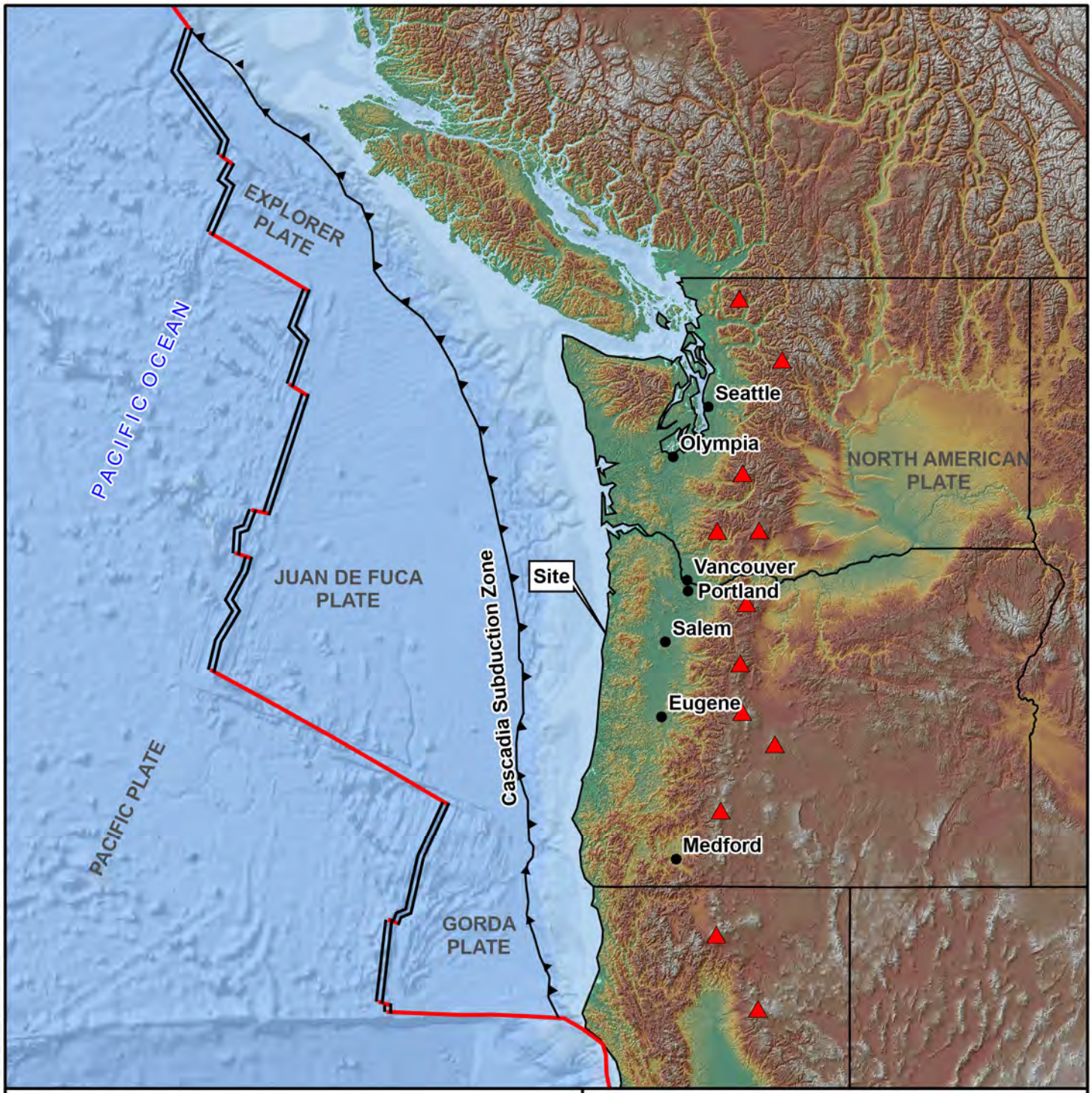
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FIGURE 3

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EXPLANATION

- Active volcano
- Transform boundary
- Spreading ridge
- Thrust fault

Notes: SRTM 30-meter DEM, ESRI World Oceans Basemap, USGS Tectonic Plate Boundaries

TECTONIC SETTING OF THE PACIFIC NORTHWEST

THE VILLAGES
LINCOLN CITY, OREGON

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FIGURE
4

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Drainage Divide

Knob

The Knoll

Drainage Divide

Drainage Divide

Logan Creek Drainage

Rowdy Creek Drainage

Qal

Qls

Tn

Ty

Tchb

Tipb

EXPLANATION

20-foot elevation contour (NAVD 88)

Geologic Map Units

Qal - alluvial deposit

Qls - Landslide debris.

Tn - Nestucca formation - sedimentary rocks

Ty - Yamhill formation - sedimentary rocks

Tchb - Basalt of cascade head

Tipb - Porphyritic basalt and basaltic andesite dike

Thrust fault - sawteeth indicate upper plate.

Strike-slip fault - arrows show relative horizontal movement.

Geologic contact - approximately located or inferred; dashed where concealed.

24 Strike and dip of beds

Notes: Site geology compiled by Snavely et al. (1996), original map scale 1:24,000

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 600 feet

0 300 600 1,200 feet

GEOLOGIC MAP

THE VILLAGES
LINCOLN CITY, OREGON

DATE: AUG 2022 · PROJECT: 74260.000

PBS

FIGURE 5

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Scarp
Scarp
Scallop
Scallop
Scallop
Scarp
Serrated Crest
Scarp
Scallop
Primitive Road
Primitive Road
Serrated Crest
Serrated Crest

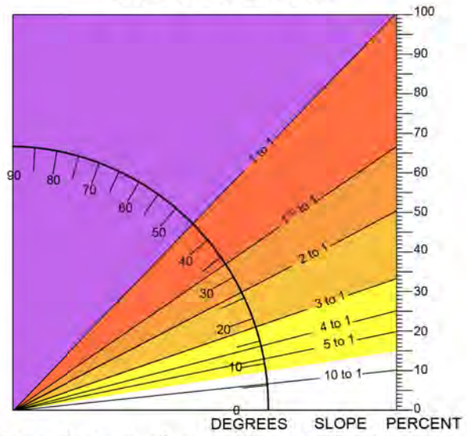
EXPLANATION

- Site boundary
- 20-foot elevation contour (NAVD 88)

Slope inclinations (percent slope)

- 15 - 33% (<3:1)
- 33 - 50% (3:1 - 2:1)
- 50 - 66.7% (2:1 - 1.5:1)
- 66.7 - 100% (1.5:1 - 1:1)
- >100% (>1:1)

SLOPE COMPARISON CHART



Notes: Contours, slope shade, and hillshade derived from DOGAMI LiDAR DEM

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 600 feet

0 300 600 1,200 feet

SLOPE INCLINATIONS

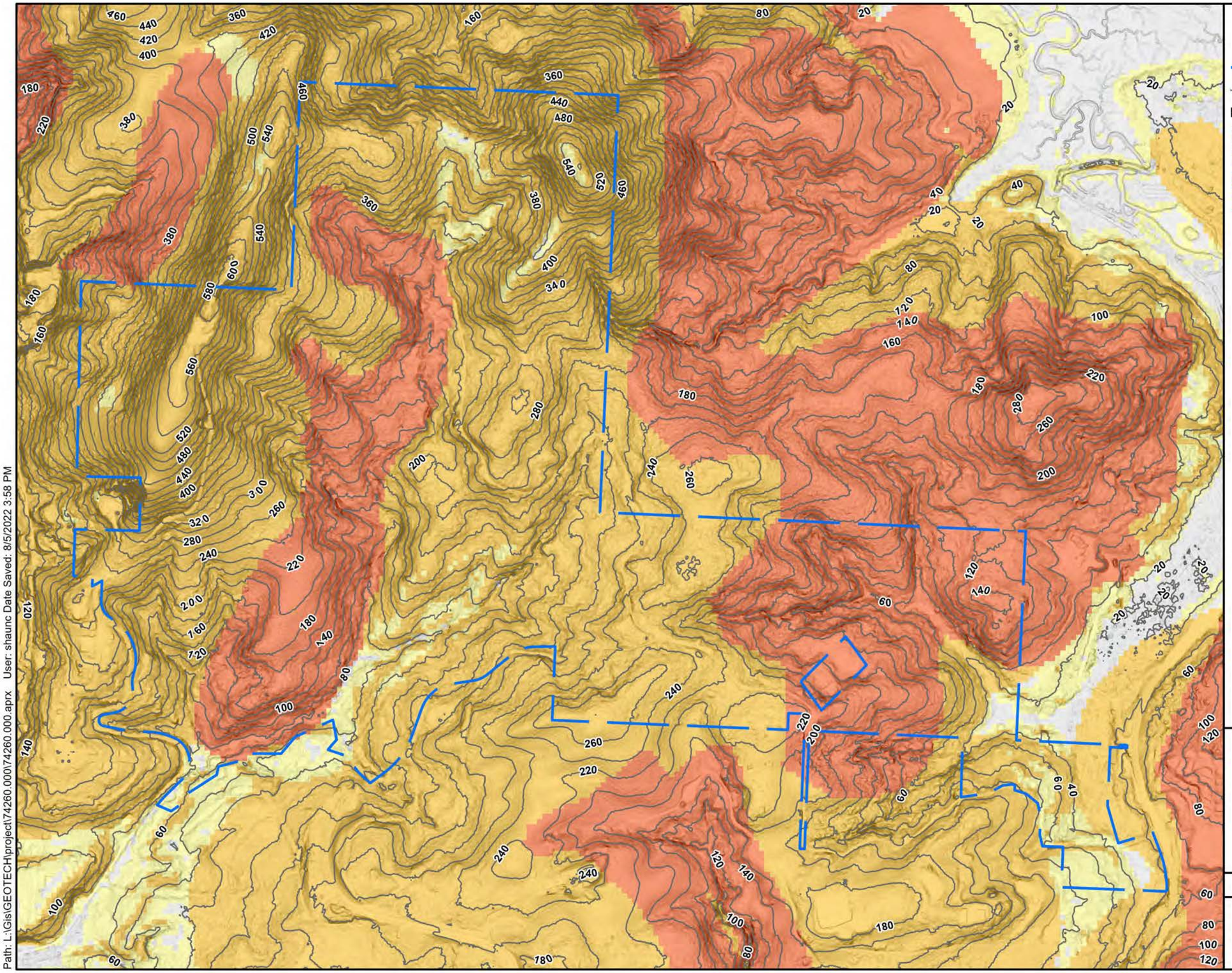
THE VILLAGES
LINCOLN CITY, OREGON

DATE: AUG 2022 · PROJECT: 74260.000

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FIGURE
6

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EXPLANATION

- Site boundary
- 20-foot elevation contour (NAVD 88)

Regional Landslide Susceptibility

- Low
- Moderate
- High
- Very High

Notes: Contours and hillshade derived from DOGAMI LiDAR DEM, landslide susceptibility layer obtained from DOGAMI SLIDO (scale 1:500,000)

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 600 feet

0 300 600 1,200 feet

SLIDO LANDSLIDE SUSCEPTIBILITY

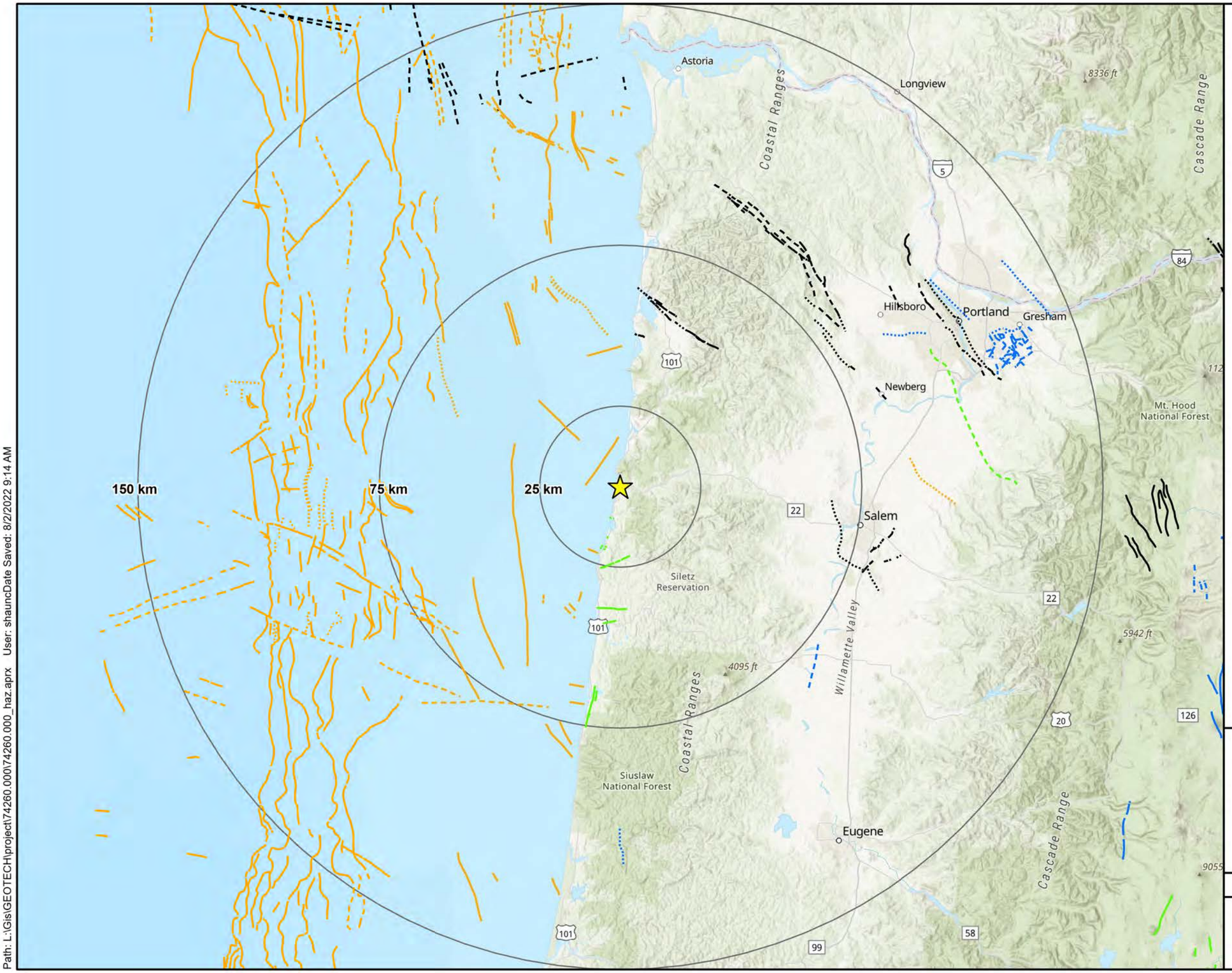
THE VILLAGES
LINCOLN CITY, OREGON

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FIGURE 7

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EXPLANATION

Site location

Site proximity buffer (km)

Fault trace - solid where well constrained, dashed where moderately constrained, and dotted where inferred

- <15,000 years - latest Quaternary
- <130,000 years - late Quaternary
- <750,000 years - middle and late Quaternary
- <1.6 million years - undifferentiated Quaternary

Notes: ESRI World Topographic basemap, USGS Quaternary Faults and Fold Database

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 30 km

0 15 30 60 km

REGIONAL FAULT MAP

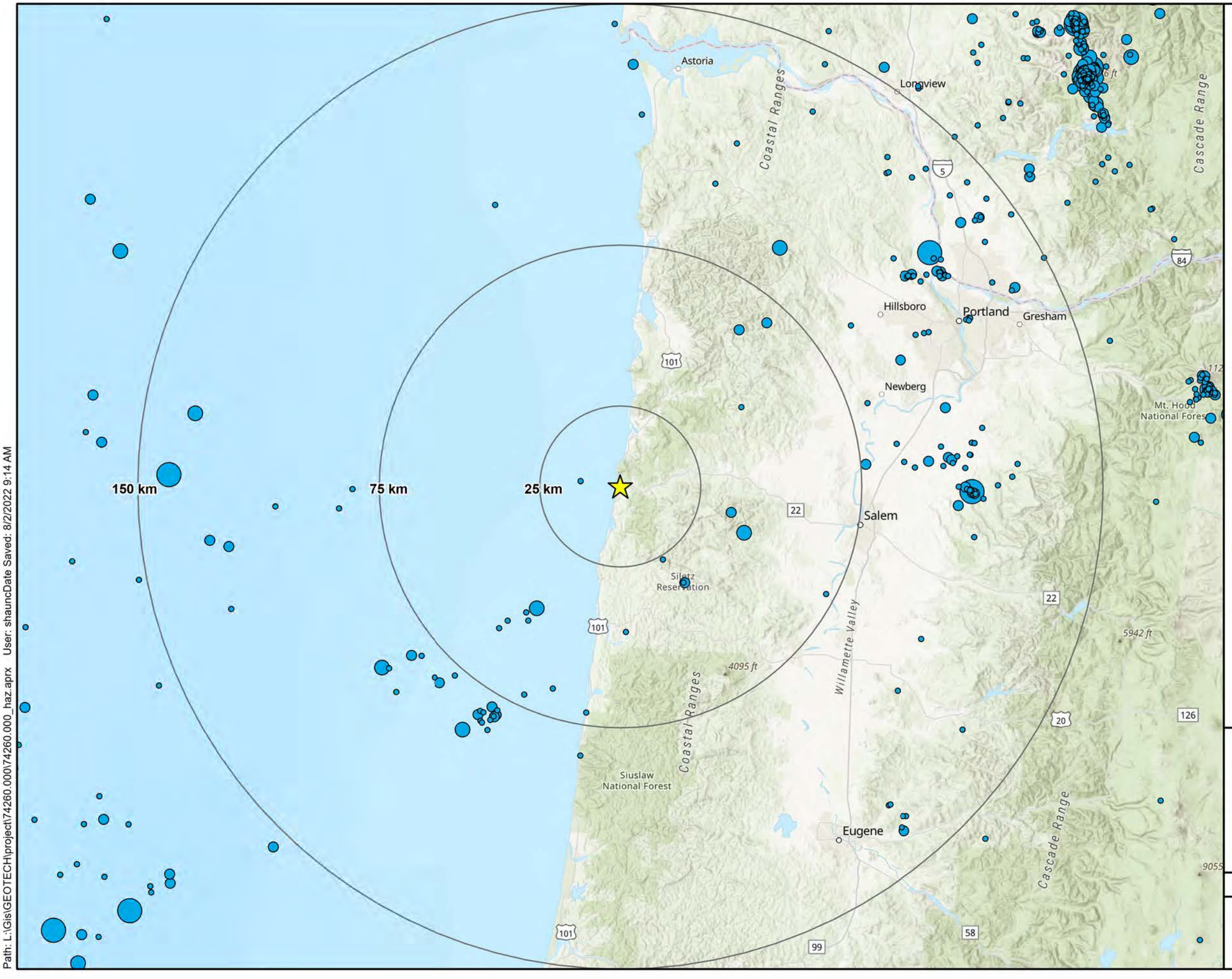
THE VILLAGES
LINCOLN CITY, OREGON

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FIGURE 9

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EXPLANATION

Site location

Site proximity buffer (km)

Independent seismicity (1963 - 2017)

- M 2.5 - 3.0
- M 3.1 - 4.0
- M 4.1 - 5.0
- M >5.1

Notes: Historical seismicity compiled from ANSS Comprehensive Earthquake Catalog

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 30 km

0 15 30 60 km

HISTORICAL SEISMICITY

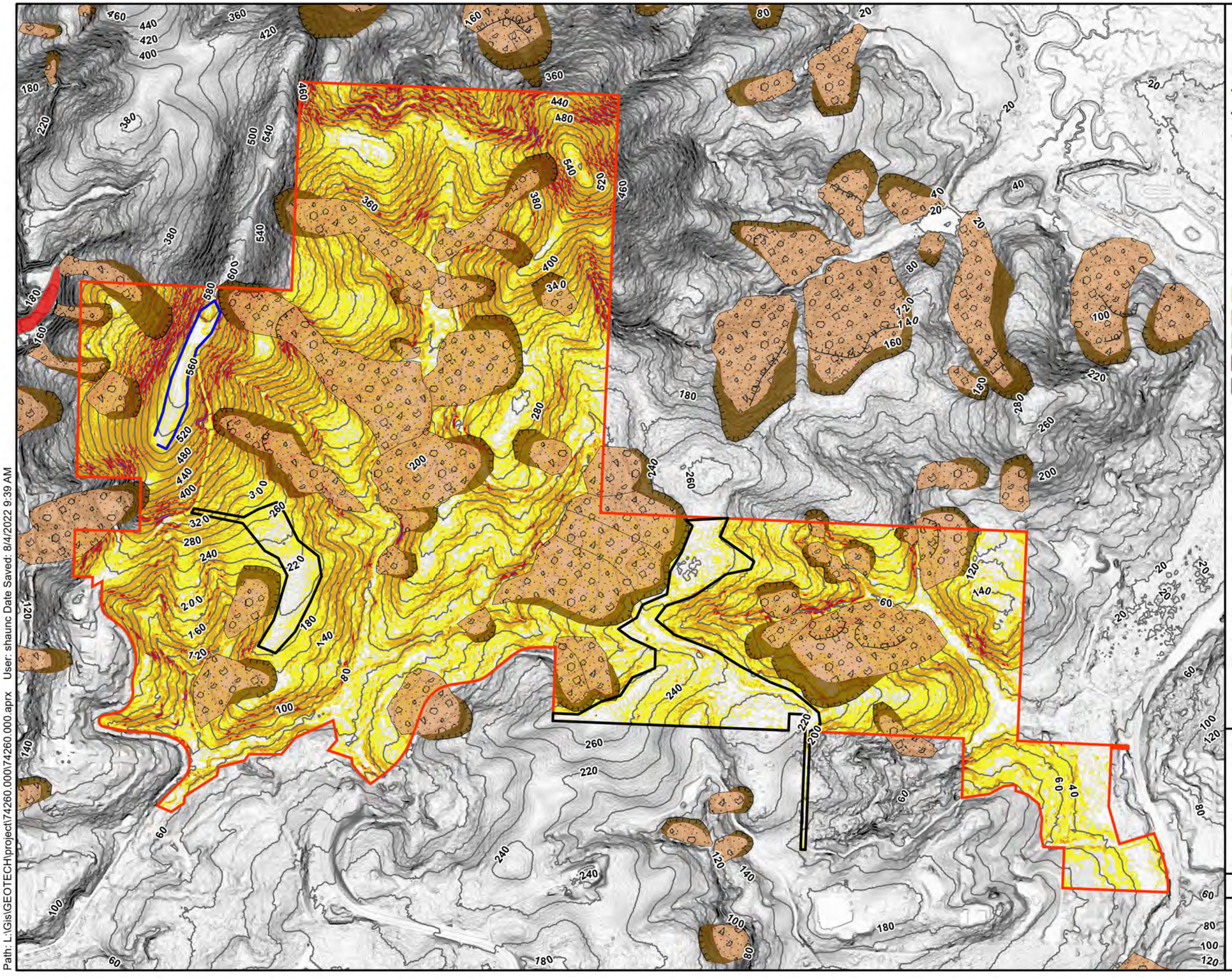
THE VILLAGES
LINCOLN CITY, OREGON

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FIGURE
10

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EXPLANATION

- OS - Open space
- P - Park
- R-1 / P - Single-family residential or park
- 20-foot elevation contour (NAVD 88)
- Scarp
- Head Scarp
- Talus-Colluvium
- Fan
- Landslide

Slope inclinations (percent slope)

- 15 - 33% (<3:1)
- 33 - 50% (3:1 - 2:1)
- 50 - 66.7% (2:1 - 1.5:1)
- 66.7 - 100% (1.5:1 - 1:1)
- >100% (>1:1)

Notes: Contours, slope shade, and hillshade derived from DOGAMI LiDAR DEM

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 600 feet

0 300 600 1,200 feet

LAND USE

THE VILLAGES
LINCOLN CITY, OREGON

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PBS

FIGURE 11

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Appendix B

Wetland Field Data

Village

Wetland Plot 1
0-7" 10yr 4/1
40%. 5/6

80%. elder berry
10%. skunk cab
10%. H_2O ~~pep~~ parsley

7-14 10yr 4/2
20%. 4/6
back to wedge
oxsalis 10%.

wetland plot 2 4/3
0-14". 10yR ~~5/6~~

3/12 village

wetland C

0-6 2/2 10yR
1%. Redox 3/4 7.5YR

6-14 4/2 10yR
~~55~~ 50%. ~~5/6~~
~~5~~ 5/8 7.5YR

F3
- lady ~~Sweet~~ fern 10%.
- carex stew sedge 100%.
elder berry 1%.
sitka 1%.
holy 1%.
huckleberry 1%.
hemlock 1%.
texture: clayey loam

WL C cont.

Upland:
Uniform color & texture
0-14
2/2 10YR Sl. redox
- clay loam

Scale: 1 square = _____

52

WETLAND 7-12A

0-8" 10YR 2/1

9-18" HYDRIC DEPTH

REDOX 60%

SKUNK CABBAGE

WOOD REED

SITKA SPRUCE

SALMONBERRY

RANUNCULUS

CLAY LOAM

~~ESS~~ SULFEN

WATER AT PERM

SOILS F7

WETLAND PLOT 53

18" 7.5YR 3/2

7.5 5/6

75%

~~90~~ 90%

1%

10%

10%

DARK SURFACE

54

7-12A UPLAND

1-3
4-10

RIPARIAN / RIVERINE

LOAMY CLAY

55

1-3	7.5YR	3-2	
4-10	10YR	3-2	
Redox	10YR	5-8	1%
SALMONBERRY			30 %
LADY FERN			1 %
SWORDFERN			3 %
FLOODPLAIN			3 %
SKUNK	CABBAGE		5 %
N/A	HYDROLOGY		

56

57

WETLAND B — WETLAND PLOT

CLAY LOAM

1-6	7.5YR	3/2	
	10R	4/4	10%
7-12	7.5YR	4/3	
	10R	4/6	5%

CAREX	UNKNOWN	80%
SKUNK	CABBAGE	10%
SALMONBERRY		5%
SWORD	FERN	1%

F6

UPLAND PLOT

0-5	7.5YR	3/3	
6-14	10YR	3/2	
	10YR	5/8	5%

SALMONBERRY	75%
SWORD FERN	40%
SEDGE	10%

10

11

Lincoln city hillslope model

Wetland 1 (5)

Floodplain wetland start @ toe of road slope.

Skunk cabbage.
horsetail
Slough sedge.
Soft rush
Creeping buttercup

Wetland A.

Surveyed.

Slope, concave depression
Sat @ surface.

Skunk
Skunk cabbage
Water parsley

Overstory 20% Ellerson

12

13

Wetland B.

wp1 (W)

0-4: 10yr 3/1 muck
5-12: 10yr 3/1 mix 5/1 3/6 10%

100% reed canarygrass.

Sat. to surface, areas of pondg., core H_2O @ 3"

wp2 (U)

0-14 10YR 3/3

70% elderberry
30 % min blackberry
10 % sword fern
10% bracken fern

Plot on slope.

Rite in the Rain

14

15

wp 3 (W)

0-12 loam 2/1 muck

30% rock

40% slash cobbles

sat to surface H_2O @ 2"

wp 4 (W)

0-14 loam 3/3 ~~no hydro~~

C. 60% Alder
20% Elderberry

S. 20% Cascara
20% Elderberry
20% Himalayan blackberry
10% thimbleberry

Plot 3-4' higher than wetland on slope.

16

17

Wetland B is a sloping Emergent wetland with areas of ponding mostly reed but also skunk, bullrush, slough sedge. H2O essentially at surface.

Bank by upland slopes

Wetland D (north of road)

Up 5 (W)

0-8 10yr 2/1 mucky

70% reed
10% slough

Sat @ surface H, O @

28

31

WP 6 (U)

0-14" 10yr 3/3

40% Bracken
20% S. vernal grass
10% Creeping BC
20% sward fern

no sat / no hydro!

WP 7 (W)

0-12 10yr 2/1 muck
70% reed
30% open water

sat ↑ surface.

32

33

wet plot 8 (U)

0-12 10YR 3/3

~~S~~. plot on slope.

Em [50% bracken fern
20% sword fern

Shrub [40% Elderberry

70 ~~Shrub~~ E.r

Appendix C

Precipitation Data

WETS Station: OTIS 2 NE, OR

Requested years: 1981 - 2011

Month	Temperature (°F)			Precipitation (inches)				
	Avg daily max	Avg daily min	Avg daily mean	Avg	30% chance will have		Avg number of days with 0.10 inch or more	Average total snowfall
					less than	more than		
Jan	48.0	37.5	42.8	14.60	10.48	17.24	18	0.2
Feb	51.2	37.5	44.3	10.52	7.13	12.57	15	0.0
Mar	54.8	38.8	46.8	10.74	8.13	12.52	17	0.1
Apr	58.1	40.3	49.2	7.51	5.63	8.78	14	0.0
May	62.4	44.1	53.2	5.17	3.64	6.13	11	0.0
Jun	65.7	48.0	56.9	3.80	2.50	4.56	7	0.0
Jul	70.3	50.2	60.3	1.38	0.70	1.66	3	0.0
Aug	71.5	50.7	61.1	1.45	0.62	1.77	3	0.0
Sep	69.6	48.1	58.9	3.07	1.29	3.73	5	0.0
Oct	61.0	44.6	52.8	7.47	4.92	8.97	12	0.0
Nov	52.0	40.2	46.1	14.62	11.07	17.04	18	0.1
Dec	46.6	36.3	41.5	14.56	10.91	17.02	17	0.1
Annual:					85.53	101.23		
Average	59.3	43.0	51.1	-	-	-	-	-
Total	-	-	-	94.88			141	0.5

GROWING SEASON DATES

Requested years of data:	1981 - 2011		
Years with missing data:	24 deg = 1	28 deg = 1	32 deg = 1
Years with no occurrence:	24 deg = 17	28 deg = 6	32 deg = 0
Data years used:	24 deg = 30	28 deg = 30	32 deg = 30

Probability	Temperature		
	24 F or higher	28 F or higher	32 F or higher
	Beginning and Ending Dates Growing Season Length		

Climatological Data for OTIS 2 NE, OR - April 2022

Date	Max Temperature	Min Temperature	Avg Temperature	GDD Base 40	GDD Base 50	Precipitation	Snowfall	Snow Depth
2022-04-01	54	34	44.0	4	0	0.03	0.0	0
2022-04-02	54	41	47.5	8	0	0.03	0.0	0
2022-04-03	54	38	46.0	6	0	0.12	0.0	0
2022-04-04	53	43	48.0	8	0	1.72	0.0	0
2022-04-05	53	37	45.0	5	0	0.11	0.0	0
2022-04-06	66	33	49.5	10	0	T	0.0	0
2022-04-07	73	41	57.0	17	7	T	0.0	0
2022-04-08	64	44	54.0	14	4	0.25	0.0	0
2022-04-09	52	38	45.0	5	0	0.28	0.0	0
2022-04-10	46	39	42.5	3	0	0.89	0.0	0
2022-04-11	49	34	41.5	2	0	1.65	0.0	0
2022-04-12	47	35	41.0	1	0	0.21	0.0	0
2022-04-13	48	32	40.0	0	0	0.86	0.0	0
2022-04-14	48	32	40.0	0	0	0.20	0.0	0
2022-04-15	50	30	40.0	0	0	0.03	0.0	0
2022-04-16	49	30	39.5	0	0	0.11	0.0	0
2022-04-17	49	30	39.5	0	0	0.09	0.0	0
2022-04-18	50	41	45.5	6	0	0.96	0.0	0
2022-04-19	49	40	44.5	5	0	0.73	0.0	0
2022-04-20	56	40	48.0	8	0	0.30	0.0	0
2022-04-21	54	43	48.5	9	0	0.84	0.0	0
2022-04-22	59	40	49.5	10	0	0.01	0.0	0
2022-04-23	60	37	48.5	9	0	T	0.0	0
2022-04-24	60	38	49.0	9	0	0.00	0.0	0
2022-04-25	55	49	52.0	12	2	0.27	0.0	0
2022-04-26	53	42	47.5	8	0	0.28	0.0	0
2022-04-27	55	42	48.5	9	0	0.29	0.0	0
2022-04-28	52	39	45.5	6	0	0.01	0.0	0
2022-04-29	56	42	49.0	9	0	0.11	0.0	0
2022-04-30	53	47	50.0	10	0	1.31	0.0	0
Average|Sum	54.0	38.4	46.2	193	13	11.69	0.0	0.0

Climatological Data for OTIS 2 NE, OR - May 2022

Date	Max Temperature	Min Temperature	Avg Temperature	GDD Base 40	GDD Base 50	Precipitation	Snowfall	Snow Depth
2022-05-01	58	38	48.0	8	0	T	0.0	0
2022-05-02	56	45	50.5	11	1	1.46	0.0	0
2022-05-03	54	45	49.5	10	0	0.22	0.0	0
2022-05-04	61	41	51.0	11	1	T	0.0	0
2022-05-05	55	42	48.5	9	0	0.36	0.0	0
2022-05-06	55	42	48.5	9	0	1.03	0.0	0
2022-05-07	52	44	48.0	8	0	1.06	0.0	0
2022-05-08	47	39	43.0	3	0	0.63	0.0	0
2022-05-09	52	35	43.5	4	0	0.18	0.0	0
2022-05-10	56	34	45.0	5	0	T	0.0	0
2022-05-11	55	36	45.5	6	0	T	0.0	0
2022-05-12	53	45	49.0	9	0	1.63	0.0	0
2022-05-13	57	36	46.5	7	0	0.17	0.0	0
2022-05-14	56	46	51.0	11	1	1.92	0.0	0
2022-05-15	59	51	55.0	15	5	0.24	0.0	0
2022-05-16	57	48	52.5	13	3	0.31	0.0	0
2022-05-17	58	38	48.0	8	0	T	0.0	0
2022-05-18	56	44	50.0	10	0	0.29	0.0	0
2022-05-19	54	42	48.0	8	0	0.05	0.0	0
2022-05-20	57	37	47.0	7	0	0.00	0.0	0
2022-05-21	62	39	50.5	11	1	0.00	0.0	0
2022-05-22	61	44	52.5	13	3	0.00	0.0	0
2022-05-23	63	47	55.0	15	5	0.00	0.0	0
2022-05-24	62	43	52.5	13	3	0.00	0.0	0
2022-05-25	63	51	57.0	17	7	0.07	0.0	0
2022-05-26	69	49	59.0	19	9	T	0.0	0
2022-05-27	62	50	56.0	16	6	0.25	0.0	0
2022-05-28	57	47	52.0	12	2	0.34	0.0	0
2022-05-29	54	47	50.5	11	1	1.28	0.0	0
2022-05-30	58	46	52.0	12	2	0.27	0.0	0
2022-05-31	67	42	54.5	15	5	T	0.0	0
Average|Sum	57.6	43.0	50.3	326	55	11.76	0.0	0.0

Climatological Data for OTIS 2 NE, OR - June 2022

Date	Max Temperature	Min Temperature	Avg Temperature	GDD Base 40	GDD Base 50	Precipitation	Snowfall	Snow Depth
2022-06-01	64	48	56.0	16	6	T	0.0	0
2022-06-02	66	47	56.5	17	7	T	0.0	0
2022-06-03	60	50	55.0	15	5	0.13	0.0	0
2022-06-04	59	52	55.5	16	6	0.43	0.0	0
2022-06-05	58	53	55.5	16	6	0.94	0.0	0
2022-06-06	61	51	56.0	16	6	0.16	0.0	0
2022-06-07	68	48	58.0	18	8	T	0.0	0
2022-06-08	63	51	57.0	17	7	0.01	0.0	0
2022-06-09	67	50	58.5	19	9	0.18	0.0	0
2022-06-10	62	56	59.0	19	9	2.08	0.0	0
2022-06-11	62	55	58.5	19	9	0.70	0.0	0
2022-06-12	62	50	56.0	16	6	0.09	0.0	0
2022-06-13	57	47	52.0	12	2	0.28	0.0	0
2022-06-14	61	49	55.0	15	5	0.18	0.0	0
2022-06-15	61	46	53.5	14	4	0.03	0.0	0
2022-06-16	61	51	56.0	16	6	0.05	0.0	0
2022-06-17	60	48	54.0	14	4	0.27	0.0	0
2022-06-18	60	46	53.0	13	3	0.06	0.0	0
2022-06-19	57	51	54.0	14	4	0.13	0.0	0
2022-06-20	64	51	57.5	18	8	0.02	0.0	0
2022-06-21	71	51	61.0	21	11	0.00	0.0	0
2022-06-22	67	50	58.5	19	9	0.00	0.0	0
2022-06-23	64	43	53.5	14	4	0.00	0.0	0
2022-06-24	75	43	59.0	19	9	0.00	0.0	0
2022-06-25	91	51	71.0	31	21	0.00	0.0	0
2022-06-26	90	58	74.0	34	24	0.00	0.0	0
2022-06-27	70	47	58.5	19	9	0.00	0.0	0
2022-06-28	64	55	59.5	20	10	0.04	0.0	0
2022-06-29	64	54	59.0	19	9	0.03	0.0	0
2022-06-30	67	46	56.5	17	7	0.00	0.0	0
Average|Sum	65.2	49.9	57.6	533	233	5.81	0.0	0.0

Critical Areas Assessment Addendum
The Villages Project

Prepared for:
City of Lincoln City, Oregon

November 29, 2022
PBS Project 74260.000

PBS
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Table 2. Oregon Department of State Lands Ordinary High Water Mark (OHWM) Indicators

Table 3. USACE OHWM Indicators

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Figure 1. Topographic Map

Figure 2. NRCS Soils Map

Figure 3. NWI Wetlands Map

Figure 4. Mapped Streams and Wetlands

Figure 5. Zoning Recommendations Map

APPENDICES

Appendix A. Geologic Hazards Assessment

Appendix B. Wetland Field Data

Appendix C. Precipitation Data

1 INTRODUCTION

PBS Engineering and Environmental Inc. (PBS) recently completed a critical areas assessment on a 342-acre tract of land recently aquired by the the City of Lincoln City (City). The City requested that an additional 60-acres of land tracts be added to the original assessment. The 60-acre project are comprises 57.9-acres of legal tax lots and 2.1-acres of road easements. The purpose of this critical areas assessment was to inventory, map, and examine the extent of natural resources on the site that could affect future property development. This information was then utilized to inform potential land use decisions based on the extent and sensitivity of existing resources.

This assessment includes a desktop evaluation of geologic conditions and potential hazards on the site, and the on-site mapping and evaluation of wetlands and surface waters. A complete Geologic Hazards Assessment is located in Appendix A. The presence of these features, either alone or in combination, represent significant hurdles to intensive development of the majority of the site. The most suitable land for higher-intensity development types, such as residential, are located in the east-central portion of the project area. Due to the extent of sensitive natural resources across large portions of the site, the most dominant recommended land uses are of lower intensity, such as open space or parks land.

The details of the wetland and surface water assessment are below.

2 PROJECT GOAL

The goal of this project is to provide a series of planning recommendations based on the existing site conditions. The conditions include wetlands, streams, and geological hazard areas.

3 ASSESSMENT METHODOLOGY

This assessment was completed in the same manner as the original critical areas assessment. Field work was conducted on October 17 and 18, 2022. Staff that conducted the fieldwork included Professional Wetland Scientist (PWS) Brian Bieger and staff scientist Masten Summerfield.

3.1 Wetland Delineation

Wetland boundaries were delineated in the field by PWS Brian Bieger using the routine approach of the US Army Corps of Engineers (USACE) *Wetlands Delineation Manual* (Environmental Laboratory, 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Supplement* (Version 2.0) (Supplement) (USACE, 2010). Soils, vegetation, and indicators of hydrology were recorded at sample plot locations. Official wetland data sheets were not completed but field notes indicating recorded data are located in Appendix B. Wetland plant ratings were assigned based on the *2016 National Wetland Plant List* (Lichvar et al., 2016). No modification of the standard methodologies was necessary during the delineation. Wetland boundaries and sample plot locations were recorded in the field using a Trimble Geo 7X handheld GPS unit. Post processing and error correction of data collected in the field yielded an accuracy of plus or minus (±) 3 feet for the vast majority of the data.

3.2 Surface Waters

The boundaries of non-wetland waters were based on the ordinary high water mark (OHWM) pursuant to field indicators described under Oregon Administrative Rule (OAR) 141-085-0515(3)(a-e) (State of Oregon, 2022) and Regulatory Guidance Letter No. 05-05 (Riley, 2005). All of the waters within the project area had very clear breaks between bed and bank.

4 DESKTOP ASSESSMENT

A review of available existing information was completed prior to the site visit. This included a review of a variety of information sources indicative of natural resources on the site, such as US Fish and Wildlife Service

(USFWS) national wetland inventory (NWI) maps, Natural Resource Conservation Service (NRCS) soil maps, current aerial photographs, Oregon Department of Fish and Wildlife (ODFW) online mapping utilities, and historical aerial photographs.

4.1 Topography

The topography of the project area ranges from gently to moderately sloping (Figure 1).

4.2 Soils

According to the NRCS (NRCS, 2022), three soil mapping units are present within the project area: Fendall-Winema silt loams 15 to 35% slopes, Nelscott loam 12 to 50% slopes, and Winema-Fendall silt loams 3 to 15% slopes (Figure 2). These different soil types are described below.

19E—Fendall-Winema silt loams, 15 to 35% slopes. The Fendall component makes up 50% of the map unit. This component is on hillslopes of Coast Range mountains. The parent material consists of colluvium and residuum derived from sedimentary rock. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

42E—Nelscott loam, 12 to 50% slopes. The Nelscott component makes up 85% of the map unit. This component is on marine terraces. The parent material consists of loamy eolian deposits over stratified marine deposits derived from mixed sources. Depth to a root restrictive layer, ortstein, is 24 to 40 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 33 inches (depth from the mineral surface is 32 inches) during January, February, March, November, and December. This soil does not meet hydric criteria.

64C—Winema-Fendall silt loams, 3 to 15% slopes. The Winema component makes up 45% of the map unit. This component is on hillslopes. The parent material consists of colluvium derived from sedimentary rock. Depth to a root restrictive layer, bedrock, paralithic, is 40 to 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

4.3 National Wetland Inventory (NWI) Maps

NWI maps (USFWS, 2022) are created by the USFWS from analysis of aerial imagery. The purpose of NWI maps is to identify wetlands and deepwater habitats on a course scale. NWI maps classify wetlands according to the Cowardin classification system (Cowardin, 1979). NWI maps are not intended to represent the extent of jurisdictional wetlands and waterbodies.

The NWI maps indicate the potential existence of two separate stream systems and a single palustrine (Figure 3). The waterways are Logan Creek and a tributary that drains east, away from Logan creek.

4.4 Precipitation Data and Analysis

Precipitation data were obtained from the NRCS WETS website for the OTIS 2 station (NRCS, 2022). As indicated in Table 1, cumulative precipitation was below normal range in the three-month period leading up to the field study date.

Table 1. Precipitation Data for the Preceding Three Months

Prior Month	WETS Rainfall Percentile (in.)		Measured Rainfall (in.)	Condition: Dry, Wet, Normal	Condition Value: (1=dry, 2=normal, or 3=wet)	Month Weight	Multiply Previous Two Columns
	30th	70th					
September	1.28	3.76	1.39	Normal	2	3	6
August	0.65	1.82	0.02	Dry	1	2	2
July	0.68	1.65	0.11	Dry	1	1	1
						Sum	**9**
Rainfall of prior period was: **drier** than normal (sum is 6–9), **normal** (sum is 10–14), **wetter** than normal (sum is 15–18).							**Drier**

WETS Station: OTIS 2 NE, 1981–2010

Measured Rainfall: OTIS 2 NE, July 2022–September 2022

Data From: http://agacis.rcc-acis.org/?fips=41041

Although below-normal precipitation was recorded prior to the fieldwork, PBS determined routine wetland delineation methods could still be utilized. All of the wetlands identified during the fieldwork displayed either one primary or two secondary wetland indicators. No areas were determined to be uplands simply due to a lack of wetland hydrology indicators.

5 ON-SITE ASSESSMENT RESULTS

The results of the on-site mapping and assessment are summarized below.

5.1 Streams

The mainstem of Logan Creek, and a total of three separate tributaries to the creek, were mapped within the of the project area (Figure 4).

Logan Creek initiates north of the site within steep ravines. In the project area, the channel width averages 4 to 6 feet. The depth of the creek ranged from 6 inches in the northern portions of the site up to 18 inches in the lowest portion of the creek immediately before exiting the study area. Within the project area, Logan Creek exists as a long glide. Substrate within the creek is dominated by small fines and larger gravel. Photographs of Logan Creek are presented below.



Photograph 1. Logan Creek, facing north



Photograph 2. Logan Creek

The three tributaries mapped within the project area share similar characteristics. The tributaries were characterized by narrow, moderately incised channels with substrates dominated by various sizes of cobble and gravel. While most of the channels displayed moderate incision, reaches were heavily incised in some locations (photos below). The average width of the tributaries ranged from 1 to 3 feet and depths were generally under 6 inches at the time of the site visit. Photographs for the on-site tributaries are presented below.



Photograph 3. Typical tributary substrate



Photograph 4. Heavy incised tributary



Photograph 5. Tributary through failing culvert

All of the streams had visible bed and banks and displayed other characteristics that made identification of the OHWM in the field straightforward. Tables 2 and 3 below summarize the indicators that were observed within those areas identified and recorded as streams.



Photograph 6. Slide activity



Photograph 7. Erosion likely due to failed drainage

Table 2. Oregon Department of State Lands Ordinary High-Water Mark (OHWM) Indicators

OHWL Field Indicators	Occurs Within Study Area?
Clear, natural line impressed on the shore	Yes, channel is incised with vertical banks
Change in vegetation from riparian (e.g., willows) to upland (e.g., oak, fir) dominated	Yes, generally riparian areas had greater amounts of Facultative (FAC) and Facultative Wet (FACW) vegetation
Textural change of depositional sediment or changes in the character of the soil (e.g., from sand, sand and cobble, cobble, and gravel to upland soils)	Yes, silt loams and loams transitioned to gravel bed material in all locations.
Elevation below which no fine debris (needles, leaves, cones, and seeds) occurs	Yes, all waterways were clear of terrestrial deposits.
Presence of litter and debris, water-stained leaves, water lines on tree trunks	No
Other appropriate means that consider the characteristics of the surrounding areas	No

Table 3. USACE OHWM Indicators

OHWM Field Indicators	Occurs Within Study Area?
Natural line impressed on the bank	Yes, clear line between aquatic and terrestrial habitat
Shelving	No
Changes in the character of soil	Yes, clear change in soils from sediment deposition
Destruction of terrestrial vegetation	None observed
Presence of litter and debris	No vertical banks
Wracking	Yes, only in selected areas. Streams too narrow to distribute wood
Vegetation matted down, bent, or absent	None observed
Sediment sorting	Yes
Leaf litter disturbed or washed away	No leaf litter on site
Scour	Yes, incised channel
Deposition	No areas of deposition identified

OHWM Field Indicators	Occurs Within Study Area?
Multiple observed flow events	N/A
Bed and banks	Yes, clearly defined limits of channel
Water staining	None observed
Change in plant community	Yes, absence of plant community in channel

5.2 Wetlands

A total of three individual wetlands were identified and delineated within the project area (Figure 4). All the wetlands would be classified as palustrine emergent wetlands, as the dominant vegetation class that is rooted within the wetland is emergent in nature. The delineated wetlands are apparently fed through subsurface groundwater and not overbank flooding. The wetlands are situated within depressional bottomlands or at the toe of steep slopes with signs of subsurface groundwater seeps.

5.2.1 Wetland A

Wetland A is located in the westernmost portion of the project area and is a continuation of the wetland identified in the first area (Figure 4). Wetland A is the largest wetland within the project site by an order of magnitude and is located within the broad floodplain of Logan Creek. While the wetland receives overbank flooding inputs from Logan Creek, the hydrology of the wetland appears to be supported from its geomorphic position within the bottom of a large watershed and basin. Evidence of wetland hydrology includes soil saturation to the surface. Hydric soil conditions were met with low chroma-color soil matrices and redoximorphic concentrations (10YR 2/1 with 20% 10YR 5/6). Wetland A vegetation is dominated by slough sedge (*Carex obnupta*), soft rush (*Juncus effusus*), and horsetail (*Equisetum)*. Other observed vegetation includes field mint (*Mentha arvensis*), bent grass (*Agrostis capillaris*), creeping buttercup (*Ranunculus repens*), and bind weed (*Convolvulus arvenisis*). Photographs of Wetland A are below.



Photograph 8. Wetland A

5.2.2 Wetland B

Wetlands B is a small palustrine wetland located at the base of adjacent slopes and appears to serve as a headwater to one of the small tributaries. The wetland is hydrologically supported by seeps originating at the base of slopes. Vegetation within wetland B is very sparse and is dominated by skunk cabbage (*Lysichiton americanus*) and salmonberry (*Rubus spectabilis*) (Photograph 9). Wetland hydrology indicators included soil

saturation in the upper 10 inches of the soil profile and standing water at 8 inches. Soils were observed with redox features within a low chroma-color soil matrix.



Photograph 9. Wetland B

5.2.3 Wetland C

Wetland C is located in the western portion of the project area within a sloping depression. This wetland is supported by runoff from adjacent slopes. Vegetation in this wetland is dominated by slough sedge and soft rush. Wetland hydrology and soils indicators were almost identical to wetland B.

6 BUFFERS

The buffers for the wetlands and waters mapped within the project area are the same as those of the original report, as follows and shown in Figure 4:

- Wetland A = 200 feet
- Logan Creek = 150 feet
- All other tributaries and wetlands = 100 feet

7 ZONING RECOMMENDATIONS

Proposed zoning recommendations presented in Figure 5 consider both natural resources and mapped geologic hazards. It is important to realize that the Geologic Hazards Assessment looks at the risks involved with the construction of structures such as roads, houses, and utilities. The zoning polygons shown in Figure 5 are larger than those shown in the Geologic Hazard Assessment, as land uses such as residential developments and attendant transportation features can include setbacks and lot areas that do not involve the construction of structures.

Given the steep nature of the project site, potential areas for high-intensity development are limited to one central area located in the approximate center of the site (Figure 5). Higher intensity developments are shown within areas of moderate slope that are also near adjacent existing utilities. The bulk of the high-intensity polygons do not include any identified geologic hazards.

The residential zoned areas displayed within Figure 5 do not indicate a particular density of residential development. Any residential density is suitable in this area, as the area, by nature of the presence of adjacent geologic hazards, is already outside of the mapped natural resource buffers.

No portion of the project area was recommended for zoning as Parks (Figure 5). The presence of both geologic hazards and sensitive critical areas was the primary reason for a lack of suitable park zoned areas.

A summary of the recommended zoning is found in Table 4.

Table 3. Zoning Recommendations

Zone	Area (acres)
Residential (R)	21.5
Open Space (OS)	36.4
Parks (P)	0
None (Road easements)	2.1

8 REFERENCES

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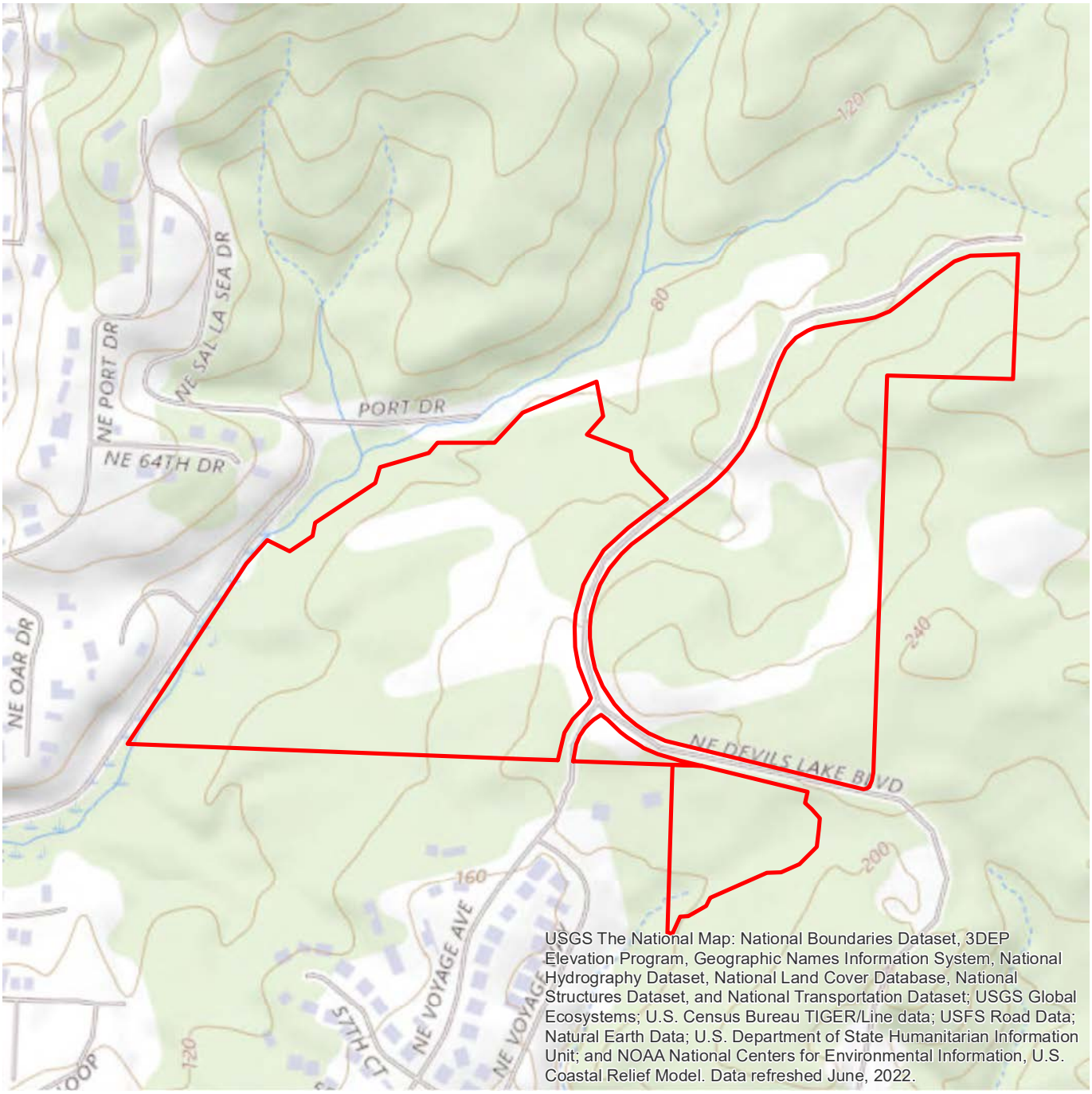
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Legend

Project Area

SCALE: 1" = 500'

0' 250' 500' 1000'

PREPARED FOR: City of Lincoln City.

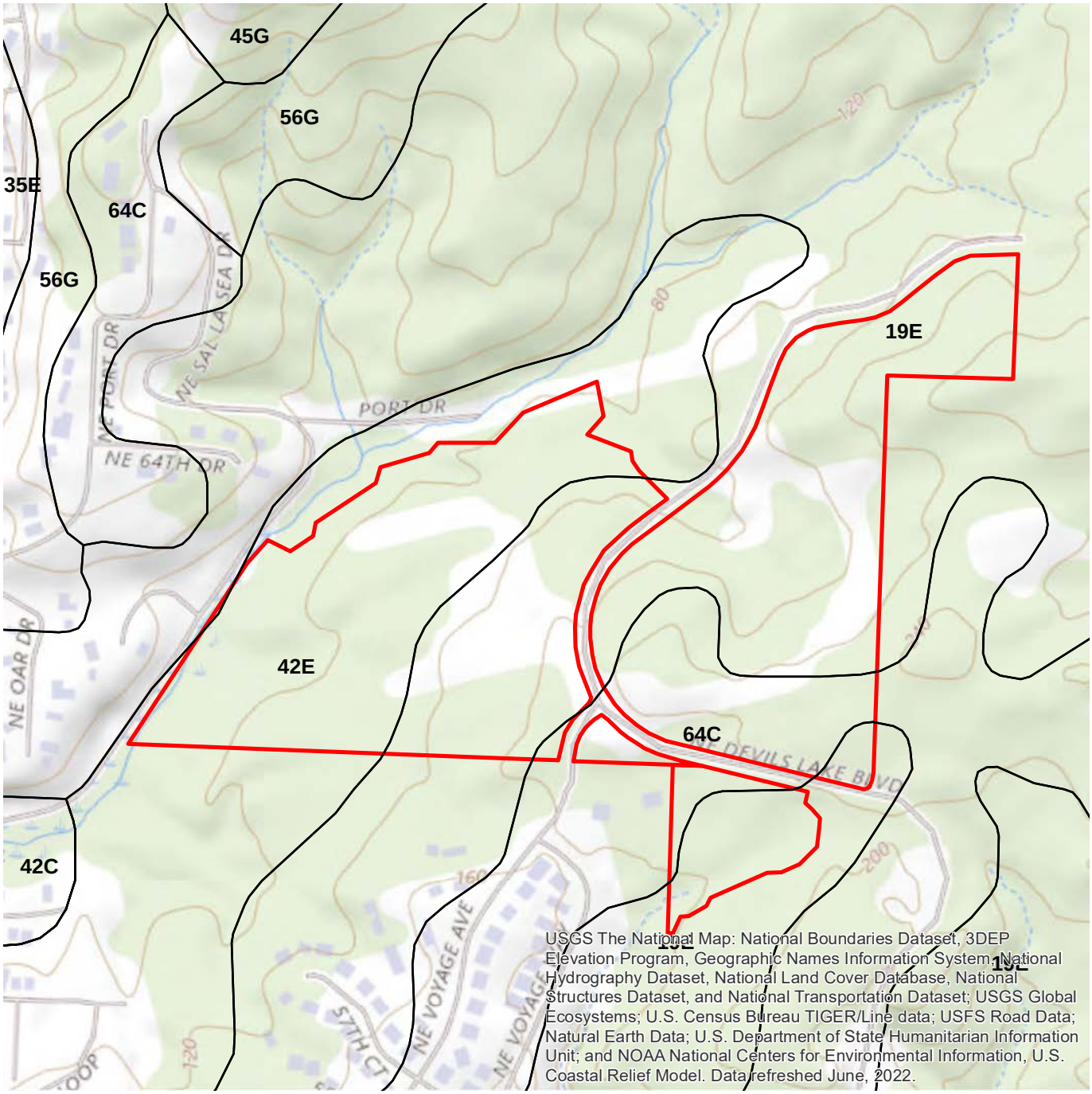
PBS

TOPOGRAPHIC MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OR
WETLANDS AND WATERS DELINEATION

NOV 2022
74260.000
FIGURE
1

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42E - Nelscottt loam, 3-12% slopes
64C - Winema-Fendall silt loam, 3-15% slopes
19E - Fendall-Winema silt loams, 15-35% slopes

Legend

- NRCS Soil Polygons
- Project Area

SCALE: 1" = 500'

0' 250' 500' 1000'

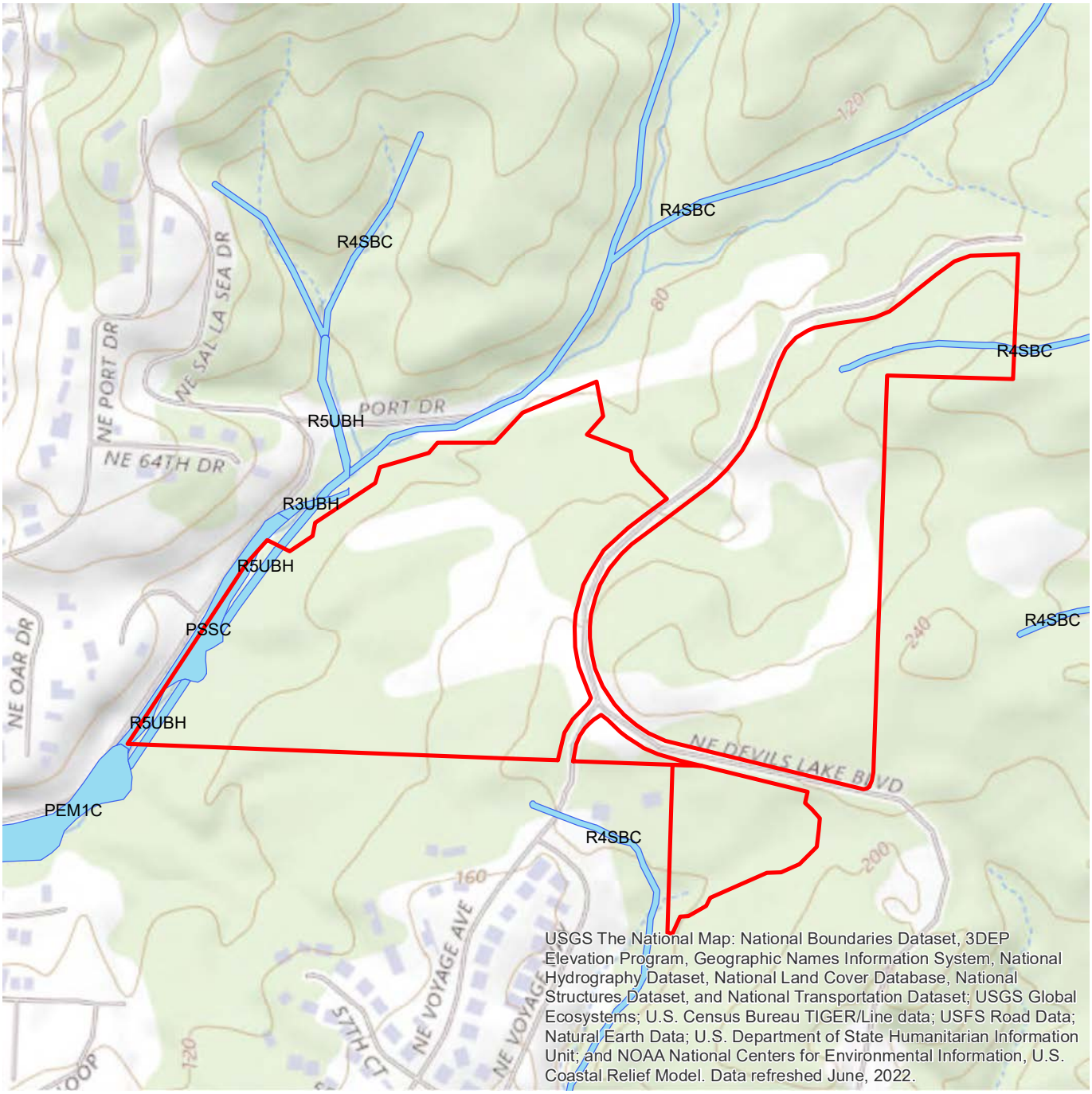
PREPARED FOR: City of Lincoln City.

NRCS SOILS MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OR
WETLANDS AND WATERS DELINEATION

NOV 2022
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FIGURE
2

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R5UBH - Riverine, Upper Perrenial, Unconsolidated bottom, Permanently flooded
PSSC - Palustrine, Shrub/scrub, Seasonally flooded
R4SBC - Riverine, Intermittent, Streambed, Seasonally flooded

Legend

- Project Area
- NWI Polygons

SCALE: 1" = 500'

0' 250' 500' 1000'

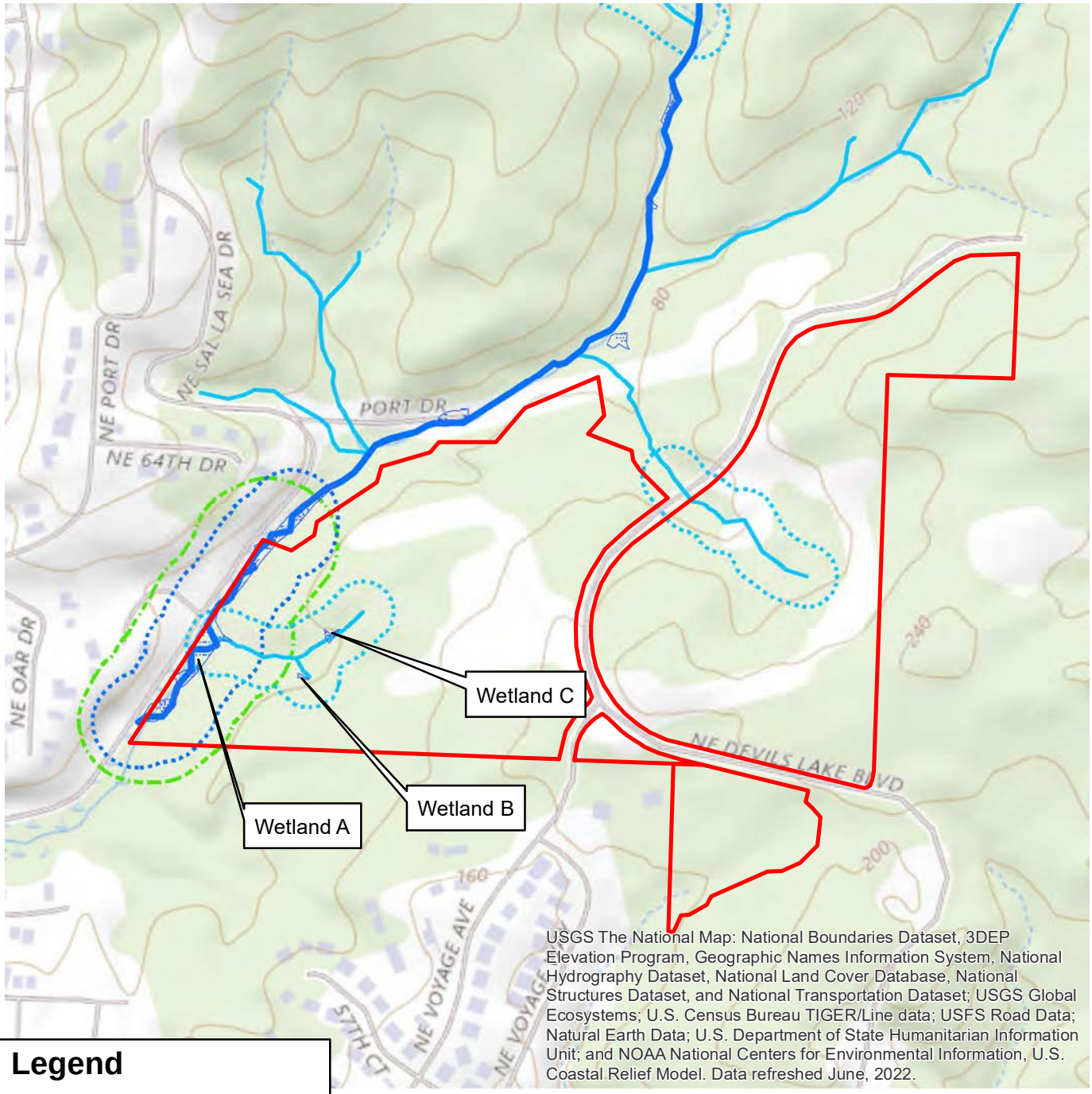
PREPARED FOR: City of Lincoln City.

NWI MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OR
WETLANDS AND WATERS DELINEATION

NOV 2022
74260.000
FIGURE
2

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Legend

- Project Area
- Delineated Wetlands
- Mainstem Logan Creek
- Tributary
- 100' Buffer
- 150' Buffer
- 200' Buffer

SCALE: 1" = 500'

0' 250' 500' 1000'

PREPARED FOR: City of Lincoln City.

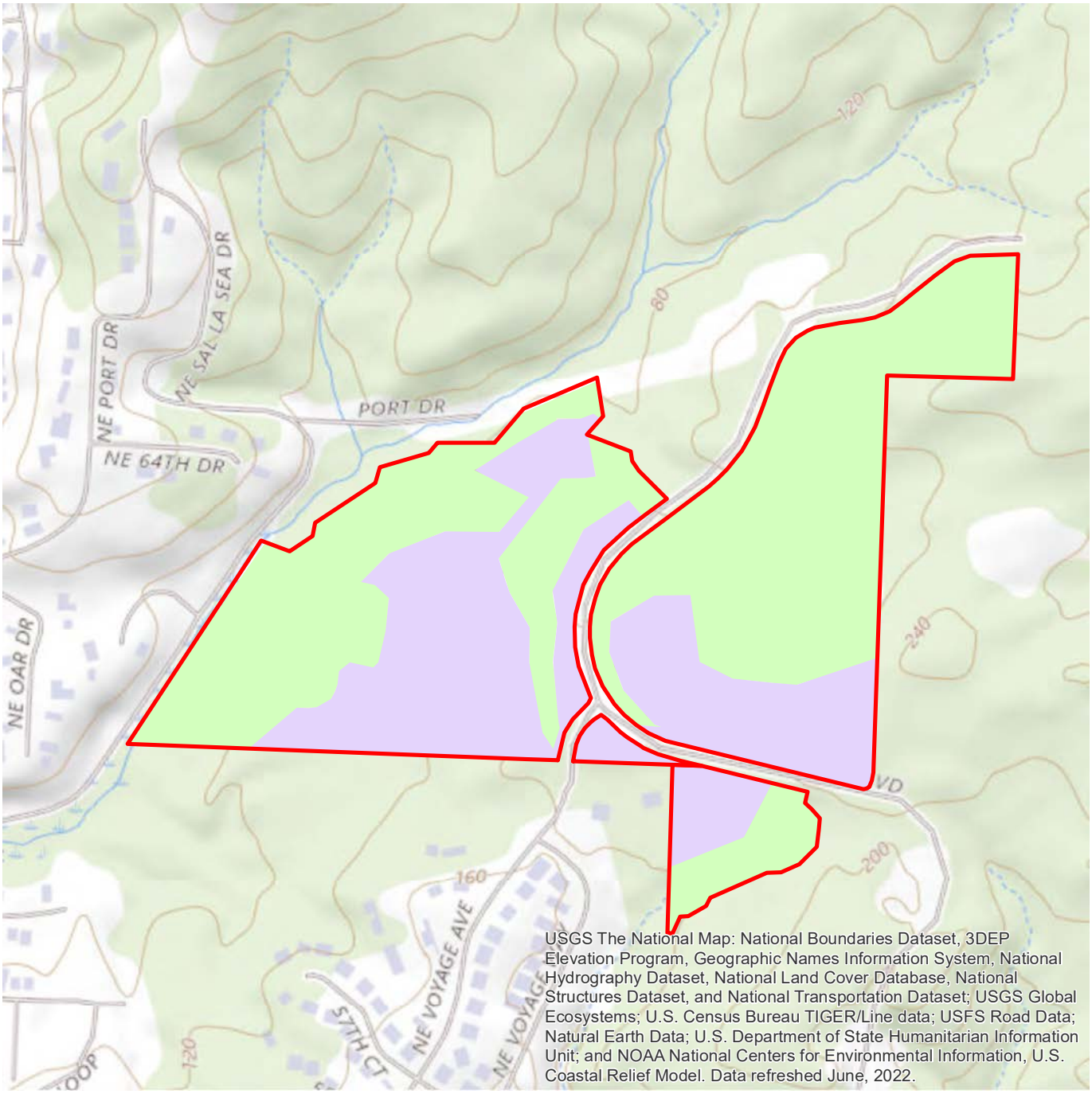
PBS

WETLANDS AND WATER MAP

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OR
WETLANDS AND WATERS DELINEATION

NOV 2022
74260.000
FIGURE
1

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Legend

- Project Area
- Residential(R) - 21.5 acres
- Open space (OS) - 36.4 acres

SCALE: 1" = 500'

0' 250' 500' 1000'

PREPARED FOR: City of Lincoln City.

PBS

ZONING RECOMMENDATIONS

THE VILLAGES AT CASCADE HEAD, LINCOLN CITY, OR
WETLANDS AND WATERS DELINEATION

NOV 2022
74260.000
FIGURE
5

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Appendix A

Geologic Hazards Assessment

November 10, 2022

City of Lincoln City
PO Box 50
Lincoln City, Oregon 97367

Regarding: Geologic Hazards Assessment – Addendum
The Villages
Lincoln City, Oregon
PBS Project 74260.000

PBS previously completed a Geologic Hazards Assessment for The Villages in Lincoln City, Oregon, and presented the results of our findings in a report dated August 22, 2022 (PBS, 2022).[1] Following completion of our report, the City of Lincoln City (City) indicated they would like to include an additional 60 acres positioned immediately south of the previous site boundary (Figure 1). This letter should be considered an addendum to and used only in conjunction with our previous geologic hazard assessment for the project.

PURPOSE AND SCOPE

The purpose of PBS' services was to complete an assessment of geologic hazards and the potential impacts to future land use for the additional 60 acres (site) (Figure 2). The intent of this report is to provide a review of applicable geologic hazards and considerations for development in order to assist with future planning and to guide future geotechnical engineering phases of work. ***This report should not be considered a geotechnical assessment, nor should it be used for design***. This report has been completed as a desktop study, absent of field reconnaissance or site-specific subsurface explorations.

SITE CONDITIONS

Site Geomorphology and Surface Description

The site is located at the northern extent of Lincoln City, Oregon, and immediately adjacent to the Pacific Ocean (approximately 1,200 feet west of the site). The site consists of heavily forested mountainous terrain positioned along the west side of an irregularly shaped ridge that generally slopes to the west and northwest into the Logan Creek drainage within the site (Figure 3). Site elevations range from approximately 43 feet in the southwest corner of the site, in the Logan Creek Drainage, to 268 feet in the northeast corner (NAVD 88).[2]

A convergent headwall with a gorge is positioned within the center of the site near the cul-de-sac that marks the end of NE Devils Lake Boulevard. Three suspected landslide deposits have been identified within the gorge and at the toe of the convergent headwall (Figure 3). An additional hallow is present near the southwest portion of the site with a suspected landslide deposit.

Surface modifications from roadway development of NE Devils Lake Boulevard, as well as trails, are observed within the LiDAR data. These modifications include a cut slope along a "knob" that forms a local topographic high point within the center of the site and several apparent cast-over fill slopes adjacent to the roadway.

[1] PBS Engineering and Environmental Inc. (2002). Geologic Hazards Assessment, The Villages, Lincoln City, Oregon. Prepared for the City of Lincoln City, report date August 22, 2022, PBS Project 74260.000.
[2] DOGAMI. (2022). [Interactive Map]. DOGAMI Lidar Viewer. Oregon Department of Geology and Mineral Industries, Oregon Lidar Consortium. https://gis.dogami.oregon.gov/maps/lidarviewer/. Accessed July 2022.

Local Geology

The site is mapped as predominately consisting of sedimentary and volcanic bedrock units of the Nestucca formation overlain by various surficial deposits consisting of alluvium and coastal terraces (Figure 4).[3] The Nestucca formation (map unit Tn) is described as medium- to thin-bedded siltstone with few interbeds of fine-grained sandstone up to 0.5 meter thick. Interbeds contain abundant 0.2- to 1-meter-thick tuff beds and calcareous concretions. Sandstone interbeds are irregularly bedded, glauconitic, and fossiliferous. This bedrock unit comprises the majority of the site's slopes, and outcrops mapped immediately adjacent and to the northwest of the site indicate bedding oriented northeast to southwest, with a northwest dip of 10 to 18 degrees. Please note that these bedrock attitudes are located on the opposite side of an ancient fault, and bedrock structure may differ within the site slopes.

The alluvial deposit (map unit Qal) is mapped within the Logan Creek drainage and described as consisting of silt, sand, and basalt gravel positioned along rivers and streams. Coastal terraces (map unit Qtc) consist of thick to thin-bedded, planar to cross-bedded, fine to medium-grained sand with minor interbeds of carbonaceous silt, and well-rounded basalt cobble to pebble gravel.

Landslide deposits were not mapped on site by Snavely et al. (1996). Please note that the published geologic map is dated 1996 and mapped at a 1:24,000 scale, before the widespread adopted use of LiDAR for geologic mapping, which is commonly used today. As such, geologic units were mapped at lower-resolution contour intervals—on the scale of 40 feet or greater. Surficial units (such as landslides and landslide scarps), which are easily distinguished within LiDAR, were commonly overlooked during this era of geologic mapping.

A strike slip fault is mapped transecting the site from the southwest to northeast within the primary drainage outlet. In addition, a thrust fault oriented northwest to southeast is located northeast of the site, indicating that the bedrock site topography is positioned within the overriding upper plate. Both faults are inactive and are not included within the USGS Quaternary Faults and Fold database.[4]

Slopes

PBS generated a slopeshade and classified slope inclinations as percent slope with the approximate horizontal to vertical slope correlation (Figure 5). This provides a visual aid to understand the current site slope inclinations, draw attention to slopes of concern from a slope stability standpoint, and to identify geomorphic characteristics of landslides (scallops, irregular contours, hummocks, steep scarps, etc.). Slope inclinations for this site generally range from 15% slope (<3H:1V) to 50% slope (2:1). Steeper slopes exceeding 50% are limited to small portions of the slopes classified as 33 to 50% and generally within areas where surface modifications have occurred (e.g., cast-over fill embankment and cut slopes along NE Devils Lake Boulevard).

As a general guideline, slopes less than 33% (or flatter than 3H:1V) have the lowest risk of failure, as they are generally inclined flatter than the angle of repose (approximately 66.7% slope or 1.5H:1V) and less likely to fail without influence from an extreme weather event, upslope failures, or seismic shaking. Slopes between 33% and 66.7% (3H:1V to 1.5H:1V) are a low risk and may be subjected to a higher rate of soil creep and shallow failures by changes in groundwater conditions, geologic conditions (impermeable layers directing water to the surface of a slope), or extreme weather events (high intensity rainfall or rapid snow melt), or due to seismic shaking. Slopes

[3] Snavely, P. D., MacLeod, N. S., and Wagner, H. C. (1972). Preliminary bedrock geologic map of the Cape Foulweather and Euchre Mountain quadrangles, Oregon. US Geological Survey, Open-File Report OF-72-350, scale 1:48,000.
[4] US Geological Survey (2019). Quaternary fault and fold database for the United States. https://earthquake.usgs.gov/hazards/qfaults/. Accessed October 2022.

greater than 66.7% (>1.5H:1V) are of moderate to high risk to shallow and deep-seated failures. Slopes greater than 100% (1H:1V) are a high risk of shallow and deep-seated failures.

Typically, slopes prone to failure have existing indications of past failures such as scarps, slide deposits, debris fields, hummocks, or scallops within a slope crest. Slopes throughout this site contained numerous features indicative of past failures, and four suspected landslide deposits previously unmapped were noted within the LiDAR DEM (Figure 3; Figure 5). These suspected slide deposits were characterized by the changes in contours creating a "bulging" appearance near the toe of slopes, the convergent headwall, and hallow.

Slopes are subjected to varying amounts of soil creep (the slow process of soil gradually moving downslope under the influence of gravity), and the rate of soil creep typically increases as slope inclination increases. Slopes composed of bare soil are typically subjected to higher rates of erosion and soil creep when compared to vegetated or artificially stabilized slopes.

Changes in groundwater elevations, rainfall, snowmelt, wildfire, site grading and surface modifications during construction can increase the potential for slope movements and erosion. Seismic loading can further destabilize slopes.

GEOLOGIC HAZARDS

Geologic and seismic hazards are defined as conditions associated with the geologic and seismic environment that could adversely influence future development. PBS reviewed GIS layers in the DOGAMI HazVu GIS portal to identify geologic hazards and seismic hazards that could affect the site's development and are summarized in Table 1.[5] These hazards should be considered during the planning process. Please refer to our original report dated August 22, 2022, for seismic hazards.

Table 1. Summary of Geologic and Seismic Hazards

Source/Hazard	Slope Stability	Adverse Soils	Volcanic Hazards	Flooding and Drainage	Erosion	Groundwater	Tsunamis	Ground Shaking	Fault Surface Rupture	Liquefaction and Lateral Spreading
Geologic	**H**	–	–	–	–	L	–	–	–	–
Seismic	**H**	–	–	–	–	–	–	M/H	–	–

– identifies hazards that are absent or not applicable at this time
L = Low level of risk
M = Moderate level of risk
H = High level of risk
Hazard levels that are bold are described in more detail in the following sections

[5] DOGAMI. (2022). [Interactive Map]. Oregon HazVu: Statewide Geohazards Viewer. Oregon Department of Geology and Mineral Industries, Earthquake Liquefaction. https://gis.dogami.oregon.gov/maps/hazvu/. Accessed October 2022.

Slope Stability and Factor of Safety (FS)
Slope stability is influenced by various factors, including: (1) the geometry of the soil mass and subsurface materials, (2) the weight of soils overlying the failure surface, (3) the shear strength of soils and/or rock along the observed or potential failure surface, (4) the hydrostatic pressure (groundwater levels) along that surface, and bedrock controls such as joints, bedding planes, foliation, and zones of weakness such as shear zones and faults (active and inactive).

Stability of a slope is expressed in terms of factor of safety (FS), which is defined as the ratio of resisting forces to driving forces. At equilibrium, or incipient failure, the FS is equal to 1.0 and the driving forces are balanced by the resisting forces. Failure occurs when the driving forces exceed the resisting forces, i.e., FS less than 1.0. An increase in the FS above 1.0, whether by increasing the resisting forces and/or decreasing the driving forces, reflects a corresponding increase in the stability of the slope.

FS is calculated during a slope stability analysis using a combination of laboratory data and subsurface borings to assess subsurface conditions. This was not included within our current scope of work, and as such, FS is used for the purpose of discussion and is relative.

Landslide Susceptibility and Previously Mapped Landslides
Review of the SLIDO Regional Landslide Susceptibility (scale 1:500,000) GIS layer indicates site slopes are classified as moderate to high susceptibility for failure (Figure 6).[6] In addition, review of the SLIDO landslide inventory indicates a single prehistoric (>150 years old) mapped landslide within the site boundary. A second landslide is present off-site and immediately adjacent to the northeastern corner of the site boundary (Figure 7).

Site grading and development within a mapped landslide deposit should be avoided, as the FS is likely just above 1.0 and surface modification could result in reactivation of an existing slide. Development upslope of these deposits should be avoided and will require site-specific geotechnical explorations and slope stability analyses to better understand the impacts of development and the subsurface conditions that comprise the slopes.

Earthquake-Induced Landslides
Earthquake-induced landslides are landslides that occur concurrently or shortly after shaking from an earthquake. They can occur within slopes that have no evidence of past landslides and can reactivate existing landslides that may appear to be at a stable state. The magnitude of the earthquake, proximity to the active fault, and the duration of shaking are the greatest factors impacting the seismic stability of slopes. A code-based Cascadia Subduction Zone (CSZ) earthquake is expected to produce severe to violent shaking throughout coastal Oregon. As a result, the slopes could experience earthquake-induced landslides due to current slope conditions.

Seismicity and Faulting
Please refer to our previous report for information regarding seismicity and faulting.

Liquefaction Potential
Liquefaction is defined as a decrease in the shear resistance of loose, saturated, cohesionless soil (e.g., sand) or low plasticity silt soils due to the buildup of excess pore pressures generated during an earthquake. This results in a temporary transformation of the soil deposit into a viscous fluid. Liquefaction can result in ground settlement, foundation bearing capacity failure, and lateral spreading of ground. Review of DOGAMI HazVu indicates the site is not mapped within a zone of liquefaction susceptibility.

[6] SLIDO. (2022). [Interactive map and database]. Statewide Landslide Information Database for Oregon. Oregon Department of Geology and Mineral Industries. https://www.oregongeology.org/slido/. Accessed July 2022.

Geologic Hazard Conclusions and Recommendations
Generally, the slope conditions for the site appear better than the northern property assessed and documented in our initial report. PBS has summarized our findings as follows:

- Site slopes are identified by DOGAMI as having a moderate susceptibility to landslides.
- One previously mapped landslide deposit is present with the DOGAMI landslide inventory and classified as "prehistoric" and older than 150 years, and a second is immediately adjacent in the northwest corner of the site.
- DOGAMI-mapped and suspected landslides are positioned within slopes derived from sedimentary rocks of the Nestucca formation.
- The four suspected landslide deposits identified during our LiDAR review coincide with the convergent headwall and hallow located within the southwest corner of the site.
- Seismic shaking could reactivate previous landslides and generate new landslides.
- To avoid reactivating the DOGAMI-mapped landslides, site grading should be limited and should not include placing fill above the slide, cutting the toe of the deposits, or directing surface water runoff from development onto the slide areas.
- Due to the high landslide hazard at the site and suspected landslide deposits, development should be limited to identified areas only. Geotechnical evaluation will be required for all future developments to assess slope conditions and the underlying soil and rock mass. Suspected landslide deposits should be explored with test pits and the results may allow for the development with structures.

The areas identified within Figure 8 for residential or park development were largely confined to areas where slopes were flatter than 15% to reduce the potential of slope instability. Development within the site should take a cautionary approach due to the presence of the DOGAMI-mapped prehistoric landslide, four suspected landslide deposits, and general slope stability performance observed within the bedrock unit as described in our original report within the original property located immediately north of the addendum property.

The relatively flatter portions of the site (slopes <15%) should be further assessed through geotechnical subsurface explorations to assess soil and bedrock conditions, as well as provide grading recommendations. The suspected landslide deposits should be verified for accuracy and to confirm whether the deposits are indeed landslide deposits. If these are determined to not be landslide deposits, the current map boundaries may be revised. An annual site reconnaissance performed by a certified engineering geologist is recommended prior to development and during future geotechnical phases of work.

FUTURE GEOTECHNICAL WORK

Typically, geotechnical involvement occurs after a design team has been selected and an architect has drafted preliminary site layouts. We strongly recommend early involvement by the geotechnical consultant prior to preliminary planning to help prevent the City from paying unnecessary design costs as a result of misunderstanding this report and the geologic hazards throughout the site.

LIMITATIONS

This report has been prepared for the exclusive use of the addressee, and their architects and engineers, for aiding land use planning. This report has been prepared without site-specific geotechnical subsurface explorations, laboratory testing, or a field reconnaissance, and is a preliminary report to be used for planning purposes only. It

is not intended to suffice as a site-specific geotechnical engineering report. Geotechnical evaluations will be required for all future site development. It is not to be photographed, photocopied, or similarly reproduced, in total or in part, without express written consent of the client and PBS. It is the addressee's responsibility to provide this report to the appropriate design professionals, building officials, and contractors to ensure correct implementation of the recommendations.

The opinions, comments, and conclusions presented in this report are based upon information derived from our literature review. It is possible that soil, rock, or groundwater conditions could vary from mapped descriptions. If soil, rock, or groundwater conditions are encountered during construction that differ from those described herein, the client is responsible for ensuring that PBS is notified immediately so that we may reevaluate the recommendation s of this report.

If there is a substantial lapse of time between the submission of this report and subsequent planning and development, or if conditions have changed due to natural causes or construction operations at or adjacent to the site, or if the basic project scheme is significantly modified from that assumed, this report should be reviewed to determine the applicability of the conclusions and recommendations presented herein. Land use, site conditions (both on and off site), or other factors may change over time and could materially affect our findings; therefore, this report should not be relied upon after three years from its issue, or in the event that the site conditions change.

CLOSING

Please feel free to contact me at 503.935.5517 or shaun.cordes@pbsusa.com with any questions or comments.

Sincerely,



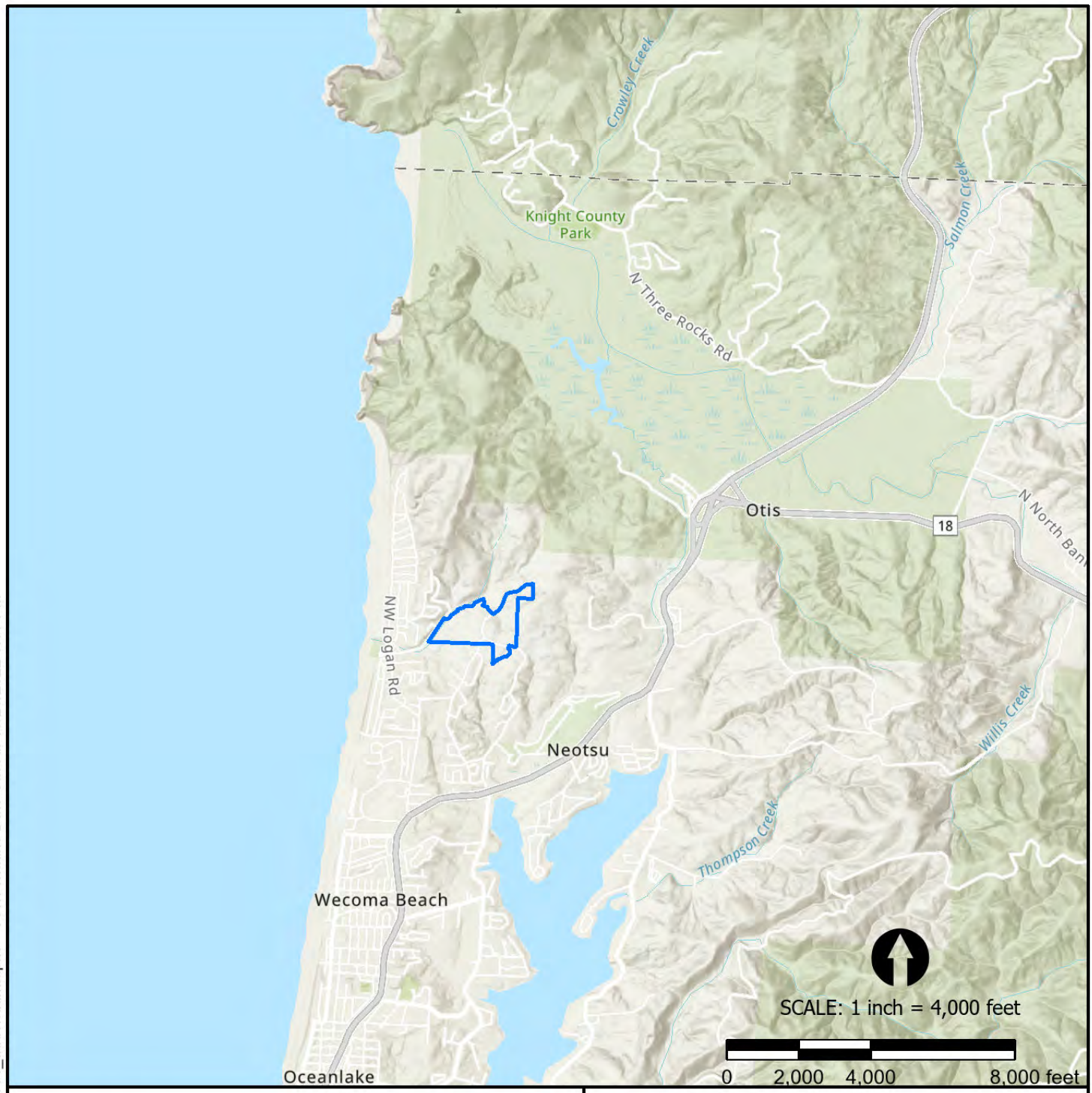
Exp. July 1, 2023

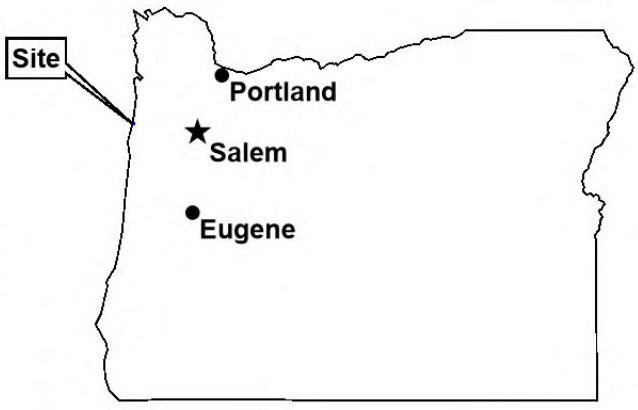
Shaun Cordes, RG, CEG
Senior Engineering Geologist
PBS Engineering and Environmental Inc

Ryan White, PE, GE
Principal Geotechnical Engineer
PBS Engineering and Environmental Inc.

Attachments:
Figure 1. Vicinity Map
Figure 2. Site Plan
Figure 3. Site Elevations
Figure 4. Geologic Map
Figure 5. Slope Inclinations
Figure 6. SLIDO Landslide Susceptibility
Figure 7. SLIDO Landslide Inventory
Figure 8. Land Use

SC:RW:rg





VICINITY MAP

THE VILLAGES - ADDENDUM
LINCOLN CITY, OREGON

DATE: NOV 2022 · PROJECT: 74260.000

PBS

FIGURE

1

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EXPLANATION

Site boundary

Notes: ESRI imagery

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 250 feet

0 125 250 500 feet

SITE PLAN

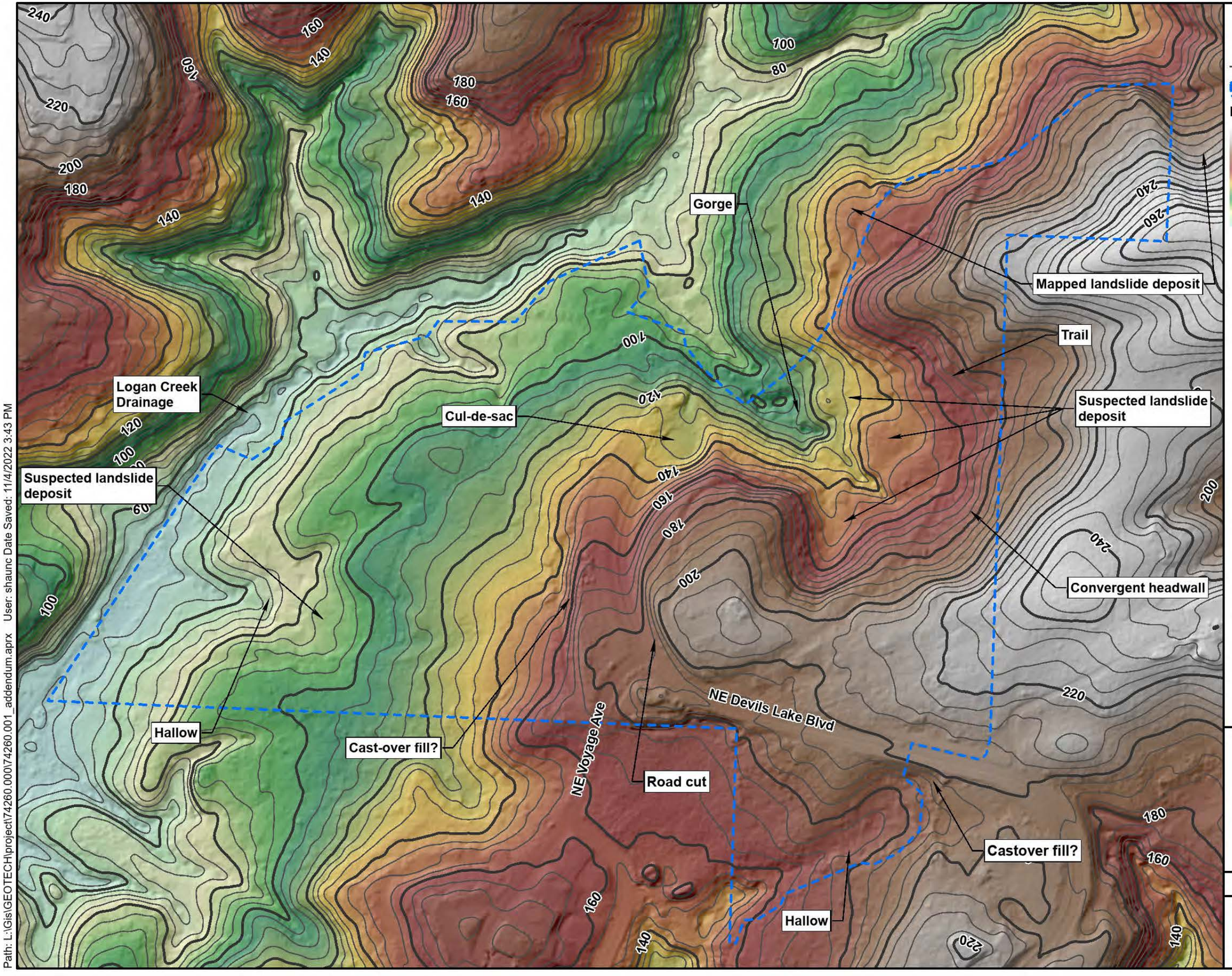
THE VILLAGES - ADDENDUM
LINCOLN CITY, OREGON

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FIGURE 2

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EXPLANATION

- 5-foot elevation contour (NAVD 88)
- Site boundary

Digital Elevation Model (NAVD 88)

279 ft

41 ft

Notes: Contours and hillshade derived from DOGAMI LiDAR DEM

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 250 feet

0 125 250 500 feet

SITE ELEVATIONS

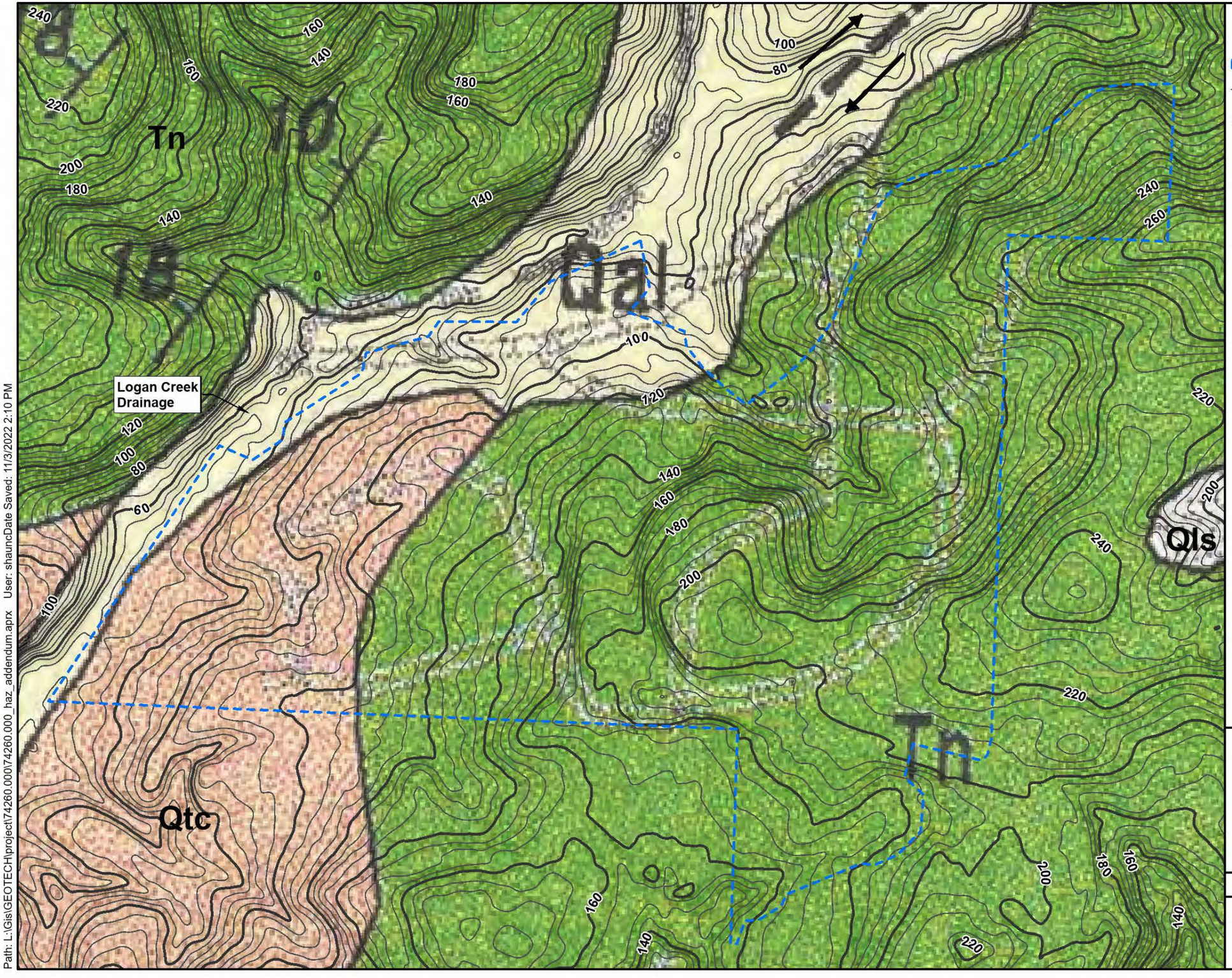
THE VILLAGES - ADDENDUM
LINCOLN CITY, OREGON

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FIGURE 3

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EXPLANATION

Site boundary

5-foot elevation contour (NAVD 88)

Geologic Map Units

Qal - alluvial deposit

Qls - Landslide debris.

Qtc - Coastal terrace deposits

Tn - Nestucca formation - sedimentary rocks

Thrust fault - sawteeth indicate upper plate.

Strike-slip fault - arrows show relative horizontal movement.

Geologic contact - approximately located or inferred; dashed where concealed.

Strike and dip of beds

Notes: Site geology compiled by Snavely et al. (1996), original map scale 1:24,000

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 250 feet

0 127.5 255 510 feet

GEOLOGIC MAP

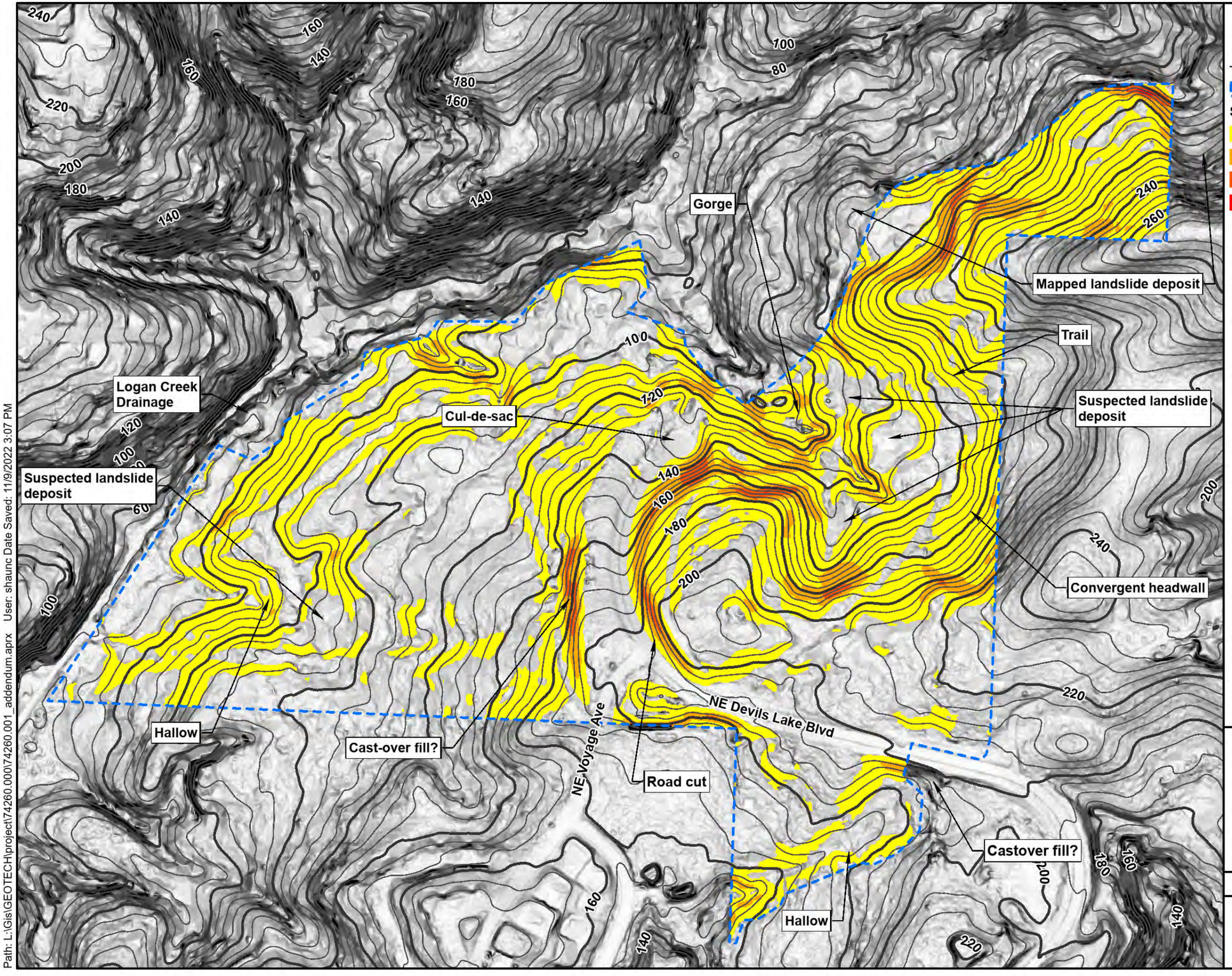
THE VILLAGES - ADDENDUM
LINCOLN CITY, OREGON

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FIGURE 4

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EXPLANATION

- 5-foot elevation contour (NAVD 88)
- Site boundary

Slope inclinations (percent slope)

- 15 - 33% (<3:1)
- 33 - 50% (3:1 - 2:1)
- 50 - 66.7% (2:1 - 1.5:1)
- 66.7 - 100% (1.5:1 - 1:1)

Notes: Contours, slope shade, and hillshade derived from DOGAMI LiDAR DEM

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 250 feet

0 125 250 500 feet

SLOPE INCLINATIONS

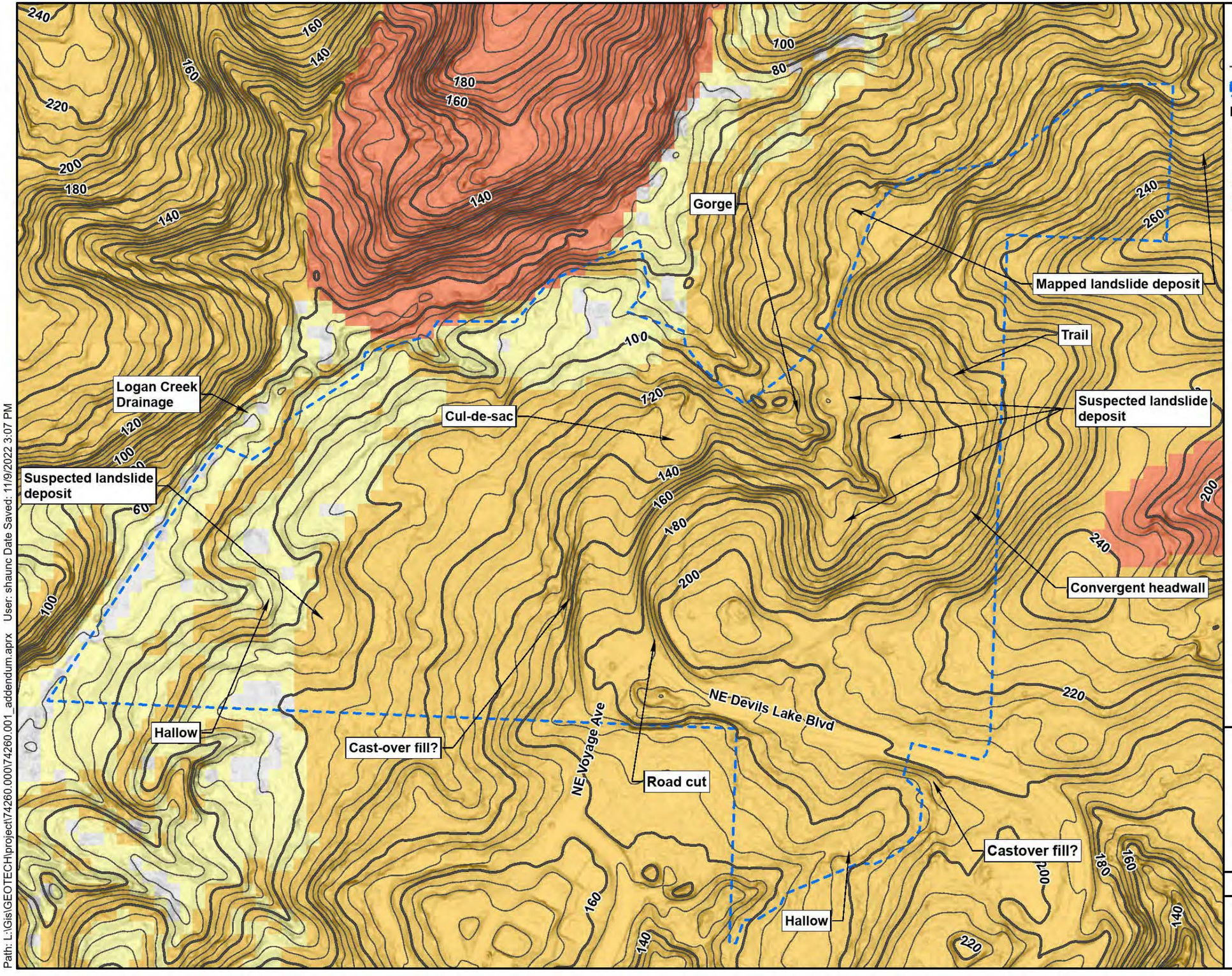
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LINCOLN CITY, OREGON

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FIGURE
5

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EXPLANATION

- 5-foot elevation contour (NAVD 88)
- Site boundary

Regional Landslide Susceptibility

- Low
- Moderate
- High
- Very High

Notes: Contours and hillshade derived from DOGAMI LiDAR DEM, landslide susceptibility layer obtained from DOGAMI SLIDO (scale 1:500,000)

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 250 feet

0 125 250 500 feet

SLIDO LANDSLIDE SUSCEPTIBILITY

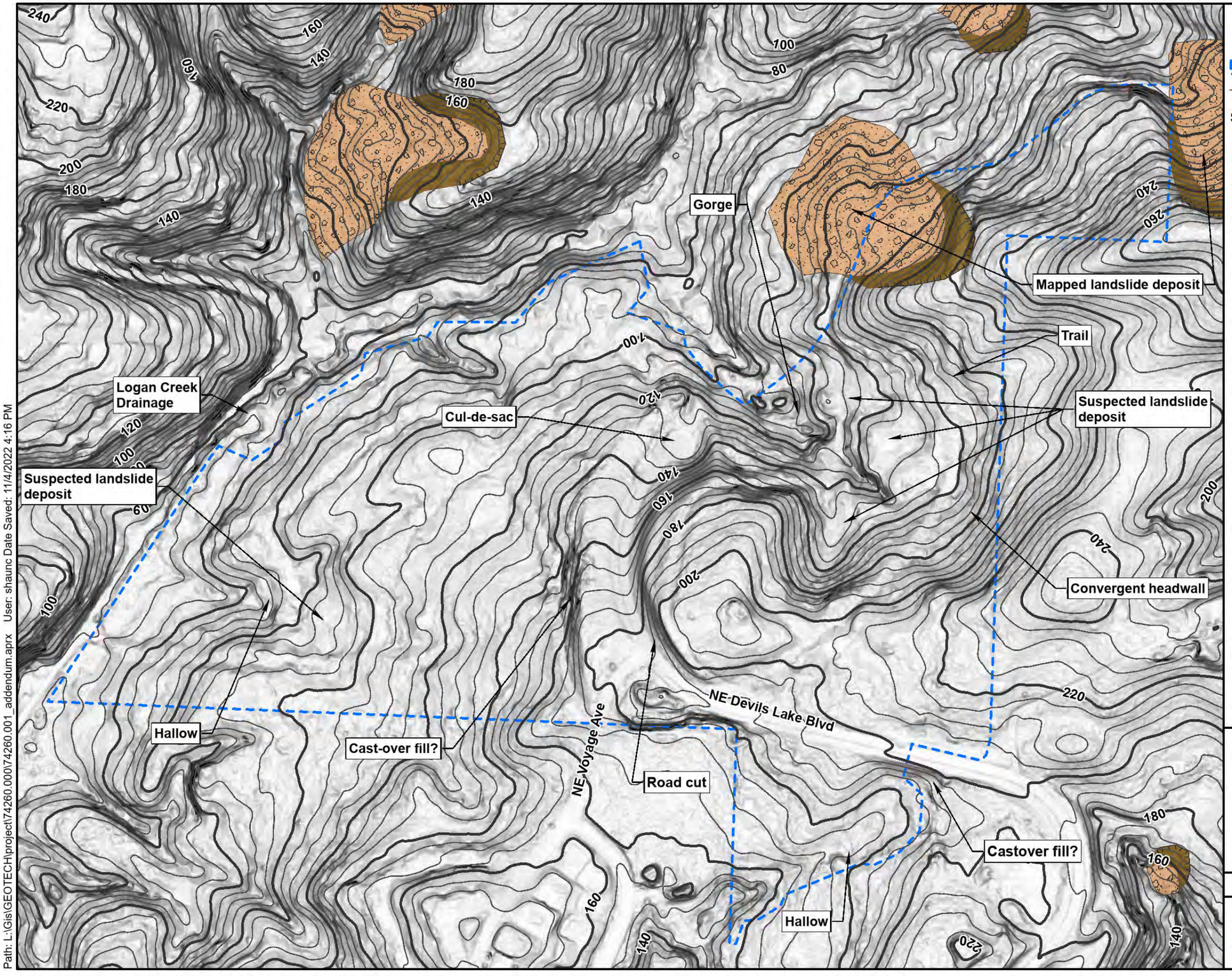
THE VILLAGES - ADDENDUM
LINCOLN CITY, OREGON

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FIGURE 6

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EXPLANATION

- Site boundary
- 5-foot elevation contour (NAVD 88)

SLIDO Landslide Inventory

- Scarp
- Head Scarp
- Talus-Colluvium
- Fan
- Mapped landslide

Notes: Contours and hillshade derived from DOGAMI LiDAR DEM, landslide inventory obtained from DOGAMI SLIDO

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 250 feet

0 125 250 500 feet

SLIDO LANDSLIDE INVENTORY

THE VILLAGES - ADDENDUM
LINCOLN CITY, OREGON

DATE: NOV 2022 · PROJECT: 74260.000

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FIGURE 7

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Logan Creek Drainage
Suspected landslide deposit
Cul-de-sac
Gorge
Mapped landslide deposit
Trail
Suspected landslide deposit
Convergent headwall
Hallow
Cast-over fill?
NE Voyage Ave
NE Devils Lake Blvd
Road cut
Castover fill?
Hallow

EXPLANATION

- OS - Open space
- P - Park
- R-1 / P - Single-family residence or park
- 20-foot elevation contour (NAVD 88)

Slope inclinations (percent slope)

- 15 - 33% (<3:1)
- 33 - 50% (3:1 - 2:1)
- 50 - 66.7% (2:1 - 1.5:1)
- 66.7 - 100% (1.5:1 - 1:1)

SLIDO Landslide Inventory

- Scarp
- Head Scarp
- Talus-Colluvium
- Fan
- Mapped landslide

Notes: Contours, slope shade, and hillshade derived from DOGAMI LiDAR DEM

Coordinate System: NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

SCALE: 1 inch = 250 feet

0 127.5 255 510 feet

LAND USE

THE VILLAGES - ADDENDUM
LINCOLN CITY, OREGON

DATE: NOV 2022 · PROJECT: 74260.000

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FIGURE 8

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Appendix B
Wetland Field Data

The Villages South

Stream 1: No culvert
body channel w/ width 3-5' well defined OHWM
-cobble & small gravel substrate

herb: slough edge 10
solid fern 20

no hydrology

Wetland Plot 1
10YR 2-1 0-15"
non hydric soils
shrub: 30 elder b
20% salmon b

Scale: 1 square = _____

150

wp ② v

0-14" loam Prism fill
10YR 3/3 s.l loam.

55 [30% h.m Shade.

44 | 10% Poison hemlock
| 15% horsetail
| 20% sm t grass
| 10% sedge
| 10% field mint.

no hydro.

wp ③ w

0-4" 10yr 2/1
4-14" 10yr

30 soft rush
30 Slough sedge
20 field mint
10 Creep. bc

2nd hydro → dry fen

152

153

wetland B. scrap >

wp 4 (W) 0-9 10yr 4/1
9-16 10 3/1 10 3/1 5/7
mucic

[15 salmonberry
[30 skunk cabbage

sat ↑
sulfide odor

wp 5 (U) 0-4 10yr 3/2

+ [25% alder
SS [40% salmon berry
10% Elderberry

H 90% sword fern

no hyd

Appendix C
Precipitation Data

WETS Station: OTIS 2 NE, OR

Requested years: 1981 - 2010

Month	Temperature (°F)			Precipitation (inches)				
	Avg daily max	Avg daily min	Avg daily mean	Avg	30% chance will have		Avg number of days with 0.10 inch or more	Average total snowfall
					less than	more than		
Jan	48.0	37.5	42.8	14.59	10.40	17.26	18	0.2
Feb	51.3	37.6	44.4	10.52	7.07	12.58	15	0.0
Mar	54.9	38.8	46.9	10.57	8.00	12.31	17	0.1
Apr	58.3	40.3	49.3	7.32	5.54	8.54	14	0.0
May	62.6	44.2	53.4	5.18	3.62	6.15	11	0.0
Jun	65.8	48.0	56.9	3.84	2.50	4.61	7	0.0
Jul	70.4	50.2	60.3	1.37	0.68	1.65	3	0.0
Aug	71.6	50.7	61.2	1.49	0.65	1.82	3	0.0
Sep	69.7	48.1	58.9	3.09	1.28	3.76	5	0.0
Oct	61.1	44.5	52.8	7.51	4.91	9.03	12	0.0
Nov	52.0	40.3	46.2	14.63	11.02	17.08	18	0.1
Dec	46.7	36.3	41.5	14.78	11.13	17.26	18	0.1
Annual:					85.35	101.33		
Average	59.4	43.0	51.2	-	-	-	-	-
Total	-	-	-	94.88			141	0.5

GROWING SEASON DATES

Requested years of data:	1981 - 2010		
Years with missing data:	24 deg = 1	28 deg = 1	32 deg = 1
Years with no occurrence:	24 deg = 16	28 deg = 6	32 deg = 0
Data years used:	24 deg = 29	28 deg = 29	32 deg = 29

Probability	Temperature		
	24 F or higher	28 F or higher	32 F or higher
	Beginning and Ending Dates		

Climatological Data for OTIS 2 NE, OR - July 2022

Date	Max Temperature	Min Temperature	Avg Temperature	GDD Base 40	GDD Base 50	Precipitation	Snowfall	Snow Depth
2022-07-01	64	56	60.0	20	10	0.00	0.0	0
2022-07-02	65	54	59.5	20	10	0.00	0.0	0
2022-07-03	66	54	60.0	20	10	0.00	0.0	0
2022-07-04	72	51	61.5	22	12	0.00	0.0	0
2022-07-05	70	52	61.0	21	11	0.06	0.0	0
2022-07-06	67	58	62.5	23	13	T	0.0	0
2022-07-07	65	57	61.0	21	11	T	0.0	0
2022-07-08	73	53	63.0	23	13	0.00	0.0	0
2022-07-09	70	52	61.0	21	11	0.00	0.0	0
2022-07-10	73	51	62.0	22	12	0.00	0.0	0
2022-07-11	91	54	72.5	33	23	0.00	0.0	0
2022-07-12	80	54	67.0	27	17	0.00	0.0	0
2022-07-13	68	50	59.0	19	9	0.00	0.0	0
2022-07-14	70	46	58.0	18	8	0.00	0.0	0
2022-07-15	68	49	58.5	19	9	0.00	0.0	0
2022-07-16	68	57	62.5	23	13	0.01	0.0	0
2022-07-17	69	51	60.0	20	10	0.00	0.0	0
2022-07-18	72	48	60.0	20	10	0.00	0.0	0
2022-07-19	75	47	61.0	21	11	0.00	0.0	0
2022-07-20	73	52	62.5	23	13	0.00	0.0	0
2022-07-21	67	55	61.0	21	11	0.00	0.0	0
2022-07-22	68	56	62.0	22	12	0.04	0.0	0
2022-07-23	67	51	59.0	19	9	T	0.0	0
2022-07-24	78	53	65.5	26	16	0.00	0.0	0
2022-07-25	83	46	64.5	25	15	0.00	0.0	0
2022-07-26	80	55	67.5	28	18	0.00	0.0	0
2022-07-27	69	53	61.0	21	11	0.00	0.0	0
2022-07-28	74	53	63.5	24	14	0.00	0.0	0
2022-07-29	75	56	65.5	26	16	0.00	0.0	0
2022-07-30	73	56	64.5	25	15	0.00	0.0	0
2022-07-31	68	53	60.5	21	11	0.00	0.0	0
Average|Sum	71.6	52.7	62.2	694	384	0.11	0.0	0.0

Climatological Data for OTIS 2 NE, OR - August 2022

Date	Max Temperature	Min Temperature	Avg Temperature	GDD Base 40	GDD Base 50	Precipitation	Snowfall	Snow Depth
2022-08-01	67	57	62.0	22	12	0.00	0.0	0
2022-08-02	77	58	67.5	28	18	0.00	0.0	0
2022-08-03	72	49	60.5	21	11	0.00	0.0	0
2022-08-04	71	56	63.5	24	14	0.00	0.0	0
2022-08-05	73	49	61.0	21	11	0.00	0.0	0
2022-08-06	81	47	64.0	24	14	0.00	0.0	0
2022-08-07	77	51	64.0	24	14	0.00	0.0	0
2022-08-08	63	54	58.5	19	9	0.00	0.0	0
2022-08-09	63	58	60.5	21	11	0.00	0.0	0
2022-08-10	70	50	60.0	20	10	0.00	0.0	0
2022-08-11	68	54	61.0	21	11	0.00	0.0	0
2022-08-12	68	53	60.5	21	11	0.00	0.0	0
2022-08-13	72	58	65.0	25	15	0.01	0.0	0
2022-08-14	76	50	63.0	23	13	T	0.0	0
2022-08-15	74	50	62.0	22	12	0.00	0.0	0
2022-08-16	80	55	67.5	28	18	0.00	0.0	0
2022-08-17	80	52	66.0	26	16	0.00	0.0	0
2022-08-18	78	56	67.0	27	17	0.00	0.0	0
2022-08-19	70	61	65.5	26	16	0.01	0.0	0
2022-08-20	68	59	63.5	24	14	0.00	0.0	0
2022-08-21	78	60	69.0	29	19	0.00	0.0	0
2022-08-22	72	57	64.5	25	15	0.00	0.0	0
2022-08-23	71	58	64.5	25	15	0.00	0.0	0
2022-08-24	75	55	65.0	25	15	0.00	0.0	0
2022-08-25	73	59	66.0	26	16	0.00	0.0	0
2022-08-26	72	60	66.0	26	16	0.00	0.0	0
2022-08-27	69	53	61.0	21	11	0.00	0.0	0
2022-08-28	70	49	59.5	20	10	0.00	0.0	0
2022-08-29	80	49	64.5	25	15	0.00	0.0	0
2022-08-30	76	51	63.5	24	14	0.00	0.0	0
2022-08-31	68	54	61.0	21	11	0.00	0.0	0
Average|Sum	72.6	54.3	63.5	734	424	0.02	0.0	0.0

Climatological Data for OTIS 2 NE, OR - September 2022

Date	Max Temperature	Min Temperature	Avg Temperature	GDD Base 40	GDD Base 50	Precipitation	Snowfall	Snow Depth
2022-09-01	76	56	66.0	26	16	0.00	0.0	0
2022-09-02	72	53	62.5	23	13	0.01	0.0	0
2022-09-03	70	57	63.5	24	14	0.13	0.0	0
2022-09-04	74	50	62.0	22	12	T	0.0	0
2022-09-05	74	49	61.5	22	12	T	0.0	0
2022-09-06	77	49	63.0	23	13	0.00	0.0	0
2022-09-07	72	51	61.5	22	12	0.00	0.0	0
2022-09-08	70	44	57.0	17	7	T	0.0	0
2022-09-09	87	48	67.5	28	18	0.00	0.0	0
2022-09-10	84	65	74.5	35	25	0.00	0.0	0
2022-09-11	69	58	63.5	24	14	0.00	0.0	0
2022-09-12	69	57	63.0	23	13	0.00	0.0	0
2022-09-13	65	51	58.0	18	8	0.00	0.0	0
2022-09-14	64	54	59.0	19	9	0.00	0.0	0
2022-09-15	67	55	61.0	21	11	0.00	0.0	0
2022-09-16	68	46	57.0	17	7	0.00	0.0	0
2022-09-17	66	48	57.0	17	7	0.00	0.0	0
2022-09-18	78	49	63.5	24	14	0.00	0.0	0
2022-09-19	72	51	61.5	22	12	0.00	0.0	0
2022-09-20	71	46	58.5	19	9	0.00	0.0	0
2022-09-21	67	47	57.0	17	7	0.00	0.0	0
2022-09-22	65	56	60.5	21	11	0.00	0.0	0
2022-09-23	69	46	57.5	18	8	0.00	0.0	0
2022-09-24	75	49	62.0	22	12	0.00	0.0	0
2022-09-25	74	45	59.5	20	10	0.00	0.0	0
2022-09-26	68	51	59.5	20	10	0.00	0.0	0
2022-09-27	62	52	57.0	17	7	0.02	0.0	0
2022-09-28	65	53	59.0	19	9	0.18	0.0	0
2022-09-29	64	58	61.0	21	11	1.04	0.0	0
2022-09-30	68	48	58.0	18	8	0.01	0.0	0
Average|Sum	70.7	51.4	61.1	639	339	1.39	0.0	0.0

Planning Staff Report

CPA ZC 2023-06 D River Wayside Park Zone Change

Meeting Date:	April 10, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Question:

Should the City Council conduct a public hearing on CPA & ZC 2023-06, a map amendment and zone change from Recreation Commercial District and Recreation Commercial (RC) Zone to Park District and Park (P) Zone?

Staff Recommendation:

Staff recommends the Council conduct the public hearing.

Authority:

Legal authority for map amendments and zone changes is as follows:

17.76.050 Type III procedure.

A. General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or the city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.
B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed on Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.
C. Pre-application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged.
D. Application Requirements. Type III applications shall:
    1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.
E. Notice of Public Hearing.

1. After a Type III application has been accepted as complete, the department shall mail a written notice of public hearing to the applicant and applicant's representative; owner of record of the subject property; property owners of record within 500 feet of the perimeter property line of the property or properties subject to the application; any neighborhood or community organization recognized by the governing body; and Oregon Department of Land Conservation and Development at the discretion of the applicant.
2. The notice shall include a brief description of the request; applicable criteria; street address; date, time, and location of hearing; statement that failure of an issue to be raised in a hearing by a person or letter precludes appeal; name and number of department staff member to contact; statement that a copy of the application is available for inspection; statement that the staff report is available for inspection; and a general explanation of the procedure for submitting testimony and conduct of hearing.

F. Public notices shall be mailed at least 20 days prior to the first public hearing.
G. Decision Authority. Table 17.76.020-1 identifies the decision authority for a plan map amendment and zone change as the City Council, followed by a recommendation from Planning Commission.
H. The public hearing is conducted in accordance with procedures in LCMC 17.76.160.
I. Notice of Decision. Following the decision, a final order shall be prepared by the department.
J. Appeal. The final decision of the City Council to approve or deny a Type III application may be appealed to the Land Use Board of Appeals (LUBA).

Background:

See Staff Report for CPA ZC 2023-06

Council Options:

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed map amendment and zone change.
- Continue the public hearing to the _____ City Council meeting.

Attachments:
CPA ZC 2023-06 Map 200 scale (PDF)
CPA ZC 2023-06 Staff Report City Council (DOCX)



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.

Date: 2/6/2023

Location

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-06

Date: March 29, 2023

Case File: CPA ZC 2023-06

Property Owner: Oregon Parks & Recreation Department
725 Summer St NE, Ste. C
Salem, OR 97301

Situs Address: 95 SW Hwy 101

Location: West side of Hwy 101, approx. 145 feet south of NW 1st Ct

Tax Map and Lot: 07-11-15-AC-00101-00

Comprehensive Plan Designation: Recreation-Commercial District (R-C)

Zoning District: Recreation Commercial (RC) Zone

Site Size: 4.28 acres

Proposal: Comprehensive Plan Map Amendment to Park and Zone Change to Park

Surrounding Land Uses and Zones:
North: Restaurant, hotels; RC
South: Condominiums, retail; RC
East: Hwy 101, retail; GC
West: Pacific Ocean

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on February 9, 2023.

Applicable	Oregon Statewide Planning Goals
Substantive	Lincoln City Comprehensive Plan
Criteria:	LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is addressed as 95 SW Hwy 101 and identified as Tax Map 07-11-15-AC-00101-00. The site is approximately 4.28 acres in the RC zone. The site is owned by the Oregon Parks & Recreation Department. North of the site is developed as a restaurant, with hotels north of the restaurant – all in the RC zone. South of the site is also in the RC zone, developed as condominiums and retail businesses. East of the site is Hwy 101 and east of that is retail and a hotel being converted to multi-unit residential development in the GC zone. West of the site is the Pacific Ocean.

The site is owned by the Oregon Parks & Recreation Department and is the D River State Recreation Site. Billed as the shortest river in the world, D River flows a mere 120 feet from Devils Lake into the roaring ocean. The site does not contain designated trails, aesthetic resource, floodway, or natural resource overlay. The site does contain bluff erosion hazards and both VE and AE flood hazard areas.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and the record were closed. The Planning Commission voted unanimously recommending that City Council approve the map amendment and zone change.

COMMENTS

Comments were received from the Confederated Tribes of Siletz Indians on February 16, 2023, via email, stating: "We have no objections to the rezoning of the D River State Recreation Site from Recreation Commercial to Park status."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the P zone to align with its use as a state park. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

City water and city sewer currently serve the public restrooms located on the site. The site is also served by electricity. This goal is met.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The site is developed as an urban area and the proposed zone change will not change the urban development. The proposal is 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 city's maps show the site contains bluff erosion hazards and flood hazard area. The municipal code provides the prohibitions, restrictions, rules, and standards for development in the bluff erosion hazards and flood hazard areas to satisfy the natural hazard goal. All development must comply with the municipal code. This goal is satisfied.

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is not currently zoned for housing, so the proposed zone change from RC to P does not take away from any provisions for housing on the site. The change does not impact other residential zones in the city that do provide housing. This 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and tourists for viewing and accessing the ocean. A welcome center is planned for the park site that will increase the number of visitors and tourists to the site and the city. Staff finds that the request is 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."

The site does not contain any aesthetic resources, but it is east of the Pacific Ocean. The proposal will align the zone with the use as a state park. This will preserve the area for use as a park, conserve the aesthetics of the site's view of and access to the Pacific Ocean, and serve to preserve the aesthetic quality of the area. The request 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 site is bordered by Hwy 101 and has direct access to Hwy 101. Hwy 101 is a principal arterial running through the city moving people from end to end and through the city. This goal is satisfied.

10. Energy Goal

"To conserve energy."

The site will remain in use as a park. No energy will be expended in the continued existence as a park. Any new building taking place must meet the energy codes in place at the time of construction. The goal, therefore, is satisfied or 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 entire site will be preserved as a park to protect the view of the Pacific Ocean. 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 site will remain in use as a state park to conserve, protect, and enhance the coastal resources portion of the Pacific Ocean that is adjacent to the site. The proposed request is consistent with this goal.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as a park, which will also protect the natural resources (the Pacific Ocean) on the site and conserve the scenic area of the Pacific Ocean on the site. The proposal 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."

The proposal will preserve the site as a park, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site contains bluff erosion hazards and flood hazard area. The municipal code provides the prohibitions, restrictions, rules, and standards for development in the bluff erosion hazards and flood hazard areas to satisfy the natural hazard goal. All development must comply with the municipal code. This goal is satisfied.

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 site will be preserved as a park for the use and enjoyment of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's urban growth boundary and will remain in use as a park. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. An area preserved as a park that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff find the proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is a state park. State parks are precluded from development. Goal 10 is not applicable.

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 site contains city water and city sewer facilities. The site also contains storm drainage facilities and electrical service. The request is consistent with Goal 11.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is bordered by and accessed from Hwy 101. Hwy 101 is a principal arterial running from end to end moving people to and through the city. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain developed as a park. Any new construction must comply with energy codes in place at the time of construction. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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 proposal will preserve the area as a state park, thus protecting the resources of the Pacific Ocean that are adjacent to the site. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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 proposed rezoning does not affect any areas located within a beach or active dune area. The site is already a state park and nothing in the proposed rezoning will impact that use. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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 site is a state park and the proposal will preserve the site as a park. The zone change will not affect the near shore, ocean, and continental shelf because no change in use of the site is proposed. The findings

concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met.

Planning Staff Report

ZOA 2023-01 Definitions and Restriction Exception

Meeting Date:	April 10, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Question:

Should the City Council conduct a public hearing on ZOA 2023-01 (Ordinance 2023-04 *later on this agenda*), an ordinance amendment of Title 17 to add definitions and revise the definition of basement in 17.08.010; move the development restriction out of the zones and into the overall general requirements and add back in the exception for houses; remove the hyphen from the zone names; clarify exemptions from design standards for accessory structures and all residential but multi-unit residential?

Staff Recommendation:

Staff recommends the Council conduct the public hearing.

Authority:

Legal authority for ordinance amendments is as follows:

17.76.060 Type IV procedure (legislative).

A. General Description. Type IV procedures apply to legislative matters. Legislative decisions are made by the city council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.
B. When Applicable. Table 17.76.020-1 identifies Type IV applications. Applications not listed on Table 17.76.020-1 may be identified as Type IV by the director based on the general description in this section.
C. Pre-application Conference. Pre-application conferences are not required for Type IV applications.
D. Application Requirements.

1. Application Forms. Legislative applications must be made on forms provided by the department.
2. Submittal Information. The application shall contain all of the following information:
    a. The information requested on the application form;
    b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable); and
    c. The required fee as adopted by city council resolution, except when the city initiates the request.

E. Mailed Notice of Public Hearing. The notification procedure for Type IV requests must conform to state land use laws (ORS 227.175) and as follows:
1. In accordance with procedures required by the Oregon Department of Land Conservation and Development (DLCD), the department shall notify DLCD of legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.
2. At least 20 days, but not more than 40 days, before the date of the first public hearing, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
    a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another); see ORS 227.186 for instructions;
    b. Any affected governmental agency;
    c. Any person who requests notice in writing; and
    d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

F. Published Notice of Public Hearing. Notice of the public hearings for Type IV applications shall be published two times in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.

G. Public Hearing Procedure. The planning commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in LCMC 17.76.160. In addition to the public hearing held by the planning commission, the city council shall also conduct a public hearing on Type IV applications.

H. Recommendation Authority.
1. Following receipt of testimony and deliberation at the public hearing held before the planning commission, the planning commission shall provide a recommendation to the City council for all Type IV applications. The planning commission shall recommend that the city council approve or deny the proposed amendments, with or without changes. The planning commission's

recommendation shall be issued as a final recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. Decision Authority. Upon receiving the planning commission's final recommendation, the city council shall hold a public hearing on the Type IV application.

I. Notice of Decision.
   1. Not more than seven days after the date the city council approves a Type IV application, the director shall mail a notice of decision to persons of record who appeared orally or in writing before either the planning commission or the city council.
   2. The director shall also notify DLCD of the decision within the timeframe and method prescribed by DLCD.
   3. The city council's decision is final for purposes of appeal on the date the notice is mailed.

J. Appeal. The final decision of the city council to approve or deny a Type IV application may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

Background:

See Ordinance 2023-04 later on this agenda

Council Options:

- Hold the required public hearing scheduled for this evening and review all the evidence in the record. If the hearing is closed and the record is closed, deliberate on the proposed ordinance amendment.
- Continue the public hearing to the _____ City Council meeting.

Attachments:
Ord 2023-04 ZOA 2023-01 3-21-23 (DOCX)

ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING AMENDING CHAPTER 17.04 (GENERAL PROVISIONS), CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS), ADDING AND AMENDING DEFINITIONS, AMENDING CHAPTER 17.12. (ZONING DISTRICTS ESTABLISHED), SECTION 17.12.010 (CLASSIFICATION OF ZONES), AMENDING CHAPTERS 17.16, (SINGLE-UNIT RESIDENTIAL) 17.17, (SINGLE-UNIT RESIDENTIAL- ROADS END), 17.20 (MULTI-UNIT RESIDENTIAL), 17.24, (PROFESSIONAL CAMPUS), 17.28 (RECREATION COMMERCIAL), 17.32 (GENERAL COMMERCIAL), 17.34 (NELSCOTT PLAN DISTRICT), 17.36 (PLANNED INDUSTRIAL), 17.40 (RECREATION- RESIDENTIAL), 17.50 (OCEANLAKE PLAN DISTRICT), AMENDING CHAPTER 17.74 (DESIGN STANDARDS) TO REMOVED DUPLICATIVE RESTRICTIONS.

*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. The amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and

B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

C. The City, on January 25, 2023, and February 17, 2023, duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s); City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

D. The Planning Commission, on March 21, 2023, held a public hearing and considered the amendments contained within this ordinance. On March 21, 2023, the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted; and

E. The City Council conducted the public hearing on April 10, 2023, closed the hearing, closed the record, and deliberated on the proposed amendments and diected that an ordinance be returned to Council for approval; and

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. Chapter 17.04 *(General Provisions), is hereby amended to add a new Section 17.04.040 (Conflicts),* to read as follows:

17.04.040 Conflicts. If conflicts occur between any requirements in this title, the strictest requirement shall apply. If conflicts occur between any requirements in this title and any other rule or regulation, the strictest requirement shall apply.

SECTION 2. Chapter 17.04 *(General Provisions), is hereby amended to add a new Section 17.04.050 (Restriction),* to read as follows:

17.04.050 Restriction. No development shall occur unless city water and city sanitary sewer services are available and utilized to serve such development. Development is defined in LCMC 17.08.010. Standards for installation and construction of city water and city sanitary sewer services shall be those outlined in LCMC Titles 12 and 13 and Lincoln City's Public Works Design Standards. Exception: existing lots of record less than five acres in area which do not front on a public sewer line but which will be connected to a public water line may be developed with one detached or attached single-unit dwelling or one manufactured home utilizing an approved subsurface sewerage disposal system, provided a deferred improvement agreement is executed and recorded by the owner of record consenting to the establishment of a local improvement district to participate in future public sewer system extensions and connections.

SECTION 3. Chapter 17.08 *(Definitions) Section 17.08.010 (Definitions),* are hereby amended to add, remove or amend, and insert into the Chapter, in the appropriate location in alphabetical order, the following defined terms:

17.08.010 Definitions.

Note: Unless the context indicates otherwise, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; undefined words have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

"Abutting" means to be contiguous to; having a property line, zoning boundary, or wall in common. Abutting does not apply to buildings, uses, or properties separated by a street or alley. See also contiguous.

"Adjacent" is when buildings or uses are sited on abutting parcels or lots, or across a street or alley, and are not separated from each other by existing or planned intervening buildings.

"Basement" means **any area of a building having its floor subgrade (below ground level) on all sides. ~~a portion of a building,~~ not deemed a story. ~~which has more than one-half of its height (but not more than six feet) measured from finished floor to finished ceiling above the average grade of the adjoining ground.~~**

"Contiguous" means having a property line, zoning boundary, or wall in common. Contiguous does not apply to buildings, uses, or properties separated by a street or alley. See also *abutting* and *adjacent*.

"Detached building or structure" means a building or structure that is not attached to any other building or structure by any means, has no roof, wall, floor, foundation, or structural support in common with any other building or structure and has no reliance on any other building or structure for support or structural integrity.

~~**"Vacationer" means any person enjoying a recess or leave of absence from their place of residence, the majority of whom are temporary occupants.**~~

SECTION 4. Chapter 17.12 *(Zoning Districts Established), Section 17.12.010 (Classification of zones),* is hereby amended to read as follows:

17.12.010 Classification of zones.

A. For the purpose of this title, the following zones are hereby established in the city:

Zone Description	Abbreviated Description
Residential, Single-~~Family~~**Unit**	~~**R-1**~~ **R1**
Residential, Roads End	~~**R-1-RE**~~ **R1RE**
Vacation Rental	VR
~~**Recreation-Residential**~~ **Recreation Residential**	~~**R-R**~~ **RR**
Residential, Multiple-Unit ~~**Dwelling**~~	~~**R-M**~~ **RM**
Professional Campus	PC
~~**Recreation-Commercial**~~ **Recreation Commercial**	RC
General Commercial	GC
Nelscott Plan District	NP
Oceanlake Plan District	OP
Taft Village Core	TVC

Zone Description	Abbreviated Description
Planned Industrial	PI
~~**Marine-Waterway**~~ **Marine Waterway**	~~**M-W**~~ **MW**
Natural Resource Overlay	NR
Park	P
Open Space	OS
Resort Community Commercial	RCC

SECTION 5. Chapter 17.16 *(Single-Unit Residential (R-1) Zone), Section 17.16.020 (Permitted uses),* Paragraph A. (*Residentia*l) is hereby amended to read as follows:

1. ~~**Single-family**~~ **Single-unit** dwellings;

SECTION 6. Chapter 17.16 *(Single-Unit Residential (R-1) Zone), Section 17.16.050 (Restrictions),* is hereby amended to read as follows:

~~**17.16.050 Restrictions.**~~
~~**No development shall occur unless all city services are available except as provided in LCMC 17.52.120(A).**~~

SECTION 7. Chapter 17.16 *(Single-Unit Residential (R-1) Zone), Section 17.16.070 (Lot requirements),* is hereby amended to read as follows:

17.16.070 Lot requirements.

The map designations ~~**R-1-5, R-1-7.5 and R-1-10**~~ **R1-5, R1-7.5, and R1-10** create separate single-unit residential zoning classifications as though separately listed in LCMC 17.12.010. Lot requirements for the zoning classifications designated on the zoning map shall be as follows:

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Setback~~(3)~~ (1)	Side Setback	Street Side Setback~~(3)~~ (1)	Rear Setback	Maximum Building Coverage~~(5)~~ (3)
~~**R-1-5**~~ **R1-5**	5,000 sq. ft.	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)~~ (2)

REQUIRED MINIMUMS					
~~R-1-7.5~~ **R1-7.5**	7,500 sq. ft.	70' detached; 35' attached	80'	same as above	35%~~(4)~~ **(2)**
~~R-1-10~~ **R1-10**	10,000 sq. ft.	80'	80'	same as above	35%~~(4)~~ **(2)**

~~**(1) For one-story structures.**~~
~~**(2) For structures more than one story.**~~
(1) ~~**(3)**~~ The front and street side setbacks 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 requirements of LCMC 17.52.060 shall apply.
(2) ~~**(4)**~~ For existing lots between 3,000 sq. ft. and 4,000 sq. ft., maximum building coverage shall be 40 percent. For existing lots less than 3,000 sq. ft., maximum building coverage shall be 50 percent.
(3) ~~**(5)**~~ See definition of "building coverage" in Chapter 17.08 LCMC.

SECTION 8. Chapter 17.16 *(Single-Unit Residential (R-1) Zone), Section 17.16.100 (Other Required conditions),* is hereby amended to read as follows:

17.16.100 Design features. ~~**Other required conditions.**~~

All single-unit dwellings (site-built, modular and manufactured homes) to be constructed or located in an ~~R-1~~ **R1** zone are encouraged to use at least two of the following design features on the front of the dwelling:

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. Offsets on building face or roof (minimum 16 inches).

SECTION 9. Chapter 17.17 *(Single-Unit Residential, Roads End (R-1-RE) Zone, Section 17.17.050 (Restrictions),* is hereby amended to read as follows:

17.17.050 Restrictions.

~~**A. No development shall occur unless all city services are available to serve such development, except as provided in LCMC 17.52.120(A);**~~

A. ~~**B.**~~ Lighting shall be as required by LCMC 17.52.150;

B. ~~**C.**~~ Fencing may not exceed three and one-half feet in height in a required front setback area or required street side setback area, or more than six feet in any other required setback area;

C. ~~**D.**~~ Planned unit developments that include housing incompatible with single-family R-1 zone are prohibited.

SECTION 10. Chapter 17.17 *(Single-Unit Residential, Roads End (R-1-RE) Zone, Section 17.17.070 (Lot requirements),* is hereby amended to read as follows:

17.17.070 Lot requirements.

Lot requirements shall be as follows:

A. The minimum lot area shall be 5,000 square feet.

B. The minimum lot width shall be 50 feet.

C. The minimum lot depth shall be 70 feet.

D. The minimum front setback shall be 20 feet. Except that the minimum setbacks from Logan Road need not exceed the average setback of buildings on all lots within 100 feet of the lot on the same side of the street which the proposed building is to be located and that abut Logan Road. The applicant shall retain the services of an Oregon-licensed land surveyor to prepare and submit a survey, at the applicant's sole cost and expense, when averaging is proposed to be used to determine the setback. The 20-foot front setback shall not apply to elevated decks that extend from the dwelling wall into the front setback; provided, that the lowest point of the elevated deck structure is a minimum of seven feet above grade and a minimum 15-foot setback is maintained. Permitted encroaching decks may be either cantilevered or supported by posts and beams if the posts and beams meet all building and fire code requirements, and the posts and beams are not within the minimum 15-foot setback.

E. The minimum interior side setback shall be seven and one-half feet**.** ~~**for single-story buildings and 10 feet for buildings with more than one story.**~~

F. The minimum street side setback shall be 20 feet, except that it may be one foot less for each two feet of front yard setback over the minimum, but not to less than 10 feet.

G. On corner lots, the clear-vision area requirement of LCMC 17.52.060 shall apply.

H. The minimum rear setback shall be seven and one-half feet**.** ~~**for single-story buildings and 10 feet for buildings with more than one story. In no case shall the distance between residential structures on the same lot or on adjacent lots be less than 10 feet.**~~

SECTION 11. Chapter 17.17 *(Single-Unit Residential, Roads End (R-1-RE) Zone, Section 17.17.100 (Other required conditions),* is hereby amended to read as follows:

17.17.100 Design features. ~~Other required conditions~~.

All single-unit dwellings (site-built, modular and manufactured homes) to be constructed or located in **~~an R-1~~ the R1RE** zone are encouraged to use at least two of the following design features on the front of the dwelling:

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. Offsets on building face or roof (minimum 16 inches

SECTION 12. Chapter 17.20 *(Multiple-Unit Residential (R-M) Zone), Section 17.20.010 (Purpose),* is hereby amended to read as follows:

17.20.010 Purpose.

The multiple-unit residential **~~(R-M)~~ (RM)** zone allows and encourages higher-density residential uses that blend a range of housing types with the surrounding neighborhood, in a compact, aesthetic, and walkable development pattern.

SECTION 13. Chapter 17.20 *(Multiple-Unit Residential (R-M) Zone), Section 17.20.100 (Restrictions),* is hereby amended to read as follows:

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~~**17.20.110 Restrictions.**~~
~~**No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development.**~~

SECTION 14. Chapter 17.24 *(Professional Campus (PC) Zone), Section 17.24.090 (Other required conditions),* is hereby amended to read as follows:

~~**17.24.090 Other required conditions.**~~
~~**A. Restrictions. No development shall occur in the PC zone unless all city services (sewer and water) are available to serve such development**~~

SECTION 15. Chapter 17.28 *(Recreation-Commercial (R-C) Zone), Section 17.28.010 (Purpose),* is hereby amended to read as follows:

17.28.010 Purpose.
The ~~**recreation-commercial**~~ **recreation commercial** zone (RC) is provided for those commercial uses having a definite relationship to the community's resort and recreation industry. Allowed herein are uses that provide food, lodging, recreational activities and services that have a resort rather than a carnival character. Residential multifamily housing is also permitted which meets demands for housing in areas of concentrated recreation services, including seasonal and retirement homes.

SECTION 16. Chapter 17.28 *(Recreation-Commercial (R-C) Zone), Section 17.28.100 (Other required conditions),* is hereby amended to read as follows:

17.28.100 Design features. ~~**Other required conditions.**~~
~~**A. No development shall occur in the RC zone unless all city services (sewer and water) are available to serve such development.**~~

~~**B.**~~ **A.** ~~**Design Features.**~~ All single-unit (site-built, modular and manufactured homes) to be constructed or located in the RC zone are encouraged to use at least two of the following design features along the front of the dwelling:

1. Dormers;
2. Gables;
3. Recessed entries;
4. Covered porch entries;
5. Cupolas;
6. Pillars or posts;
7. Bay or bow windows;
8. Eaves (minimum six-inch projection);
9. Offsets on building face or roof (minimum 16 inches).

~~**C.**~~ **B.** All commercial or mixed-use buildings in the RC zone must conform to Chapter 17.74 LCMC, Design Standards.

SECTION 17. Chapter 17.32 *(General-Commercial (G-C) Zone), Section 17.32.110 (Other required conditions),* is hereby amended to read as follows:

17.32.110 Other required conditions.

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

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

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

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

SECTION 18. Chapter 17.34 *(Nelscott Plan (NP) District),* Section 17.34.110 *(Restrictions),* is hereby amended to read as follows:

~~**17.34.110 Restrictions.**~~

~~**No development shall occur in the NP zone unless all city services (sewer and water) are available to serve such development.**~~

SECTION 19. Chapter 17.34 *(Nelscott Plan (NP) District),* Section 17.34.120 *(Conflicts),* is hereby amended to read as follows:

~~**17.34.120 Conflicts.**~~

~~**If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.**~~

SECTION 20. Chapter 17.36 *(Planned Industrial (PI)Zone),* Section 17.36.080 *(Other required conditions),* is hereby amended to read as follows:

17.36.080 Other required conditions.

A. Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

B. All operations, activities and storage may be maintained outside a building in a side or rear setback; provided, that such storage is separated from all rights-of-way and other property by a sight-obscuring fence, wall or vegetative hedge at least six feet in height.

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C. Properties to be used for surface mining shall be enclosed on the boundaries by a sight-obscuring fence, wall or vegetative hedge at least six feet in height, except for reasonable areas of ingress and egress.

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

SECTION 21. Chapter 17.40 *(Recreation-Residential (R-R) Zone),* Section 17.40.010 *(Purpose),* is hereby amended to read as follows:

17.40.010 Purpose.

The ~~**recreation-residential**~~ **recreation residential** zoning district is intended to establish sites for a wide range of residential activities from weekend and seasonal residents to year-round residents in attached or detached single-unit dwellings, manufactured homes, and recreational vehicles sited on individual lots.

SECTION 22. Chapter 17.40 *(Recreation-Residential (R-R)Zone),* Section 17.40.020 *(Permitted uses),* introductory sentence, is hereby amended to read as follows:

17.40.020 Permitted uses.

In an ~~**R-R**~~ **RR** zone, the following uses are permitted:

SECTION 23. Chapter 17.40 *(Recreation-Residential (R-R)Zone),* Section 17.40.050 *(Restrictions),* is hereby amended to read as follows:

~~**17.40.050 Restrictions.**~~

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

SECTION 24. Chapter 17.45 *(Taft Village Core (TVC) Zone),* Section 17.45.110 *(Restrictions),* is hereby amended to read as follows:

~~**17.45.110 Restrictions.**~~

~~**No development shall occur in the TVC zone unless all city services (sewer and water) are available to serve such development.**~~

SECTION 25. Chapter 17.45 *(Taft Village Core (TVC) Zone),* Section 17.45.120 *(Conflicts),* is hereby amended to read as follows:

~~**17.45.120 Conflicts.**~~

~~**If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.**~~

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SECTION 26. Chapter 17.50 *(OceanLake (OP) Plan),* Section 17.50.110 *(Restrictions),* is hereby amended to read as follows:

~~**17.50.110 Restrictions.**~~
~~**No development shall occur in the TVC zone unless all city services (sewer and water) are available to serve such development.**~~

SECTION 27. Chapter 17.50 *(OceanLake (OP) Plan),* Section 17.50.120 *(Conflicts),* is hereby amended to read as follows:

~~**17.50.120 Conflicts.**~~
~~**If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.**~~

SECTION 28. Chapter 17.74 *(Design Standards),* Section 17.74.030 *(Exceptions),* is hereby amended to read as follows:

17.74.030 Exceptions.

A. Routine Repairs and Maintenance. Routine repairs and maintenance are exempt from **Chapter 17.74.** ~~**these standards.**~~

B. Additions or Expansion. Additions to or expansions of an existing building or structure are exempt from **Chapter 17.74.** ~~**standards contained in this chapter.**~~

C. Residential ~~**Dwellings**~~. **All residential developments, buildings, and structures other than multi-unit residential developments, buildings and structures and mixed-use buildings are exempt from Chapter 17.74.** ~~**Detached single-unit dwellings, attached single-unit dwellings, attached single-unit dwelling developments, duplexes, and manufactured homes in any zone are exempt from all requirements of this chapter.**~~

D. Accessory Structures or Buildings. Accessory structures or buildings are exempt from Chapter 17.74.

SECTION 29. 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 30. 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.

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SECTION 31. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 32. 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 Abbreviations shall be made consistent throughout the Code –for example R-1 will be R1 and so on (see Section 3 above) sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 29- 32) 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 April, 2023 (First Reading) and on the 10th day of April, 2023 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of April, 2023.

_____
SUSAN WAHLKE, MAYOR

ATTEST:

_____
JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

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Council Communication

Ordinance 2023-04 / ZOA 2023-01 Definitions and Restriction Exception

Meeting Date:	April 10, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Commission	Secondary Contacts:	AnneMarie Skinner
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

Question: Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2023-04?

ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.04 (GENERAL PROVISIONS), CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS), ADDING AND AMENDING DEFINITIONS, AMENDING CHAPTER 17.12. (ZONING DISTRICTS ESTABLISHED), SECTION 17.12.010 (CLASSIFICATION OF ZONES), AMENDING CHAPTERS 17.16, (SINGLE-UNIT RESIDENTIAL) 17.17, (SINGLE-UNIT RESIDENTIAL- ROADS END), 17.20 (MULTI-UNIT RESIDENTIAL), 17.24, (PROFESSIONAL CAMPUS), 17.28 (RECREATION COMMERCIAL), 17.32 (GENERAL COMMERCIAL), 17.34 (NELSCOTT PLAN DISTRICT), 17.36 (PLANNED INDUSTRIAL), 17.40 (RECREATION- RESIDENTIAL), 17.50 (OCEANLAKE PLAN DISTRICT), AMENDING CHAPTER 17.74 (DESIGN STANDARDS) TO REMOVE DUPLICATIVE RESTRICTIONS.

Staff Recommendation:

Staff recommends Council conduct and approve First and Second Reading and adopt Ordinance 2023-04.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

See Public hearing staff report for background on ZOA 2023-01 Definitions and Restriction Exception.

Council Options:

1. Conduct and approve First and Second Reading and adopt the ordinance.

2. Continue to April 24, 2023.

3. Continue Second Reading to April 24, 2023.

4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.04 (GENERAL PROVISIONS), CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS), ADDING AND AMENDING DEFINITIONS, AMENDING CHAPTER 17.12. (ZONING DISTRICTS ESTABLISHED), SECTION 17.12.010 (CLASSIFICATION OF ZONES), AMENDING CHAPTERS 17.16, (SINGLE-UNIT RESIDENTIAL) 17.17, (SINGLE-UNIT RESIDENTIAL- ROADS END), 17.20 (MULTI-UNIT RESIDENTIAL), 17.24, (PROFESSIONAL CAMPUS), 17.28 (RECREATION COMMERCIAL), 17.32 (GENERAL COMMERCIAL), 17.34 (NELSCOTT PLAN DISTRICT), 17.36 (PLANNED INDUSTRIAL), 17.40 (RECREATION- RESIDENTIAL), 17.50 (OCEANLAKE PLAN DISTRICT), AMENDING CHAPTER 17.74 (DESIGN STANDARDS) TO REMOVE DUPLICATIVE RESTRICTIONS.

Council:

Motion to approve First Reading of Ordinance 2023-04.

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

Motion to approve Second Reading and adopt Ordinance 2023-04.

Attachments:
Ordinance 2023-04 from MT with RA changes m49 (DOCX)
Findings (DOC)

ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.04 (GENERAL PROVISIONS), CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS), ADDING AND AMENDING DEFINITIONS, AMENDING CHAPTER 17.12. (ZONING DISTRICTS ESTABLISHED), SECTION 17.12.010 (CLASSIFICATION OF ZONES), AMENDING CHAPTERS 17.16, (SINGLE-UNIT RESIDENTIAL) 17.17, (SINGLE-UNIT RESIDENTIAL- ROADS END), 17.20 (MULTI-UNIT RESIDENTIAL), 17.24, (PROFESSIONAL CAMPUS), 17.28 (RECREATION COMMERCIAL), 17.32 (GENERAL COMMERCIAL), 17.34 (NELSCOTT PLAN DISTRICT), 17.36 (PLANNED INDUSTRIAL), 17.40 (RECREATION- RESIDENTIAL), 17.50 (OCEANLAKE PLAN DISTRICT), AMENDING CHAPTER 17.74 (DESIGN STANDARDS) TO REMOVE DUPLICATIVE RESTRICTIONS.

*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. The amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and

B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

C. The City, on January 25, 2023, and February 17, 2023, duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s); City staff determined that the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

D. The Planning Commission, on March 21, 2023, held a public hearing and considered the amendments contained within this ordinance. On March 21, 2023, the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted; and

E. The City Council conducted the public hearing on April 10, 2023, closed the hearing, closed the record, and deliberated on the proposed amendments and diected that an ordinance be returned to Council for approval; and

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. Chapter 17.04 *(General Provisions), is hereby amended to add a new Section 17.04.040 (Conflicts),* to read as follows:

17.04.040 Conflicts. If conflicts occur between any requirements in this title, the strictest requirement shall apply. If conflicts occur between any requirements in this title and any other rule or regulation, the strictest requirement shall apply.

SECTION 2. Chapter 17.04 *(General Provisions), is hereby amended to add a new Section 17.04.050 (Restriction),* to read as follows:

17.04.050 Restriction. No development shall occur unless city water and city sanitary sewer services are available and utilized to serve such development. Development is defined in LCMC 17.08.010. Standards for installation and construction of city water and city sanitary sewer services shall be those outlined in LCMC Titles 12 and 13 and Lincoln City's Public Works Design Standards. Exception: existing lots of record less than five acres in area which do not front on a public sewer line but which will be connected to a public water line may be developed with one detached or attached single-unit dwelling or one manufactured home utilizing an approved subsurface sewerage disposal system, provided a deferred improvement agreement is executed and recorded by the owner of record consenting to the establishment of a local improvement district to participate in future public sewer system extensions and connections.

SECTION 3. Chapter 17.08 *(Definitions) Section 17.08.010 (Definitions),* are hereby amended to add, remove or amend, and insert into the Chapter, in the appropriate location in alphabetical order, the following defined terms:

17.08.010 Definitions.

Note: Unless the context indicates otherwise, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; undefined words have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

"Abutting" means to be contiguous to; having a property line, zoning boundary, or wall in common. Abutting does not apply to buildings, uses, or properties separated by a street or alley. See also contiguous.

"Adjacent" is when buildings or uses are sited on abutting parcels or lots, or across a street or alley, and are not separated from each other by existing or planned intervening buildings.

"Basement" means **any area of a building having its floor subgrade (below ground level) on all sides. ~~a portion of a building,~~ not deemed a story. ~~which has more than one-half of its height (but not more than six feet) measured from finished floor to finished ceiling above the average grade of the adjoining ground.~~**

"Contiguous" means having a property line, zoning boundary, or wall in common. Contiguous does not apply to buildings, uses, or properties separated by a street or alley. See also *abutting* and *adjacent*.

"Detached building or structure" means a building or structure that is not attached to any other building or structure by any means, has no roof, wall, floor, foundation, or structural support in common with any other building or structure and has no reliance on any other building or structure for support or structural integrity.

~~**"Vacationer" means any person enjoying a recess or leave of absence from their place of residence, the majority of whom are temporary occupants.**~~

SECTION 4. Chapter 17.12 *(Zoning Districts Established), Section 17.12.010 (Classification of zones),* is hereby amended to read as follows:

17.12.010 Classification of zones.

A. For the purpose of this title, the following zones are hereby established in the city:

Zone Description	Abbreviated Description
Residential, Single-~~Family~~Unit	~~R-1~~ R1
Residential, Roads End	~~R-1-RE~~ R1RE
Vacation Rental	VR
~~Recreation-Residential~~ Recreation Residential	~~R-R~~ RR
Residential, Multiple-Unit ~~Dwelling~~	~~R-M~~ RM
Professional Campus	PC
~~Recreation-Commercial~~ Recreation Commercial	RC
General Commercial	GC
Nelscott Plan District	NP
Oceanlake Plan District	OP

Zone Description	Abbreviated Description
Taft Village Core	TVC
Planned Industrial	PI
~~Marine-Waterway~~ Marine Waterway	~~M-W~~ MW
Natural Resource Overlay	NR
Park	P
Open Space	OS
Resort Community Commercial	RCC

SECTION 5. Chapter 17.16 *(Single-Unit Residential (R-1) Zone), Section 17.16.020 (Permitted uses),* Paragraph A. (*Residentia*l) is hereby amended to read as follows:

1. ~~Single-family~~ Single-unit dwellings;

SECTION 6. Chapter 17.16 *(Single-Unit Residential (R-1) Zone), Section 17.16.050 (Restrictions),* is hereby amended to read as follows:

~~**17.16.050 Restrictions.**~~
~~**No development shall occur unless all city services are available except as provided in LCMC 17.52.120(A).**~~

SECTION 7. Chapter 17.16 *(Single-Unit Residential (R-1) Zone), Section 17.16.070 (Lot requirements),* is hereby amended to read as follows:

17.16.070 Lot requirements.

The map designations ~~**R-1-5, R-1-7.5 and R-1-10**~~ **R1-5, R1-7.5, and R1-10** create separate single-unit residential zoning classifications as though separately listed in LCMC 17.12.010. Lot requirements for the zoning classifications designated on the zoning map shall be as follows:

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Setback~~(3)~~ (1)	Side Setback	Street Side Setback~~(3)~~ (1)	Rear Setback	Maximum Building Coverage~~(5)~~ (3)
~~R-1-5~~ R1-5	5,000 sq. ft.	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)~~ (2)

REQUIRED MINIMUMS					
~~R-1-7.5~~ R1-7.5	7,500 sq. ft.	70' detached; 35' attached	80'	same as above	35%~~(4)~~ (2)
~~R-1-10~~ R1-10	10,000 sq. ft.	80'	80'	same as above	35%~~(4)~~ (2)

~~**(1) For one-story structures.**~~

~~**(2) For structures more than one story.**~~

(1) ~~**(3)**~~ The front and street side setbacks 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 requirements of LCMC 17.52.060 shall apply.

(2) ~~**(4)**~~ For existing lots between 3,000 sq. ft. and 4,000 sq. ft., maximum building coverage shall be 40 percent. For existing lots less than 3,000 sq. ft., maximum building coverage shall be 50 percent.

(3) ~~**(5)**~~ See definition of "building coverage" in Chapter 17.08 LCMC.

SECTION 8. Chapter 17.16 *(Single-Unit Residential (R-1) Zone), Section 17.16.100 (Other Required conditions),* is hereby amended to read as follows:

17.16.100 Design features. ~~**Other required conditions.**~~

All single-unit dwellings (site-built, modular and manufactured homes) to be constructed or located in an ~~R-1~~ **R1** zone are encouraged to use at least two of the following design features on the front of the dwelling:

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. Offsets on building face or roof (minimum 16 inches).

SECTION 9. Chapter 17.17 *(Single-Unit Residential, Roads End (R-1-RE) Zone, Section 17.17.050 (Restrictions),* is hereby amended to read as follows:

17.17.050 Restrictions.

~~**A. No development shall occur unless all city services are available to serve such development, except as provided in LCMC 17.52.120(A);**~~

A. ~~**B.**~~ Lighting shall be as required by LCMC 17.52.150;

B. ~~**C.**~~ Fencing may not exceed three and one-half feet in height in a required front setback area or required street side setback area, or more than six feet in any other required setback area;

C. ~~**D.**~~ Planned unit developments that include housing incompatible with single-family R-1 zone are prohibited.

SECTION 10. Chapter 17.17 *(Single-Unit Residential, Roads End (R-1-RE) Zone, Section 17.17.070 (Lot requirements),* is hereby amended to read as follows:

17.17.070 Lot requirements.

Lot requirements shall be as follows:

A. The minimum lot area shall be 5,000 square feet.

B. The minimum lot width shall be 50 feet.

C. The minimum lot depth shall be 70 feet.

D. The minimum front setback shall be 20 feet. Except that the minimum setbacks from Logan Road need not exceed the average setback of buildings on all lots within 100 feet of the lot on the same side of the street which the proposed building is to be located and that abut Logan Road. The applicant shall retain the services of an Oregon-licensed land surveyor to prepare and submit a survey, at the applicant's sole cost and expense, when averaging is proposed to be used to determine the setback. The 20-foot front setback shall not apply to elevated decks that extend from the dwelling wall into the front setback; provided, that the lowest point of the elevated deck structure is a minimum of seven feet above grade and a minimum 15-foot setback is maintained. Permitted encroaching decks may be either cantilevered or supported by posts and beams if the posts and beams meet all building and fire code requirements, and the posts and beams are not within the minimum 15-foot setback.

E. The minimum interior side setback shall be seven and one-half feet**.** ~~**for single-story buildings and 10 feet for buildings with more than one story.**~~

F. The minimum street side setback shall be 20 feet, except that it may be one foot less for each two feet of front yard setback over the minimum, but not to less than 10 feet.

G. On corner lots, the clear-vision area requirement of LCMC 17.52.060 shall apply.

H. The minimum rear setback shall be seven and one-half feet**.** ~~**for single-story buildings and 10 feet for buildings with more than one story. In no case shall the distance between residential structures on the same lot or on adjacent lots be less than 10 feet.**~~

SECTION 11. Chapter 17.17 *(Single-Unit Residential, Roads End (R-1-RE) Zone, Section 17.17.100 (Other required conditions),* is hereby amended to read as follows:

17.17.100 Design features. ~~Other required conditions~~.

All single-unit dwellings (site-built, modular and manufactured homes) to be constructed or located in **~~an R-1~~ the R1RE** zone are encouraged to use at least two of the following design features on the front of the dwelling:

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. Offsets on building face or roof (minimum 16 inches.

SECTION 12. Chapter 17.20 *(Multiple-Unit Residential (R-M) Zone), Section 17.20.010 (Purpose),* is hereby amended to read as follows:

17.20.010 Purpose.

The multiple-unit residential **~~(R-M)~~ (RM)** zone allows and encourages higher-density residential uses that blend a range of housing types with the surrounding neighborhood, in a compact, aesthetic, and walkable development pattern.

SECTION 13. Chapter 17.20 *(Multiple-Unit Residential (R-M) Zone), Section 17.20.100 (Restrictions),* is hereby amended to read as follows:

~~**17.20.110 Restrictions.**~~

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

SECTION 14. Chapter 17.24 *(Professional Campus (PC) Zone), Section 17.24.090 (Other required conditions),* is hereby amended to read as follows:

~~**17.24.090 Other required conditions.**~~

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

SECTION 15. Chapter 17.28 *(Recreation-Commercial (R-C) Zone), Section 17.28.010 (Purpose),* is hereby amended to read as follows:

17.28.010 Purpose.

The **~~recreation-commercial~~** **recreation commercial** zone (RC) is provided for those commercial uses having a definite relationship to the community's resort and recreation industry. Allowed herein are uses that provide food, lodging, recreational activities and services that have a resort rather than a carnival character. Residential multifamily housing is also permitted which meets demands for housing in areas of concentrated recreation services, including seasonal and retirement homes.

SECTION 16. Chapter 17.28 *(Recreation-Commercial (R-C) Zone), Section 17.28.100 (Other required conditions),* is hereby amended to read as follows:

17.28.100 Design features. ~~Other required conditions.~~

~~A. No development shall occur in the RC zone unless all city services (sewer and water) are available to serve such development.~~

~~B.~~ A. ~~Design Features.~~ All single-unit (site-built, modular and manufactured homes) to be constructed or located in the RC zone are encouraged to use at least two of the following design features along the front of the dwelling:

1. Dormers;
2. Gables;
3. Recessed entries;
4. Covered porch entries;
5. Cupolas;
6. Pillars or posts;
7. Bay or bow windows;
8. Eaves (minimum six-inch projection);
9. Offsets on building face or roof (minimum 16 inches).

~~C.~~ B. All commercial or mixed-use buildings in the RC zone must conform to Chapter 17.74 LCMC, Design Standards.

SECTION 17. Chapter 17.32 *(General-Commercial (G-C) Zone), Section 17.32.110 (Other required conditions),* is hereby amended to read as follows:

17.32.110 Other required conditions.

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

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

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

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

SECTION 18. Chapter 17.34 *(Nelscott Plan (NP) District),* Section 17.34.110 *(Restrictions),* is hereby amended to read as follows:

~~**17.34.110 Restrictions.**~~

~~**No development shall occur in the NP zone unless all city services (sewer and water) are available to serve such development.**~~

SECTION 19. Chapter 17.34 *(Nelscott Plan (NP) District),* Section 17.34.120 *(Conflicts),* is hereby amended to read as follows:

~~**17.34.120 Conflicts.**~~

~~**If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.**~~

SECTION 20. Chapter 17.36 *(Planned Industrial (PI)Zone),* Section 17.36.080 *(Other required conditions),* is hereby amended to read as follows:

17.36.080 Other required conditions.

A. Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

B. All operations, activities and storage may be maintained outside a building in a side or rear setback; provided, that such storage is separated from all rights-of-way and other property by a sight-obscuring fence, wall or vegetative hedge at least six feet in height.

C. Properties to be used for surface mining shall be enclosed on the boundaries by a sight-obscuring fence, wall or vegetative hedge at least six feet in height, except for reasonable areas of ingress and egress.

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

SECTION 21. Chapter 17.40 *(Recreation-Residential (R-R) Zone),* Section 17.40.010 *(Purpose),* is hereby amended to read as follows:

17.40.010 Purpose.

The ~~**recreation-residential**~~ **recreation residential** zoning district is intended to establish sites for a wide range of residential activities from weekend and seasonal residents to year-round residents in attached or detached single-unit dwellings, manufactured homes, and recreational vehicles sited on individual lots.

SECTION 22. Chapter 17.40 *(Recreation-Residential (R-R)Zone),* Section 17.40.020 *(Permitted uses),* introductory sentence, is hereby amended to read as follows:

17.40.020 Permitted uses.

In an ~~**R-R**~~ **RR** zone, the following uses are permitted:

SECTION 23. Chapter 17.40 *(Recreation-Residential (R-R)Zone),* Section 17.40.050 *(Restrictions),* is hereby amended to read as follows:

~~**17.40.050 Restrictions.**~~

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

SECTION 24. Chapter 17.45 *(Taft Village Core (TVC) Zone),* Section 17.45.110 *(Restrictions),* is hereby amended to read as follows:

~~**17.45.110 Restrictions.**~~

~~**No development shall occur in the TVC zone unless all city services (sewer and water) are available to serve such development.**~~

SECTION 25. Chapter 17.45 *(Taft Village Core (TVC) Zone),* Section 17.45.120 *(Conflicts),* is hereby amended to read as follows:

~~**17.45.120 Conflicts.**~~

~~**If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.**~~

SECTION 26. Chapter 17.50 *(OceanLake (OP) Plan),* Section 17.50.110 *(Restrictions),* is hereby amended to read as follows:

~~**17.50.110 Restrictions.**~~

~~**No development shall occur in the TVC zone unless all city services (sewer and water) are available to serve such development.**~~

SECTION 27. Chapter 17.50 *(OceanLake (OP) Plan),* Section 17.50.120 *(Conflicts),* is hereby amended to read as follows:

~~**17.50.120 Conflicts.**~~

~~**If conflicts occur between the requirements of this chapter and any other rules or regulations, the strictest requirement shall apply.**~~

SECTION 28. Chapter 17.74 *(Design Standards),* Section 17.74.030 *(Exceptions),* is hereby amended to read as follows:

17.74.030 Exceptions.

A. Routine Repairs and Maintenance. Routine repairs and maintenance are exempt from **Chapter 17.74.** ~~**these standards.**~~

B. Additions or Expansion. Additions to or expansions of an existing building or structure are exempt from **Chapter 17.74.** ~~**standards contained in this chapter.**~~

C. Residential ~~**Dwellings**~~. **All residential developments, buildings, and structures other than multi-unit residential developments, buildings and structures and mixed-use buildings are exempt from Chapter 17.74.** ~~**Detached single-unit dwellings, attached single-unit dwellings, attached single-unit dwelling developments, duplexes, and manufactured homes in any zone are exempt from all requirements of this chapter.**~~

D. Accessory Structures or Buildings. Accessory structures or buildings are exempt from Chapter 17.74.

SECTION 29. Measure 49 Reservation.

Notwithstanding the amendments in this ordinance, in the event a Measure 49 claim results in setting aside the provisions of this Ordinance, the Chapters amended herein, as they existed prior to the effective date of this ordinance, are preserved in their entirety for purposes of application of such regulations to residential compensation claims, if any, made pursuant to Ballot Measure 49.

SECTION 30. 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 31. 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 32. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 33. 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 Abbreviations shall be made consistent throughout the Code –for example R-1 will be R1 and so on (see Section 3 above) sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 29- 33) 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 April, 2023 (First Reading) and on the 10th day of April, 2023 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of April, 2023.

_____

SUSAN WAHLKE, MAYOR

ATTEST:

_____

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

_____

RICHARD APPICELLO, CITY ATTORNEY

EXHIBIT A – FINDINGS FOR ORDINANCE 2023-04

Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. No city-wide notice was provided as the amendment does not rezone property or change permitted uses. Notice to DLCD was properly made on January 25, 2023, and February 17, 2023. Notices for the public hearings before the City Council on April 10, 2023, and the Planning Commission on March 21, 2023, were also published in the local newspaper as required by City Code on March 7, 2023, and March 14, 2023.

Summary

ZOA 2023-01 proposes amending Lincoln City Municipal Code (LCMC) Title 17 to revise Chapter 17.08 Definitions; simplify zone titles and abbreviations by eliminating the hyphen; simplify setback language; consolidate development restriction of all city services to Chapter 17.04 and add exception for houses; clarify exemption of residential from design standards; and add exemption of accessory structures from design standards.

The findings in support of the application as contained in the staff supporting materials and the Planning Commission staff report, together with other correspondence in favor of the amendment, are hereby incorporated herein by this reference.

No written or oral comments were received**.**

Applicable Criteria:

LCMC 17.77.130 provides, (<u>emphasis added</u>):

> **17.77.130 Text amendment.**
>
> A. Purpose. The text amendment process shall be used for legislative amendments to LCMC Title 16, this title, or the comprehensive plan. Such amendments are necessary to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.
>
> B. Procedure. Text amendments are subject to the Type IV procedure, as described in LCMC 17.76.060. However, the director is authorized to make typographical, grammatical and cross-referencing corrections as needed without initiating the text amendment process.

C. Submittal Requirements. Type IV application submittal requirements are set forth in LCMC 17.76.060.

D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and

2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Text amendments are not subject to expiration.

G. Extension of a Decision. Text amendments are not subject to extension.

Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:

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 the proposal (amendment) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, 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 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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

(3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendment is located within the city's urban growth boundary. The city is currently 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 zoning ordinance amendment is 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 amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment 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 by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment 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 ordinance amendment does not relate to recreation as that term is used in this goal and does not adversely affect the provision of or ability to site recreational areas in the city. The amendment 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 proposed ordinance amendment does not relate to economic development as that term is used in this goal and does not adversely affect the provision of or ability to site businesses in the city. The amendment is consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The amendment does not directly impact housing, except that elimination of the more restrictive setback for multi-story houses will encourage additions to existing houses and will encourage houses on smaller lots. The addition of the exception to allow houses without city water or city sewer will encourage housing in those areas that don't have city water and city sewer readily available. The amendment 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 amendment does not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendment does not relate directly to energy conservation. Goal 13 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 amendment does not directly relate or pertain to the urbanization of Lincoln City. Accordingly, Goal 14 is met or 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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already

controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is 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. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

(18) 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."

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 amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is 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 amendment does not, on its own, affect an ocean resources. Therefore, the amendment is 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 preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is 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 through publication in the local newspaper and review of the amendment by the Planning Commission (a citizen board) and the City Council (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 complement the area and serve as a framework for urban and rural development."

The proposed amendment does not directly relate to public services and utilities. Accordingly, this goal is not applicable.

(4) Urbanization Goal

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

The amendment does not relate directly to urbanization, so this 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 amendment on its own does 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 amendment is consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendment does not directly impact housing, except that elimination of the more restrictive setback for multi-story houses will encourage additions to existing houses and will encourage houses on smaller lots. The addition of the exception to allow houses without city water or city sewer will encourage housing in those areas that don't have city water and city sewer readily available. The amendment is 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."

The proposed ordinance amendment does not relate to economic development as that term is used in this goal and does not adversely affect the provision of or ability to site businesses in the city. The amendment is 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."

The amendment does not specifically relate to aesthetics. This goal is met or is not applicable.

(9) Transportation Goal

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

The amendment does not directly relate to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendment does not pertain to energy conservation, so this 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."

By itself, the amendment does not allow development in sensitive natural resource areas. The existing ordinances and plan requirements relating to protection the natural environment will continue to apply to all properties with natural resource areas. This amendment will 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 amendment on its own does 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 existing ordinances and comprehensive plan standards apply to any areas impacted by this amendment, thereby protecting these resources. The amendment is consistent with this goal.

Council Communication

Ordinance 2023-05 (CPA ZC 2023-01, 02, 03 and 04) Villages Map & Zone Changes

Meeting Date:	April 10, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2023-05 entitled:

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO OPEN SPACE AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM R-1-7.5 (SINGLE FAMILY RESIDENTIAL) TO OPEN SPACE FOR FOUR CITY-OWNED PROPERTIES WITHIN THE VILLAGES AT CASCADE HEAD, INCLUDING TAX LOTS: [06-11-26-00-00500-00 (OPEN SPACE), 06-11-35-00-00404-00 (OPEN SPACE), 06-11-35-00-02100-00 (OPEN SPACE), 06-11-35-DB-00300-00 (OPEN SPACE)

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2023-05 and, *if unanimous,* Conduct and approve Second Reading and adopt the ordinance. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

See Public Hearing Staff Report for CPA ZC 2023-01, CPA ZC 2023-02, CPA ZC 2023-03, & CPA ZC 2023-04, on this Agenda.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to April 24, 2023, [or]

3. Continue First Reading to April 24, 2023.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO OPEN SPACE AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM R-1-7.5 (SINGLE FAMILY RESIDENTIAL) TO OPEN SPACE FOR FOUR CITY-OWNED PROPERTIES WITHIN THE VILLAGES AT CASCADE HEAD, INCLUDING TAX LOTS: [06-11-26-00-00500-00 (OPEN SPACE), 06-11-35-00-00404-00 (OPEN SPACE), 06-11-35-00-02100-00 (OPEN SPACE), 06-11-35-DB-00300-00 (OPEN SPACE)

Council:

Motion to approve First Reading of Ordinance 2023-05.

If unanimous: City Attorney conducts Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2023-05.

[or]

2. Motion to set Second Reading for April 24, 2023.

Attachments:

Ordinance 2023-05 final 4-3-23 (DOCX)
Ord 2023-05 Exhibit A (PDF)
Ord 2023-05 Exhibit B (PDF)

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO OPEN SPACE AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM R-1-7.5 (SINGLE FAMILY RESIDENTIAL) TO OPEN SPACE FOR FOUR CITY-OWNED PROPERTIES WITHIN THE VILLAGES AT CASCADE HEAD, INCLUDING TAX LOTS: [06-11-26-00-00500-00 (OPEN SPACE), 06-11-35-00-00404-00 (OPEN SPACE), 06-11-35-00-02100-00 (OPEN SPACE), 06-11-35-DB-00300-00 (OPEN SPACE)

*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. The proposed amendments 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"; and

B. This amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

C. The City of Lincoln City on January 30 2023, duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610 of its consideration of the proposed comprehensive plan and zoning map amendments; Notice was mailed to owners of all properties within 500 feet of the site on February 28, 2023. The News Guard published notice of hearing on March 7, 2023; and

D. The Planning Commission, on March 21, 2023 conducted a public hearing and considered the amendments contained within this ordinance. The final written recommendation was approved and forwarded to the City Council on March 21, 2023; The Planning Commission continued a proposed amendment for one of the noticed tax lots (not included in this ordinance) and recommended Open Space, instead of the Park designation for all the lots); and

E. The City Council conducted a public hearing on April 10, 2023, closed the hearing, closed the record and deliberated on the proposed amendments; Council directed that an ordinance be brought back for required readings and adoption.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Comprehensive Plan Map Amendment (CPA ZC 2023-01). The City Council hereby amends the Lincoln City Comprehensive Plan Map, Ordinance 84-01, as amended, for Lincoln County Assessor's Map Tax Lot 06-11-26-00-00500-00, to change the current Resort Residential Mixed Structure (formerly Medium Density Residential) designation to Open Space. This amendment concerns approximately 97 acres and includes lands (Knoll – approximately 35 acres) previously changed to Open Space in Ordinance 2014-31. Similarly the Resort Residential Mixed Structure (RRMS) FLUM designation placed on the remainder of the tax lot by Section 1, Exhibits B and C of Ordinance 2019-41 is hereby amended to reflect the Open Space designation, the removal of RRMS and removal of the "Future Residential" note. Exhibits B and C of Ordinance 2019-40 are also hereby amended to reflect the Open Space designation for the entirety of the tax lot, to remove RRMS designation and to remove the note "Future Residential" on the concept plans. Finally, the requirement for a Conservation Easement in Ordinance 2019-39 is not required for Open Space property, such as the above Tax Lot, to be held by the City.

SECTION 2. Zoning District Map Amendment. (CPA ZC 2023-01). The City Council hereby amends the Lincoln City Zoning District Map, Ordinance 84-02, as amended, for Lincoln County Assessor's Map Tax Lot 06-11-26-00-00500-00, to change the current designation of R-1-7.5 (Single-Unit Residential District) to Open Space. This amendment concerns approximately 97 acres and includes lands (Knoll – approximately 35 acres) previously changed to Open Space in Ordinance 2014-31. The area subject to the change described in Paragraphs 1 and 2 is set forth in Exhibit B1 attached hereto and made a part hereof by this reference.

SECTION 3. Comprehensive Plan Map Amendment. (CPA ZC 2023-02). The City Council hereby amends the Lincoln City Comprehensive Plan Map, Ordinance 84-01, as amended, for Lincoln County Assessor's Map Tax Lot 06-11-35-00-00404-00, to change the current Resort Residential Mixed Structure (formerly Medium Density Residential) designation to Open Space. This amendment concerns approximately .07 acres. Similarly the Resort Residential Mixed Structure (RRMS) FLUM designation placed on the tax lot by Section 1, Exhibits B and C of Ordinance 2019-41 is hereby amended to reflect the Open Space designation. Exhibits B and C of Ordinance 2019-40 are also hereby amended to reflect the Open Space designation for the tax lot.

SECTION 4. Zoning District Map Amendment. (CPA ZC 2023-02). The City Council hereby amends the Lincoln City Zoning District Map, Ordinance 84-02, as amended, for Lincoln County Assessor's Map Tax Lot 06-11-35-00-00404-00 to change the current designation of R-1-7.5 (Single-Unit Residential District) to Open Space. This amendment concerns approximately .07 acres. The area subject to the change described in Paragraphs 3 and 4 is set forth in Exhibit B2 attached hereto and made a part hereof by this reference.

SECTION 5. Comprehensive Plan Map Amendment. (CPA ZC 2023-03). The City Council hereby amends the Lincoln City Comprehensive Plan Map, Ordinance 84-01, as

amended, for Lincoln County Assessor's Map Tax Lot 06-11-35-00-02100-00, to change the current Resort Residential Mixed Structure (formerly Medium Density Residential) designation to Open Space. This amendment concerns approximately 3.82 acres. Similarly the Resort Residential Mixed Structure (RRMS) FLUM designation placed on the tax lot by Section 1, Exhibits B and C of Ordinance 2019-41 is hereby amended to reflect the Open Space designation. Exhibits B and C of Ordinance 2019-40 are also hereby amended to reflect the Open Space designation for the tax lot.

SECTION 6. Zoning District Map Amendment. (CPA ZC 2023-03). The City Council hereby amends the Lincoln City Zoning District Map, Ordinance 84-02, as amended, for Lincoln County Assessor's Map Tax Lot 06-11-35-00-02100-00, to change the current designation of R-1-7.5 (Single-Unit Residential District) to Open Space. This amendment concerns approximately 3.82 acres. The area subject to the change described in Paragraphs 5 and 6 is set forth in Exhibit B3 attached hereto and made a part hereof by this reference.

SECTION 7. Comprehensive Plan Map Amendment. (CPA ZC 2023-04). The City Council hereby amends the Lincoln City Comprehensive Plan Map, Ordinance 84-01, as amended, for Lincoln County Assessor's Map Tax Lot 06-11-35-DB-00300-00 to change the current Resort Residential Mixed Structure (formerly Medium Density Residential) designation to Open Space. This amendment concerns approximately 1.71 acres. Similarly the Resort Residential Mixed Structure (RRMS) FLUM designation placed on the tax lot by Section 1, Exhibits B and C of Ordinance 2019-41 is hereby amended to reflect the Open Space designation. Exhibits B and C of Ordinance 2019-40 are also hereby amended to reflect the Open Space designation for the tax lot.

SECTION 8. Zoning District Map Amendment. (CPA ZC 2023-04). The City Council hereby amends the Lincoln City Zoning District Map, Ordinance 84-02, as amended, for Lincoln County Assessor's Map Tax Lot 06-11-35-DB-00300-00, to change the current designation of R-1-7.5 (Single-Unit Residential District) to Open Space. This amendment concerns approximately 1.71 acres. The area subject to the change described in Paragraphs 7 and 8 is set forth in Exhibit B4 attached hereto and made a part hereof by this reference.

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.

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 April, 2023 (First Reading) and on the 10th day of April, 2023 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of April, 2023.

_____
SUSAN WAHLKE, MAYOR

ATTEST:

_____
JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-01

Date: March 29, 2023

Case File: CPA ZC 2023-01

Property Owner: City of Lincoln City
PO Box 50
Lincoln City, OR 97367

Situs Address: Unaddressed

Location: Approx. 425 feet east of NE Neptune Dr and 1,500 feet north of NE Sal La Sea Dr

Tax Map and Lot: 06-11-26-00-00500-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Unit Residential (R-1-7.5) Zone

Site Size: Approximately 97 acres, half of which is already zoned OS

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: Open Space; OS
South: Undeveloped; R-1-7.5
East: Siuslaw National Forest; unincorporated Lincoln County
West: Undeveloped forested area; unincorporated Lincoln County

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.

Exhibit A

Applicable	Oregon Statewide Planning Goals
Substantive	Lincoln City Comprehensive Plan
Criteria:	LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is unaddressed and identified as Tax Map 06-11-26-00-00500-00. A portion of the site is zoned Open Space. The western edge of the site and the eastern one-third of the site are zoned R-1-7.5. North of the site is a forested, undeveloped area that is zoned Open Space. The Siuslaw National Forest is to the east of the site in unincorporated Lincoln County, owned by the United States of America. West of the site is an undeveloped and forested area in unincorporated Lincoln County. South of the site is undeveloped property owned by Lincoln City, zoned R-1-7.5.

The site contains an abundance of natural resources. These resources include trees, vegetation, meadows, wildlife, and Logan Creek. The site also contains The Knoll, which is a little sister to Cascade Head, and within the UNESCO Biosphere Reserve.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and the record was closed. The Planning Commission voted to recommend that City Council approve the comprehensive plan map amendment and zone change to Open Space.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the OS zone to align with its use as The Knoll, and adjacent to a national forest. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

No development is allowed in the open space zone. Public facilities and services will not be necessary for the site to remain in use as open space. This goal is not applicable.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal is 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 city's maps show the site does not contain any natural hazards. Goal 5 is not applicable.

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is in use as designated open space. Designated open space is precluded from development. Goal 6 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and is a feature regularly utilized by tourists. Staff finds this goal is either not applicable to the request or 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 site does not contain any aesthetic resources, but it is preserved and used as open space. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, meadows, and trees, all of which serve to preserve the aesthetic quality of the area. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is open space and will remain undeveloped. Residents and visitors can access the site via NE Devils Lake Blvd from Hwy 101. This goal is satisfied or not applicable.

10. Energy Goal

"To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The goal, therefore, is satisfied or 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 entire site will be preserved as open space in its natural state. 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 site does not contain any shoreland, beaches, dunes estuaries, or ocean resources and is more than a mile from the Pacific Ocean. Rezoning of the site will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 snch decisions and actions."

The City Council adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as open space, which will also protect the natural resources on the site and conserve the scenic area on the site. The proposal 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."

Exhibit A

The proposal will preserve the site as open space, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subjeet to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site is does not contain any natural disaster and hazards areas. The proposal 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."

The site will be preserved as open space for the viewing pleasure of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's Urban Growth Boundary and proposed for use as open space. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. A preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is in use as designated open space. Designated open space is precluded from development. Goal 10 is not applicable.

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 site is open space and will remain undeveloped. Utilities and services are available at the site. The request is consistent with Goal 11, or Goal 11 is not applicable.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is open space and will remain undeveloped. Residents and visitors can access the site via NE Devils Lake Blvd from Hwy 101, both of which are public streets. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the open space and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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 are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

Goal 18 – "Beaches and Duues" "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 proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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."

Since the area of the proposed amendment and zone change is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the city's Shoreland,

Exhibit A

Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-02

Date: March 29, 2023

Case File: CPA ZC 2023-02

Property Owner: City of Lincoln City
PO Box 50
Lincoln City, OR 97367

Situs Address: Unaddressed

Location: East of unimproved NE Sal La Sea Dr, 300 feet northeast of unimproved NE Quay Ct

Tax Map and Lot: 06-11-35-00-00404-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Unit Residential (R-1-7.5) Zone

Site Size: Approximately 0.07 acres

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: Unimproved NE Sal La Sea Dr, undeveloped lots; R-1-RE
South: Undeveloped, wetlands; R-1-7.5
East: Undeveloped, wetlands; R-1-7.5
West: Unimproved NE Sal La Sea Dr, undeveloped lots; R-1-RE

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.

Exhibit A

Applicable	Oregon Statewide Planning Goals
Substantive	Lincoln City Comprehensive Plan
Criteria:	LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is unaddressed and identified as Tax Map 06-11-35-00-00400-00. Immediately to the north and to the west of the site is unimproved NE Sal La Sea Dr. North and west of the unimproved street are undeveloped platted lots (part of the Sal-La-Sea plat recorded in 1964) in the R-1-RE zone. East and south of the site is undeveloped land that contains wetlands and is part of The Villages. The site is in the R-1-7.5 zone, triangular in shape, and relatively small at 0.07 acres.

Almost the entire site is designated as significant wetland. Along with the significant wetland, the site contains trees, vegetation, wildlife, and Logan Creek.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and the record were closed. Planning Commission voted unanimously to recommend that City Council approve the comprehensive plan map amendment and zone change to Open Space.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the OS zone to align with its use as significant wetland, and adjacent to other significant wetland. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

No development is allowed in the open space zone. Public facilities and services will not be necessary for the site to remain in use as open space. This goal is not applicable.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal is 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 city's maps show the site does not contain any natural hazards. Goal 5 is not applicable.

Exhibit A

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is largely significant wetland. Significant wetland is precluded from development. Goal 6 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and tourists for viewing the significant wetland and the vegetation and habitat contained therein. Staff finds this goal is either not applicable to the request or 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 site does not contain any aesthetic resources, but it is significant wetland. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, wetland, and habitat, all of which serve to preserve the aesthetic quality of the area. The reqnest is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is open space and significant wetland and will remain undeveloped. The site is accessible to pedestrians through unimproved NE Sal La Sea Dr. This goal is satisfied or not applicable.

10. Energy Goal

"To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The goal, therefore, is satisfied or 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 entire site will be preserved as open space in its natural state. 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 site does not contain any shoreland, beaches, dunes estuaries, or ocean resources and is more than a mile from the Pacific Ocean. Rezoning of the site will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 continuons 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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as open space, which will also protect the natural resources on the site and conserve the scenic area on the site. The proposal is consistent with Goal 5.

Exhibit A

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 proposal will preserve the site as open space, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site is does not contain any natural disaster and hazards areas. The proposal 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."

The site will be preserved as open space for the viewing pleasure of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's urban growth boundary and proposed for use as open space. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. A preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is significant wetland. Significant wetland is precluded from development. Goal 10 is not applicable.

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 site is significant wetland and will remain undeveloped. Utilities and services are available at the site. The request is consistent with Goal 11, or Goal 11 is not applicable.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is significant wetland and will remain undeveloped. Residents and visitors can access the site via unimproved NE Sal La Sea Dr. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the open space and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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 are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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 proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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."

Exhibit A

Since the area of the proposed amendment and zone change is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-03

Date: March 29, 2023

Case File: CPA ZC 2023-03

Property Owner: City of Lincoln City
PO Box 50
Lincoln City, OR 97367

Situs Address: Unaddressed

Location: East of unimproved NE Sal La Sea Dr at NE Quay Ct

Tax Map and Lot: 06-11-35-00-02100-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Unit Residential (R-1-7.5) Zone

Site Size: 3.82 acres

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: Unimproved NE Sal La Sea Dr, undeveloped lots; R-1-RE
South: Undeveloped, wetlands; R-1-7.5
East: Undeveloped, wetlands; R-1-7.5
West: Unimproved NE Sal La Sea Dr, undeveloped lots; R-1-RE

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.

Exhibit A

Applicable Substantive Criteria:	Oregon Statewide Planning Goals Lincoln City Comprehensive Plan LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is unaddressed and identified as Tax Map 06-11-35-00-02100-00. The site is Tract 14 in Rock Creek Village, platted as a 3.82-acre tract in the R-1-7.5 zone. To the north and east of the site is Lot 12 of Rock Creek Village, which contains 18.87 acres, also in the R-1-7.5 zone. West of the site is unimproved NE Sal La Sea Dr. South of the site is outside of city limits in unincorporated Lincoln County.

Almost the entire site is designated as significant wetland. Along with the significant wetland, the site contains trees, vegetation, wildlife, and Logan Creek. The site is platted as a tract, not as a lot for development.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and record were closed. The Planning Commission voted three in favor (Baker, Bunnett, Vincent) and one against (Blackerby) to recommend that City Council approve a change to Open Space.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the OS zone to align with its use as significant wetland, and adjacent to other significant wetland. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

No development is allowed in the open space zone, so public facilities are not necessary for the site to remain in use as an open space tract. This goal is met or is not applicable.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal is 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 city's maps show the site does not contain any natural hazards. Goal 5 is not applicable.

Exhibit A

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is largely significant wetland. Significant wetland is precluded from development. Goal 6 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and tourists for viewing the significant wetland and the vegetation and habitat contained therein. Staff finds this goal is either not applicable to the request or 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 site does not contain any aesthetic resources, but it is significant wetland. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, wetland, and habitat, all of which serve to preserve the aesthetic quality of the area. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is significant wetland and a platted tract, so it will remain undeveloped. The site is accessible to pedestrians through unimproved NE Sal La Sea Dr. This goal is satisfied or not applicable.

10. Energy Goal

"To conserve energy."

The site will remain undeveloped as significant wetland open space. No energy will be expended in open space use. The goal, therefore, is satisfied or 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 entire site will be preserved as open space in its natural state. 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 site does not contain any shoreland, beaches, dunes, estuaries, or ocean resources and is more than a mile from the Pacific Ocean. Rezoning of the site will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as an open space, which will also protect the natural resources on the site and conserve the scenic area on the site. The proposal is consistent with Goal 5.

Exhibit A

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 proposal will preserve the site as a natural open space, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site does not contain any natural disaster and hazards areas. The proposal 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."

The site will be preserved as an undeveloped open space for the viewing pleasure of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's urban growth boundary and proposed for use as open space. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. A preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is significant wetland. Significant wetland is precluded from development. Goal 10 is not applicable.

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 site is significant wetland and will remain undeveloped as a natural open space. Utilities and services are not necessary for a natural open space. The request is consistent with Goal 11, or Goal 11 is not applicable.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is significant wetland and will remain undeveloped. Residents and visitors can access the site via unimproved NE Sal La Sea Dr. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain undeveloped as natural open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the park and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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 are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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 proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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."

Exhibit A

Since the area of the proposed amendment and zone change is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-04

Date: March 29, 2023

Case File: CPA ZC 2023-04

Property Owner: City of Lincoln City
PO Box 50
Lincoln City, OR 97367

Situs Address: Unaddressed

Location: 50 feet south of NE Devils Lake Blvd, 750 feet east of NE Voyage Wy

Tax Map and Lot: 06-11-35-DB-00300-00

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Unit Residential (R-1-7.5) Zone

Site Size: 1.71 acres

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: NE Devils Lake Blvd, undeveloped; R-1-7.5
South: Undeveloped Lot 5 of Rock Creek Village; R-1-7.5
East: Undeveloped Lot 7 of Rock Creek Village; R-1-7.5
West: Undeveloped, wetland; R-1-7.5

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.

Exhibit A

Applicable Substantive Criteria:	Oregon Statewide Planning Goals Lincoln City Comprehensive Plan LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is unaddressed and identified as Tax Map 06-11-35-DB-00300-00. The site is Tract 8 in Rock Creek Village, platted as a 1.71-acre tract in the R-1-7.5 zone. North of the site is NE Devils Lake Blvd and north of that is undeveloped land in the R-1-7.5 zone. East of the site is undeveloped Lot 7 of Rock Creek Village, which contains 4.26 acres, also in the R-1-7.5 zone. West of the site is undeveloped wetland in the R-1-7.5 zone. South of the site is Lot 5 of Rock Creek Village, containing 5.04 acres of undeveloped land in the R-1-7.5 zone.

Almost the entire site is designated as significant wetland. Along with the significant wetland, the site contains trees, vegetation and wildlife. The site is platted as a tract, not as a lot for development.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and the record were closed. The Planning Commission recommended three in favor (Baker, Bunnett, and Vincent) and one opposed (Blackerby) to recommend that City Council approve the change to Open Space.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the OS zone to align with its use as significant wetland, and adjacent to other significant wetland. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "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, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

No development is allowed in the open space zone. Public facilities are not necessary for the site to remain in use as an undeveloped open space tract. This goal is not applicable or is met.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal is 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 city's maps show the site does not contain any natural hazards. Goal 5 is not applicable.

Exhibit A

6. Housing Goal

"To provide for the housing needs of all citizens."

The site is largely significant wetland. Significant wetland is precluded from development. Goal 6 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and tourists for viewing the significant wetland and the vegetation and habitat contained therein. Staff finds this goal is either not applicable to the request or 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 site does not contain any aesthetic resources, but it is significant wetland. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, wetland, and habitat, all of which serve to preserve the aesthetic quality of the area. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is significant wetland and a platted tract, so it will remain undeveloped. The site is accessible to pedestrians through unimproved NE Sal La Sea Dr. This goal is satisfied or not applicable.

10. Energy Goal

"To conserve energy."

The site will remain undeveloped as significant wetland.. No energy will be expended in development or use. The goal, therefore, is satisfied or 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 entire site will be preserved as open space in its natural state. 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 site does not contain any shoreland, beaches, dunes estuaries, or ocean resources and is more than a mile from the Pacific Ocean. Rezoning of the site will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

Goal 2 – "Land Usc 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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultnral Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as an open space area, which will also protect the natural resources on the site and conserve the scenic area on the site. The proposal is consistent with Goal 5.

Exhibit A

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 proposal will preserve the site as a natural open space, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site is does not contain any natural disaster and hazards areas. The proposal 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."

The site will be preserved as an undeveloped open space for the viewing pleasure of residents and visitors as passive recreation. The proposal is 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."

The area affected by the proposed rezoning is within the city's urban growth boundary and proposed for use as open space. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. A preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is significant wetland. Significant wetland is precluded from development. Goal 10 is not applicable.

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 site is significant wetland and will remain undeveloped as a natural open space. Utilities and services are not necessary for open space. The request is consistent with Goal 11, or Goal 11 is not applicable.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is significant wetland and will remain undeveloped. Residents and visitors can access the site via unimproved NE Sal La Sea Dr. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain undeveloped as open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the park and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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 are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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 proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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."

Exhibit A

Since the area of the proposed amendment and zone change is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.

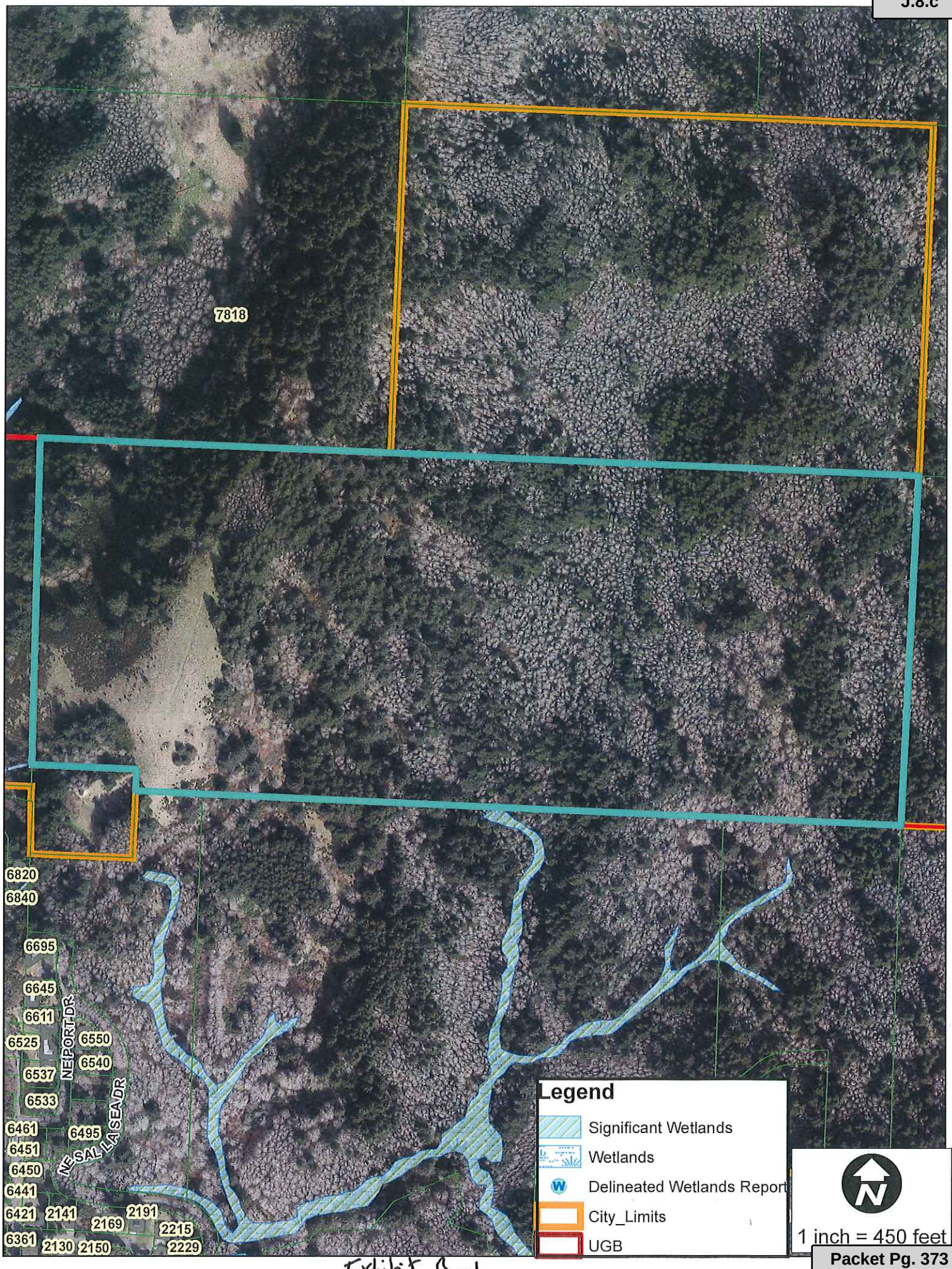

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2141
2191
2169
2215
6361
2130
2150
2229
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NE SAL LA SEA DR
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Significant Wetlands
Wetlands
Delineated Wetlands Report
City_Limits
UGB
1 inch = 450 feet

Exhibit B-1

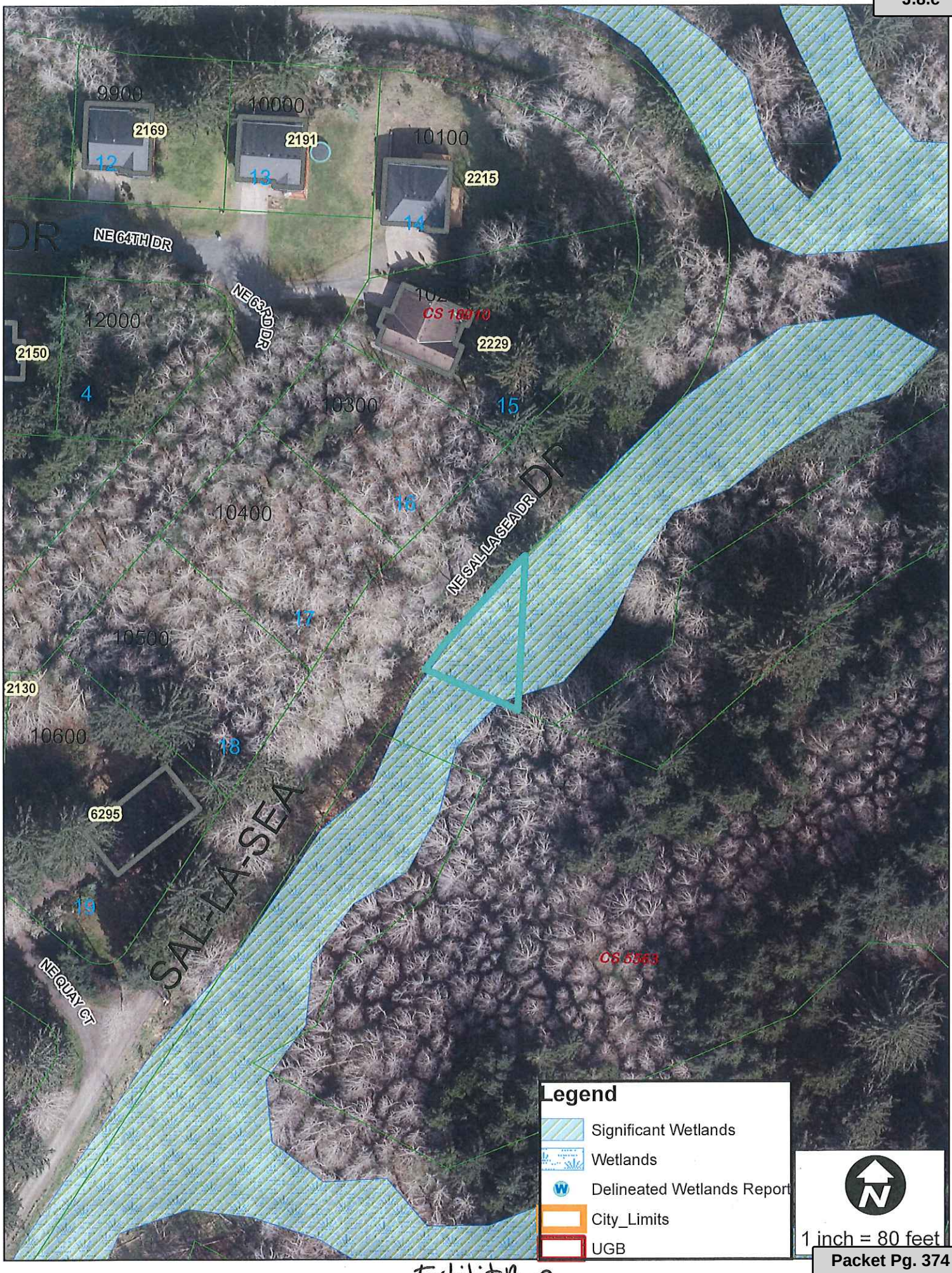

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10500
2130
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18
6295
SAL-LA-SEA
19
NE QUAY CT
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Significant Wetlands
Wetlands
Delineated Wetlands Report
City_Limits
UGB
N
1 inch = 80 feet

Exhibit B-2

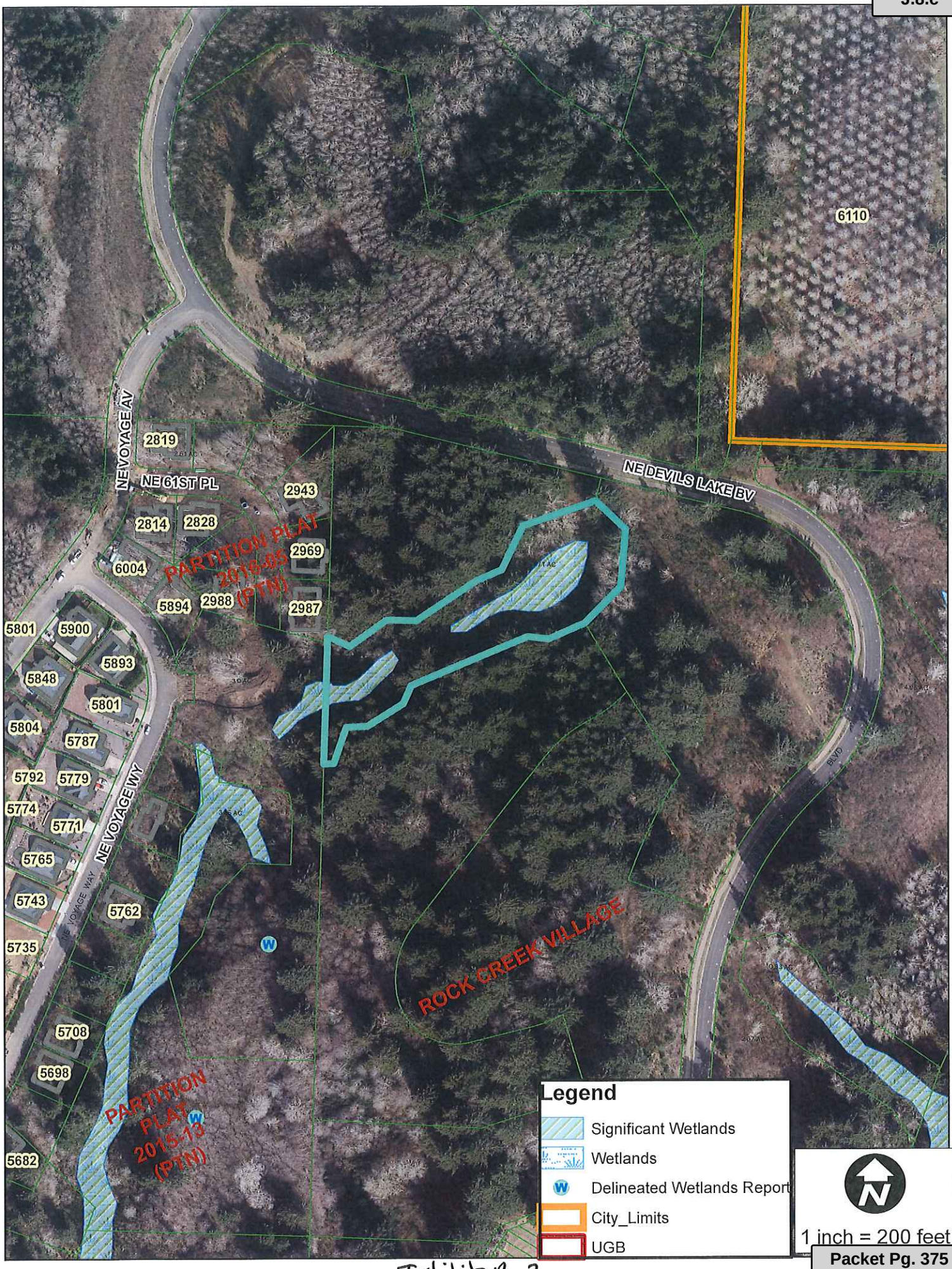

6110
NE DEVILS LAKE BV
NE VOYAGE AV
NE 61ST PL
2819
2943
2814
2828
2969
6004
PARTITION PLAT 2016-05 (PTN)
5894
2988
2987
5801
5900
5893
5848
5801
5804
5787
5792
5779
5774
5771
5765
5743
5762
5735
5708
5698
5682
NE VOYAGE WAY
NE VOYAGE WY
ROCK CREEK VILLAGE
PARTITION PLAT 2015-13 (PTN)
Legend
Significant Wetlands
Wetlands
Delineated Wetlands Report
City_Limits
UGB
1 inch = 200 feet

Exhibit B-3

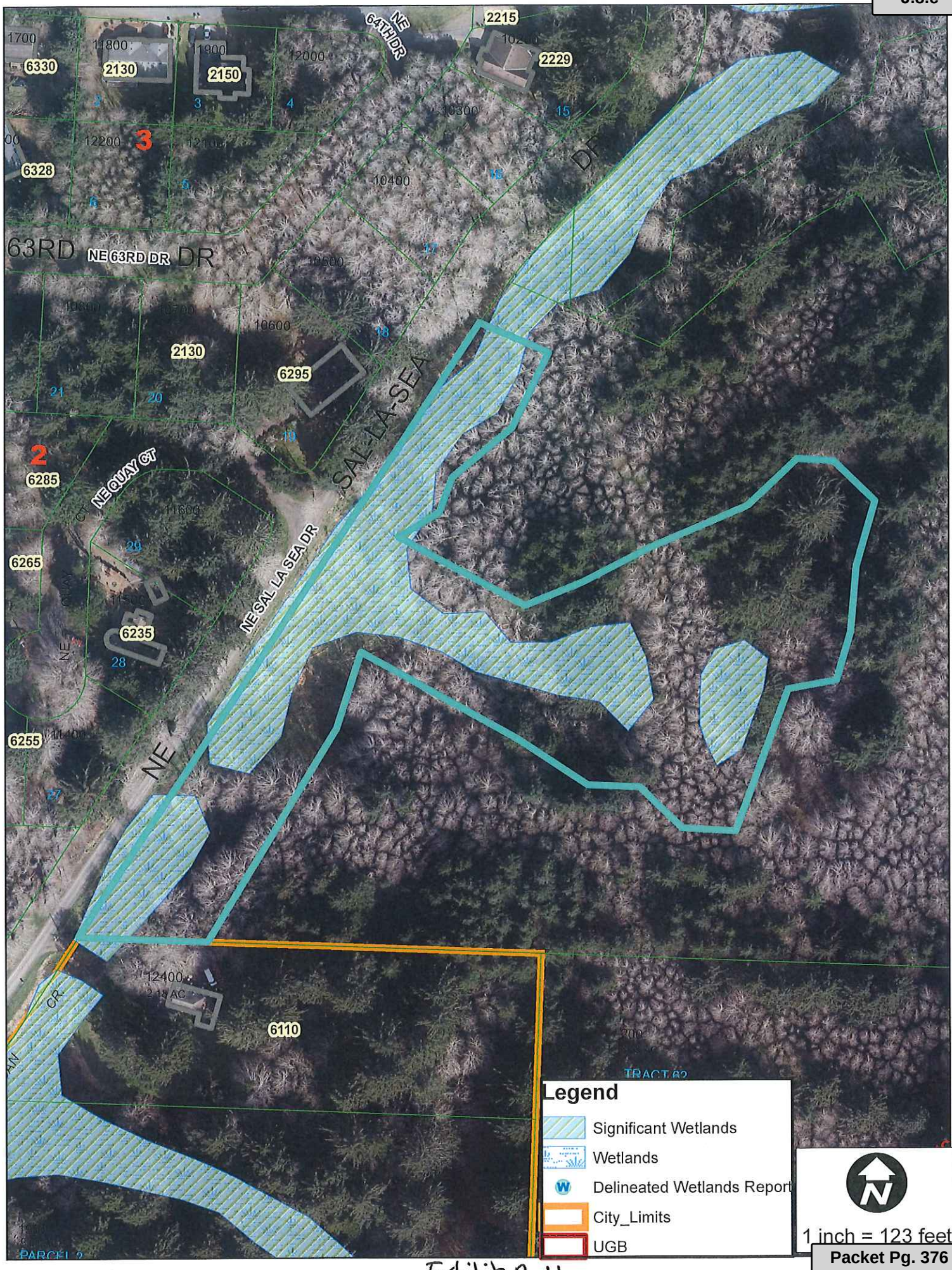

NE 64TH DR
63RD NE 63RD DR DR
SAL-LA-SEA
NE SAL LA SEA DR
NE QUAY CT
CT
NE
CR.
TRACT 62
PARCEL 2
1700
11800
11900
12000
2215
2229
6330
2130
2150
12200
3
6328
10400
10300
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17
10500
10600
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20
19
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6285
11600
29
6265
28
6235
6255
11400
27
12400
2.19 AC
6110
Legend
Significant Wetlands
Wetlands
Delineated Wetlands Report
City_Limits
UGB
1 inch = 123 feet

Exhibit B-4

Council Communication

Ordinance 2023-06 (CPA ZC 2023-06) D River Map & Zone Change

Meeting Date:	April 10, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	AnneMarie Skinner
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2023-06 entitled:

ORDINANCE NO. 2023-06

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RECREATION-COMMERCIAL TO PARK AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM RECREATION COMMERCIAL ZONE TO PARK FOR STATE-OWNED PROPERTY COMMONLY REFERRED TO AS THE D-RIVER WAYSIDE, INCLUDING TAX LOT: [07-11-15-AC-00101-00].

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2023-06 and, *if unanimous,* Conduct and approve Second Reading and adopt the ordinance. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

See Public Hearing Staff Report for CPA ZC 2023-06, on this Agenda.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.

2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to April 24, 2023, [or]

3. Continue First Reading to April 24, 2023.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2023-06

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RECREATION-COMMERCIAL TO PARK AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM RECREATION COMMERCIAL ZONE TO PARK FOR STATE-OWNED PROPERTY COMMONLY REFERRED TO AS THE D-RIVER WAYSIDE, INCLUDING TAX LOT: [07-11-15-AC-00101-00].

Council:

Motion to approve First Reading of Ordinance 2023-06.

If unanimous: City Attorney conducts Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2023-06.

   [or]

2. Motion to set Second Reading for April 24, 2023.

Attachments:

Ordinance 2023-06 (DOCX)
Ord 2023-06 Exhibit A (PDF)
Ord 2023-06 Exhibit B (PDF)

ORDINANCE NO. 2023-06

AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RECREATION-COMMERCIAL TO PARK AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM RECREATION COMMERCIAL ZONE TO PARK FOR STATE-OWNED PROPERTY COMMONLY REFERRED TO AS THE D-RIVER WAYSIDE, INCLUDING TAX LOT: [07-11-15-AC-00101-00].

*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. The proposed amendments 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"; and

B. This amendment is in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and

C. The City of Lincoln City on January 30 2023, duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610 of its consideration of the proposed comprehensive plan and zoning map amendments; Notice was mailed to owners of all properties within 500 feet of the site on February 28, 2023. The News Guard published notice of hearing on March 7, 2023; and

D. The Planning Commission, on March 21, 2023 conducted a public hearing and considered the amendments contained within this ordinance. The final written recommendation was approved and forwarded to the City Council on March 21, 2023; and

E. The City Council conducted a public hearing on April 10, 2023, closed the hearing, closed the record and deliberated on the proposed amendments; Council directed that an ordinance be brought back for required readings and adoption.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Comprehensive Plan Map Amendment (CPA ZC 2023-06). The City Council hereby amends the Lincoln City Comprehensive Plan Map, Ordinance 84-01, as amended, for Lincoln County Assessor's Map Tax Lot 07-11-15-AC-00101-00, to change the current Recreation Commercial designation to Park. This amendment concerns approximately 4.28 acres.

SECTION 2. Zoning District Map Amendment. (CPA ZC 2023-06). The City Council hereby amends the Lincoln City Zoning District Map, Ordinance 84-02, as amended, for Lincoln County Assessor's Map Tax Lot 07-11-15-AC-00101-00, to change the current designation of Recreation-Commercial (R-C) to Park (P). This amendment concerns approximately 4.28 acres. The area subject to the change described in Paragraphs 1 and 2 is set forth in Exhibit B1 attached hereto and made a part hereof by this reference.

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.

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 April, 2023 (First Reading) and on the 10th day of April, 2023 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of April, 2023.

_____
SUSAN WAHLKE, MAYOR

ATTEST:

_____
JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

Comprehensive Plan Map Amendment Zone Change
Staff Report for City Council Public Hearing
Case File CPA ZC 2023-06

Date: March 29, 2023

Case File: CPA ZC 2023-06

Property Owner: Oregon Parks & Recreation Department
725 Summer St NE, Ste. C
Salem, OR 97301

Situs Address: 95 SW Hwy 101

Location: West side of Hwy 101, approx. 145 feet south of NW 1st Ct

Tax Map and Lot: 07-11-15-AC-00101-00

Comprehensive Plan Designation: Recreation-Commercial District (R-C)

Zoning District: Recreation Commercial (RC) Zone

Site Size: 4.28 acres

Proposal: Comprehensive Plan Map Amendment to Park and Zone Change to Park

Surrounding Land Uses and Zones:
North: Restaurant, hotels; RC
South: Condominiums, retail; RC
East: Hwy 101, retail; GC
West: Pacific Ocean

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on February 9, 2023.

Exhibit A

Applicable Substantive Criteria:	Oregon Statewide Planning Goals Lincoln City Comprehensive Plan LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is addressed as 95 SW Hwy 101 and identified as Tax Map 07-11-15-AC-00101-00. The site is approximately 4.28 acres in the RC zone. The site is owned by the Oregon Parks & Recreation Department. North of the site is developed as a restaurant, with hotels north of the restaurant – all in the RC zone. South of the site is also in the RC zone, developed as condominiums and retail businesses. East of the site is Hwy 101 and east of that is retail and a hotel being converted to multi-unit residential development in the GC zone. West of the site is the Pacific Ocean.

The site is owned by the Oregon Parks & Recreation Department and is the D River State Recreation Site. Billed as the shortest river in the world, D River flows a mere 120 feet from Devils Lake into the roaring ocean. The site does not contain designated trails, aesthetic resource, floodway, or natural resource overlay. The site does contain bluff erosion hazards and both VE and AE flood hazard areas.

The Planning Commission held a public hearing on March 21, 2023. The public hearing and the record were closed. The Planning Commission voted unanimously recommending that City Council approve the map amendment and zone change.

COMMENTS

Comments were received from the Confederated Tribes of Siletz Indians on February 16, 2023, via email, stating: "We have no objections to the rezoning of the D River State Recreation Site from Recreation Commercial to Park status."

ANALYSIS

A. Lincoln City Comprehensive Plan

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 Land Conservation and Development Commission acknowledged the City of Lincoln City's Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

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."*

The proposed map amendment and zone change would designate the site with the P zone to align with its use as a state park. Staff finds the proposal is consistent with Goal 1.

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 to "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 through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Comprehensive Plan.

Among the policies under the city's Citizen Involvement Program goal is one that states: "Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend pnblic meetings." The Planning Commission and City Conncil meetings are publicized widely with hearing notices mailed to property owners in the affected area, published in *The News Guard*, and posted on the city's website. The city holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are available to attend remotely via Zoom, televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the city's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"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."*

City water and city sewer currently serve the public restrooms located on the site. The site is also served by electricity. This goal is met.

4. Urbanization Goal

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

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The site is developed as an urban area and the proposed zone change will not change the urban development. The proposal is 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 city's maps show the site contains bluff erosion hazards and flood hazard area. The municipal code provides the prohibitions, restrictions, rules, and standards for development in the bluff erosion hazards and flood hazard areas to satisfy the natural hazard goal. All development must comply with the municipal code. This goal is satisfied.

6. Housing Goal

Exhibit A

"To provide for the housing needs of all citizens."

The site is not currently zoned for housing, so the proposed zone change from RC to P does not take away from any provisions for housing on the site. The change does not impact other residential zones in the city that do provide housing. This 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 Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. The site is open to the public and tourists for viewing and accessing the ocean. A welcome center is planned for the park site that will increase the number of visitors and tourists to the site and the city. Staff finds that the request is 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."

The site does not contain any aesthetic resources, but it is east of the Pacific Ocean. The proposal will align the zone with the use as a state park. This will preserve the area for use as a park, conserve the aesthetics of the site's view of and access to the Pacific Ocean, and serve to preserve the aesthetic quality of the area. The request 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 site is bordered by Hwy 101 and has direct access to Hwy 101. Hwy 101 is a principal arterial running through the city moving people from end to end and through the city. This goal is satisfied.

10. Energy Goal

"To conserve energy."

The site will remain in use as a park. No energy will be expended in the continued existence as a park. Any new building taking place must meet the energy codes in place at the time of construction. The goal, therefore, is satisfied or 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 entire site will be preserved as a park to protect the view of the Pacific Ocean. 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 site will remain in use as a state park to conserve, protect, and enhance the coastal resources portion of the Pacific Ocean that is adjacent to the site. The proposed request is consistent with this goal.

B. Statewide Planning Goals

Goal 1 – "Citizen Involvement" "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the city's website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The city published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the city's website in advance of the meeting. The request is consistent with Goal 1.

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 adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

Goal 3 – "Agricultural Lands" "To preserve and maintain agricultural lands."

The area affected by the proposed rezoning is within the city's urban growth boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

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 rezoning is within the city's urban growth boundary and currently zoned for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – "Open Spaces, Scenic and Historic Areas and Natural Resources" "To protect natural resources and conserve scenic and historic areas and open spaces."

The proposal will preserve the site as a park, which will also protect the natural resources (the Pacific Ocean) on the site and conserve the scenic area of the Pacific Ocean on the site. The proposal is consistent with Goal 5.

Exhibit A

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 proposal will preserve the site as a park, thus preventing development that would harm the air, water, or land resources quality. The proposed request is consistent with Goal 6.

Goal 7 – "Areas Subject to Natural Disasters and Hazards" "To protect people and property from natural hazards."

The city's maps show the site contains bluff erosion hazards and flood hazard area. The municipal code provides the prohibitions, restrictions, rules, and standards for development in the bluff erosion hazards and flood hazard areas to satisfy the natural hazard goal. All development must comply with the municipal code. This goal is satisfied.

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 site will be preserved as a park for the use and enjoyment of residents and visitors as passive recreation. The proposal is consistent with Goal 8.

Goal 9 – "Economic Developmeut" "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 area affected by the proposed rezoning is within the city's urban growth boundary and will remain in use as a park. The Comprehensive Plan states that the city's primary industry is tourism and concludes that tourism will continue to function as the city's basic industry. An area preserved as a park that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to this area of town. Staff find the proposed rezoning is consistent with Goal 9.

Goal 10 – "Housing" "To provide for the housing needs of citizens of the state."

The site is a state park. State parks are precluded from development. Goal 10 is not applicable.

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 site contains city water and city sewer facilities. The site also contains storm drainage facilities and electrical service. The request is consistent with Goal 11.

Goal 12 – "Transportation" "To provide and encourage a safe, convenient and economic transportation system."

The site is bordered by and accessed from Hwy 101. Hwy 101 is a principal arterial running from end to end moving people to and through the city. The request is consistent with Goal 12.

Goal 13 – "Energy Conservation" "To conserve energy."

The site will remain developed as a park. Any new construction must comply with energy codes in place at the time of construction. The goal, therefore, is satisfied or not applicable.

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 area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. The proposed amendment and zone change are consistent with Goal 14.

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."

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

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 proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

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 proposal will preserve the area as a state park, thus protecting the resources of the Pacific Ocean that are adjacent to the site. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

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 proposed rezoning does not affect any areas located within a beach or active dune area. The site is already a state park and nothing in the proposed rezoning will impact that use. The findings concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

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 site is a state park and the proposal will preserve the site as a park. The zone change will not affect the near shore, ocean, and continental shelf because no change in use of the site is proposed. The findings

Exhibit A

concerning the city's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met.

Exhibit A



Vicinity Map

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Date: 2/6/2023

Exhibit B

Council Communication

Resolution 2023-06- Call for Special Election to Fill Council Ward 1 Vacancy

Meeting Date:	April 10, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question:
Should the City Council approve Resolution 2023-06 concerning calling for a special election in November 2023 to fill the vacancy created by Councilor Starmer's resignation?

Staff Recommendation:

Staff recommends approval of Resolution 2023-06.

Authority:

Background
The Council by a vote of 5-0 directed a Resolution be prepared to call for a special election in November 2023 to fill Councilor Starmer's vacated seat in Ward 1.

Council Options:

Approve the Resolution.
Do Not approve the Resolution.
Approve the Resolution (with amendments).
Motion to Reconsider – return to deliberations on the matter.

Financial Impact
No financial impacts to City.

Potential Motions:
Move to approve Resolution 2023-06.

Move to approve Resolution 2023-06, with the following amendments.

Move to reject the proposed Resolution.

Attachments:
Resolution 2023-06 (DOC)

RESOLUTION NO. 2023-06

A RESOLUTION OF THE CITY OF LINCOLN CITY, CALLING FOR A SPECIAL ELECTION ON NOVEMBER 7, 2023 TO FILL THE VACANT COUNCIL WARD 1 POSITION ON THE CITY COUNCIL FOR THE CITY OF LINCOLN CITY

RECITALS

WHEREAS, on March 13, 2023 Councilor Elaine Starmer resigned her City Council position as Councilor Ward 1 of Lincoln City during the regular meeting; Council accepted her resignation; and

WHEREAS, Chapter VIII, Section 8.2, of the Lincoln City Charter, provides:

> **8.2 Filling Vacancies**
>
> A vacancy in the council shall be filled by appointment by majority of the council, provided, however, that the council may in its discretion call a special election for the purpose of filling such vacancy. The appointee's term shall begin immediately upon his or her appointment and qualification and shall continue through the unexpired term of the appointee's predecessor. During the temporary disability of a council member, or during a member's absence from the city, the office may be filled pro-tem in the manner provided for filling vacancies in office.

WHEREAS, at a regular meeting of the City Council on March 27, 2023, pursuant to Chapter VIII, Section, 8.2, of the Lincoln City Charter, the City Council deliberated on the question of whether to appoint a qualified elector to fill the vacancy or refer such vacancy to a Special Election to be held in November 2023; and

WHEREAS, after due deliberation Council by 6-0 vote elected to call for a special election on November 7, 2023 to fill the vacancy; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. The above recitals set forth above are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby declares a vacancy to exist on the City Council, specifically, the position of Councilor Ward 1, owing to the resignation of Councilor Elaine Starmer; and

SECTION 3. The City Council hereby calls for a special election to fill the vacancy on the city council position of Councilor Ward 1, and directs the City Recorder to notify the County Elections Officer and provide notice as set forth in Lincoln City Municipal Code, Chapter 1.12 of the applicable deadline for candidate filing for the November 7, 2023 election.

SECTION 4. This resolution is effective as of the date of its adoption and signature by the Council President.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of April 2023.

_____
SUSAN WAHLKE, MAYOR

ATTEST:

_____
JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

_____
RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Proposed Nelscott Urban Renewal Plan: Update and Boundary

Meeting Date:	April 10, 2023	Primary Staff Contact:	Alison Robertson
Department:	Economic Development	E-Mail:	alisonr@lincolncity.org
Secondary Dept:		Secondary Contacts:	Alison Robertson
Approval:	Daphnee Legarza	Estimated Time:	15 Mins

Question:
Should the Council move forward with next steps for Proposed Nelscott Urban Renewal Plan by selecting a preferred boundary?

Staff Recommendation:
Select a preferred boundary to be used for the proposed Nelscott Urban Renewal Plan.

Background
On April 27th, 2019, Council directed staff to move forward with creating two new Urban Renewal Plans. The City has a contract with Elaine Howard Consulting to provide expertise and assist with the formation of these Areas. The Roads End/Villages at Cascade Head Plan was adopted in 2020. Council directed staff at their July 24th, 2022 regular meeting to assemble an Ad-hoc Committee to advise on the creation of a Nelscott Urban Renewal Plan.

The Nelscott Urban Renewal Plan Advisory Committee (NPAC) was fully seated in December, 2022. The Advisory committee consists of 12 members including City staff, taxing district representatives and 3 community members. At time of writing this staff report, the Committee has completed three meetings. A fourth is scheduled for April 5th and the last scheduled meeting is April 26th to review a draft plan.

Project Updates, Community Input & Continued Outreach
The Nelscott Plan Advisory Committee had their third meeting on Wednesday, March 15th followed by a Community Open House at the Eagles Lodge in Nelscott. At both meetings, City staff and the consultant team went over the new proposed boundary, and reviewed the estimated financial projections. The financial discussion included, how much Tax Increment Finance the proposed new Area can collect over the duration of the Plan (Maximum Indebtedness), how much money will be available for projects, when that funding will become available, and the impacts to other taxing districts.

The Open Houses provided an opportunity for the public to provide input on the boundary, projects, and learn more about Urban Renewal. Overall, community support is positive. A letter was submitted on behalf of 14 property owners located outside the City limits and within the Lincoln City Urban Growth Boundary, along SE 23rd Drive that stated the property owners "choose not to participate in the 2023 Nelscott Urban Renewal Plan." When asked, the person who submitted the letter was not able to provide any specific reasons for their lack of interest. In response, staff sent a brief survey to the property owners to better gauge individual interest. Results of that interest survey are not ready at the time of writing the staff report, but will be reported at the Council meeting on April 10th.

It would be beneficial to have these properties in the boundary. (See attached: *Proposed Nelscott Boundary 2 Modified*, the yellow area represents the properties owned by the 14 property owners) Removing the properties closer to Highway 101 reduce options for an eventual connection between SE 23rd Drive and SE 32nd Street/SE Fleet Ave (one of the proposed projects for the Plan). The properties in the planned employment area along SE 23rd Drive make up about 37% of total employment land acreage. Removing these properties would affect the Plan goal of adding jobs. The main goals of the Plan are to:

- Promote the development of more housing;
- Provide transportation infrastructure for less dependency on Highway 101 in general and for emergency evacuation routes; and
- Increase the number of jobs, specifically non-tourism related, living-wage jobs focused on industrial/manufacturing, or higher intensity commercial uses. The properties along SE 23rd Drive make up the majority Lincoln City's future employment area, so removing those properties could hinder future job growth for the City, County, and region.

<u>For these reasons, it is preferable to keep these properties in the proposed Plan, but the Plan goals can still be achieved with their removal.</u> The properties account for about 32.5 acres out of 87 acres planned for industrially zoned jobs. This still leaves approximately 54.5 acres of land to be zoned industrial in the boundary. Removing the properties also has little impact to the financial fundamentals of the Plan (Financial Handout attached). The properties account for $7M of assessed value (5% of the total), but most of that value is currently unincorporated and thus has a lower total tax rate than the rest of the area, so it produces less increment. Removing the properties will reduce cumulative TIF (Tax Increment Financing) revenue over the life of the URA by $1.9M ($129M vs $131M) which is only 1.3% of total revenue projected.

If these property owners are not interested in being in the proposed Nelscott Urban Renewal Area and willing to forgo any possible benefits from public investment for about the next 30 years, staff suggests moving forward without these properties included at this time. If during the life of the plan, property owners change their mind it may possible to expand the boundary through a substantial amendment to the Plan, although substantial amendments take staff time and money.

Next Steps

The boundary is the basis for any Urban Renewal Plan. The City's consultant Elaine Howard Consulting, can complete a draft Plan only after a boundary is confirmed. If City Council supports the boundary as proposed (Boundary 2 Modified with all interested property owners along SE 23rd Drive), Staff recommends the City Council make a motion accordingly (some options for motions are below).

Since the boundary includes properties located in the County, the County Board of Commissioners will also have to pass a resolution to adopt the Plan, thereby forming the Urban Renewal Area. After decision by City Council on the proposed Boundary, staff will present to the County Board of Commissioners on April 19th and May 3rd to determine their level of support.

Council Options

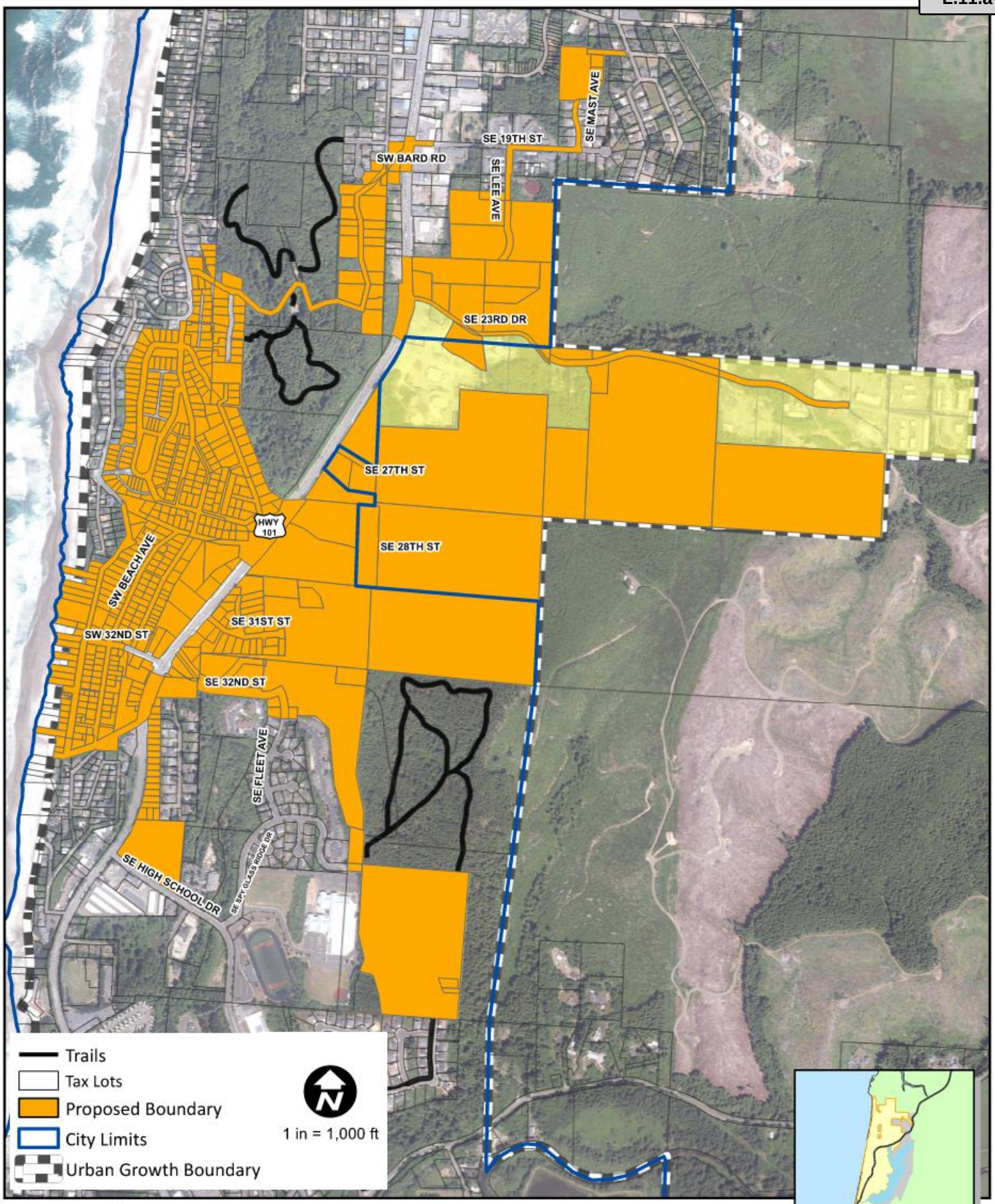
Staff recommends the following motion:
Motion to direct staff to continue drafting the proposed Nelscott Urban Renewal Plan based on *Boundary 2 Modified*, which removes property owners along SE 23RD Drive, unless the property owner states they would like to be added.

Alternative Motion:

Motion to direct staff to continue drafting the proposed Nelscott Urban Renewal Plan based on *Boundary 2*, which includes all property owners along SE 23rd Drive.

Attachments:

Boundary Map 2 Modified (JPG)
Financial information (PDF)



Proposed Nelscott Boundary 2 Modified

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Date: 3/31/2023

Location

Potential Nelscott Urban Renewal Area Draft Financial Information
2 Scenarios: Boundary from Advisory Committee #3 and Open House 2 and Alternate Boundary if Properties along 23rd Street are removed from the Urban Renewal Area and Additional Properties Added

The chart below shows the potential tax increment revenues that would be available in the potential Nelscott Urban Renewal Area. The first boundary is the boundary reviewed for the Advisory Committee meeting 3 and for Open House 2. (See Figure 1) The potential revised boundary (Boundary 2) reflects input from the Open House 2, taking out 14 properties along 23rd Street, adding Bard Road, SE 31st Street, the movie theater and a small lot by open space for a road connection to a planned apartment development. (See Figure 2)

Some terms that will help in understanding the table:

Net TIF: Net tax increment finance revenues – the total amount of tax revenues the urban renewal area would generate over a 30-year time period. This includes dollars allocated to project shown in the maximum indebtedness figure and interest spent on long term debt for the urban renewal area. The net TIF in Boundary 2 is increased by about fourteen million dollars.

Maximum Indebtedness: The total amount of tax increment revenues that may be spent on projects, programs and administration over the life of the urban renewal area. This is calculated over the 30-year timeframe of the area. The maximum indebtedness in Boundary 2 is increased by about fourteen million dollars.

Capacity (2023$): The maximum indebtedness reduced to the value of those dollars today, understanding that inflation increases the costs of those dollars over time. The capacity in Boundary 2 is increased by about 6.5 million dollars.

Years (Five year increments): The amount of funding anticipated in five year increments. The initial five-year period is always lower as it reflects the existing conditions and little new growth. The years after that reflect the ability of the urban renewal agency to borrow funds to do projects which will incentivize growth in the urban renewal area.

The actual length of an urban renewal area depends on when the maximum indebtedness is reached. There is no statutory requirement for a time period for an urban renewal area.

Table 1. Tax Increment Capacity

	Boundary 1	Boundary 2
Net TIF	**$129,600,000**	**$144,200,000**
Maximum Indebtedness	**$115,000,000**	**$129,000,000**
Capacity (2023$)	**$62,200,000**	**$68,700,000**
Years 1-5	$1,500,000	$1,500,000
Years 6-10	$7,800,000	$ 8,200,000
Years 11-15	$10,500,000	$11,200,000
Years 16-20	$12,700,000	$13,600,000
Years 21-25	$11,900,000	$13,200,000
Years 26-30	$17,700,000	$21,100,000

Source: Tiberius Solutions

The potential allocation of these dollars to projects is shown in the table below. The initial column shows the project categories, the second column shows the allocations in today's dollars (2023$) and the third column shows those dollars inflated over time using a 3% inflation rate (year of expenditure $). The assumptions for the revised boundary allocate increased financial capacity to parks, transportation and utilities.

Table 2. Project Allocations Boundary 1

Boundary 1

Project Category	2023$	Year of Expenditure $
Economic Development/Land Acquisition	$(20,000,000)	$(34,832,192)
Emergency Preparedness	$(1,000,000)	$(1,229,900)
Parks	$(5,718,944)	$(11,021,899)
Transportation	$(22,875,775)	$(44,087,588)
Utilities	$(9,531,573)	$(18,369,828)
Planning & Community Involvement	$(500,000)	$(706,165)
Administration	$(2,250,000)	$(4,221,830)
Financing Fees	$(372,900)	$(542,000)
Total Expenditures	$(62,249,192)	$(115,011,402)

Source: Tiberius Solutions

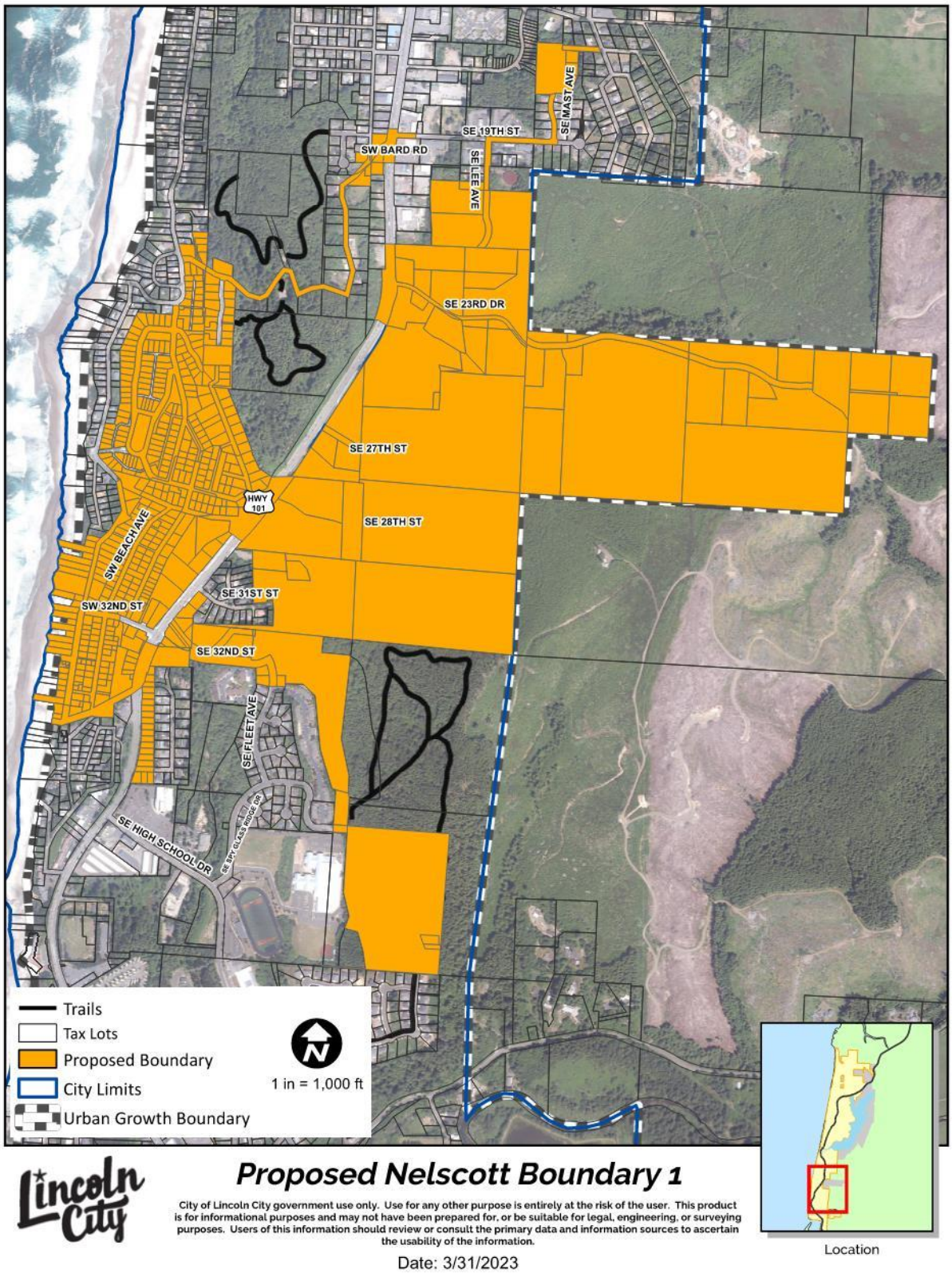
Table 3. Project Allocations Boundary 2

Boundary 2

Project Category	2023$	Year of Expenditure $
Economic Development/Land Acquisition	($20,000,000)	($34,832,192)
Emergency Preparedness	($1,000,000)	($1,229,900)
Parks	($6,689,477)	($13,053,666)
Transportation	($26,757,909)	($52,214,657)
Utilities	($11,149,129)	($21,756,109)
Planning & Community Involvement	($500,000)	($706,165)
Administration	($2,250,000)	($4,221,829)
Financing Fees	($400,114)	($582,000)
Total Expenditures	($68,746,629)	($128,596,518)

Source: Tiberius Solutions

Figure 1. Boundary 1 from AC Meeting 3 and Open House 2

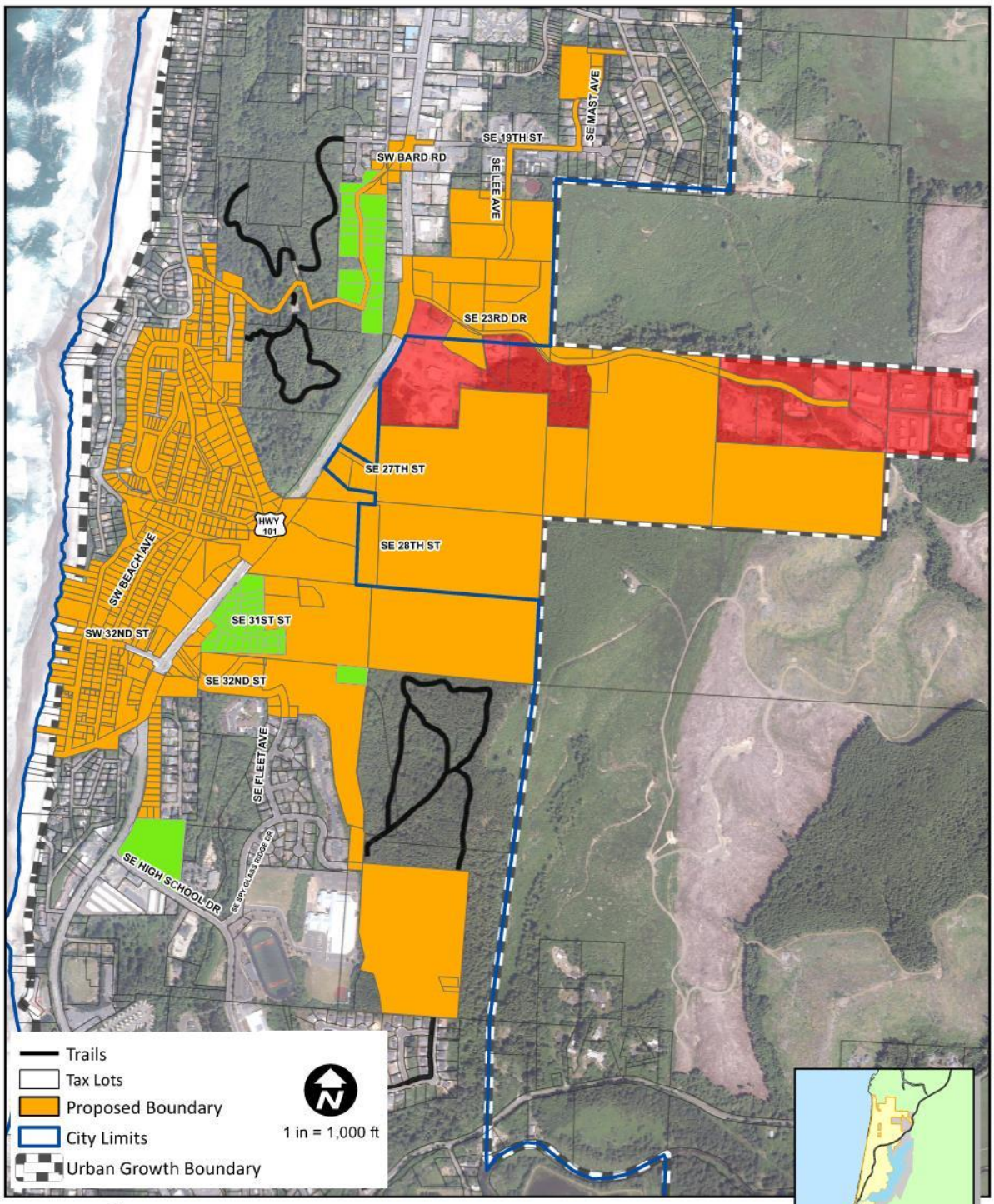


Proposed Nelscott Boundary 1

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Figure 2. Boundary 2



Proposed Nelscott Boundary 2

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Date: 3/31/2023

Note: additions in green, deletions in red.